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CHAPTER 343

An act to amend Section 22651 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 22651 of the Vehicle Code is amended to read:

22651. 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; or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city or a county in which a vehicle is located may remove a vehicle from a highway, located within the territorial limits in which the officer or employee is empowered to act under any of the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is parked or left standing upon a highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the highway.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take, and does take, the person arrested

before a magistrate without unnecessary delay.

(i) When any vehicle registered in a foreign jurisdiction or without a current California registration is found upon a highway and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has not responded, the vehicle may be impounded until that person furnishes to the impounding law enforcement agency evidence of his identity and an address within this state at which he can be located and satisfactory evidence that bail has been deposited for all notices of parking violation issued for the vehicle. A notice of parking violation issued to such a vehicle shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle. In lieu of requiring satisfactory evidence that the bail has been deposited, the impounding law enforcement agency may, in its discretion, issue a notice to appear for the offenses charged, as provided in Article 2 (commencing with Section 40500) of Chapter 2 of Division 17. In lieu of either furnishing satisfactory evidence that the bail has been deposited or accepting the notice to appear, that person may demand to be taken without unnecessary delay before a magistrate within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded. Evidence of current registration shall be produced after a vehicle has been impounded or a notice to appear for violation of subdivision (a) of Section 4000 shall be issued to that person.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding law enforcement agency evidence of his identity and an address within this state at which he can be located.

(k) When any vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal.

(*l*) When any vehicle is illegally parked on a highway in violation of any local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair, or construction of the highway, or for the installation of underground utilities, and signs giving notice that such a vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

(m) Wherever the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with such use or movement, and signs giving notice that such a vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to

the ordinance.

(n) Whenever any vehicle is parked or left standing where local authorities by resolution or ordinance have prohibited such parking and have authorized the removal of vehicles. No vehicle may be removed unless signs are posted giving notice of the removal.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 344

An act to amend Section 3825 of, and to repeal Section 3824 of, the Public Resources Code, relating to resources.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 3824 of the Public Resources Code is repealed.

SEC. 2. Section 3825 of the Public Resources Code is amended to read:

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.

SEC. 3. The Department of Fish and Game is authorized to make grants to nonprofit organizations and political subdivisions of the state to cooperate with the department in salmon and steelhead rehabilitation along the north coast of California.

The Director of Fish and Game may promulgate regulations to establish criteria for the awarding of these grants to applicants who demonstrate the greatest expertise in accomplishing the salmon and steelhead rehabilitation projects.

CHAPTER 345

An act to add and repeal Chapter 4 (commencing with Section 13250) of Part 2 of Division 12 of the Health and Safety Code, relating to the State Fire Marshal.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Chapter 4 (commencing with Section 13250) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 4. CIVIL ACTIONS TO ABATE FIRE HAZARDS

13250. Whenever, in the judgment of the State Fire Marshal, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this part, or any rule, regulation, or order issued thereunder, at the request of the State Fire Marshal, the district attorney of the county in which such acts or practices occur or will occur or the Attorney General may make application to the superior court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the State Fire Marshal that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

13251. Every civil action brought under the provisions of this chapter at the request of the State Fire Marshal shall be brought by the district attorney or Attorney General in the name of the people of the State of California and any such actions relating to fire protection may be joined or consolidated.

13252. Any civil action brought pursuant to this chapter shall be brought in the county in which the action occurs.

13253. In any civil action brought pursuant to this chapter 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.

13254. This chapter shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 2. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and

Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 346

An act to add Section 19807 to the Welfare and Institutions Code, relating to independent living centers.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 19807 is added to the Welfare and Institutions Code, to read:

19807. The Department of Rehabilitation may advance to an independent living center an amount, each month, not in excess of one-twelfth of the annual allocation for the independent living center. Approval of funding advances shall be subject to the grantee's meeting accounting criteria established by the Department of Rehabilitation.

CHAPTER 347

An act to add Section 18107.5 to the Government Code, relating to sick leave, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 18107.5 is added to the Government Code, to read:

18107.5. Any employee of the State Department of Developmental Services performing functions which, prior to the effective date of this section, were vested in the State Department of Developmental Services and who is transferred on or after the effective date of this section, to a regional center for the developmentally disabled as a result of a regional center undertaking the performance of developmental service functions previously performed by the department shall be entitled while employed in a regional center, to use for a period of five years following transfer any

unused sick leave balance the employee had accumulated while in state employment and had remaining to his or her credit at the time of termination of state employment. Such sick leave shall be held in a reserve account by the state to be used, if necessary, only at such time as the transferred employee's sick leave benefits accrued as a regional center employee become exhausted. When regional center sick leave benefits are exhausted such employee shall be entitled to utilize his or her state reserve account sick leave, until exhausted. The state reserve account for sick leave shall be administered according to the sick leave provisions of Division 5 (commencing with Section 18000) of Title 2 and corresponding State Personnel Board rules. Upon reemployment with the state, a transferred employee's sick leave credits will be reduced by the number of hours used from the state reserve during his or her employment in the regional center. The cost of preserving and paying for the state reserve account sick leave shall be totally funded by 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 the necessity are:

In order that the benefits of this act be made available at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 348

An act to amend Sections 1629, 1630, 1681, 1703, 1717, 1718, 1719, and 1759.10 of, to add Sections 1720 and 1765 to, and to repeal Section 1765 of, the Insurance Code, relating to insurance.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 1629 of the Insurance Code is amended to read:

1629. "License year" as used in this chapter means the period from April 16th to and including April 15th of the following calendar year.

SEC. 2. Section 1630 of the Insurance Code is amended to read:

1630. "License term" as used in this chapter means all of that two-year period from April 16th to and including the April 15th second succeeding, commencing as follows:

(a) On April 16th of each odd-numbered year for persons licensed as life licensees;

(b) On April 16th of each even-numbered year for persons licensed as fire and casualty licensees.

SEC. 3. Section 1681 of the Insurance Code is amended to read:

1681. If an applicant fails the qualifying examination, he may, subject to the provisions of this article and such rules and regulations as may be promulgated hereunder, retake such qualifying examination within the period prescribed in Section 1670 during which he must qualify for the license sought.

SEC. 4. Section 1703 of the Insurance Code is amended to read:

1703. Every applicant for an original license to act as an insurance agent, broker or solicitor, life agent, life analyst, surplus line broker, special lines surplus line broker, motor club agent, or bail agent or solicitor shall, as part of the application, endorse an authorization for disclosure to the commissioner of financial records of any fiduciary funds as defined in Section 1733, pursuant to Section 7473 of the Government Code. The authorization shall continue in force and effect for so long as the licensee continues to be licensed by the department.

SEC. 5. Section 1717 of the Insurance Code is amended to read:

1717. All licenses issued under this chapter shall be for the license term specified in Section 1630. Such licenses may be issued for all of such term, or, upon application made during any such term, for the balance thereof. Such license term shall commence as specified in Section 1630.

SEC. 6. Section 1718 of the Insurance Code is amended to read:

1718. (a) On or before February 15th of the year in which a permanent license will expire, the commissioner may mail, to the latest address appearing on his records, an application to the licensee to renew such license for the appropriate succeeding license year or term. It is the licensee's responsibility to renew whether or not a renewal notice is received. The commissioner may accept a late renewal, provided the licensee's failure to comply is due to clerical error or inadvertence on the part of the department.

(b) Application for renewal of a license may be filed on or before April 15th of the license year or term. When filed under this subdivision, the fee for filing shall be as specified in Section 1750.

(c) Such application for renewal of a license may be filed after the expiration date of April 15th and until April 15th of the next succeeding year. The fee for such renewal application shall be 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.

SEC. 7. Section 1719 of the Insurance Code is amended to read:

1719. The commissioner shall not issue any permanent license with a period of less than one year to any person between March 15th and the succeeding April 16th unless such person shall have also filed an application for renewal of the license for that license year or term directly following such April 16th to which such application for renewal relates and shall have paid the fee for filing specified in Section 1750. As to the filing of such renewal application, the

provisions of Section 1718 shall not be applicable.

SEC. 8. Section 1720 is added to the Insurance Code, to read:

1720. An application on the form prescribed by the commissioner for the renewal of a license under this chapter, filed on or before the last day of the period for which the previous license was issued, accompanied by the applicable renewal fee, shall entitle the applicant to continue operating under the existing license for 60 days after its specified expiration date, or until notified by the department that the renewal application is deficient, whichever comes first. This section shall not apply to any license that is suspended or revoked.

SEC. 9. Section 1759.10 of the Insurance Code is amended to read:

1759.10. No person shall act as, or hold himself out to be, an administrator in this state, other than an adjuster licensed in this state for the kinds of business for which he is acting as an administrator, unless he holds a certificate of registration as an administrator issued by the commissioner. Such certificate shall be issued, renewed, and held in accordance with, and subject to, all the provisions applicable to a life agent contained in Articles 6 (commencing with Section 1666), excluding Sections 1672 and 1673, 10 (commencing with Section 1708), excluding Section 1714, 11 (commencing with Section 1716), and 13 (commencing with Section 1737), excluding Sections 1741 and 1745, of, and subject to the fees applicable to resident life agents as set forth in Article 14 (commencing with Section 1750) of, Chapter 5 of this division. Every administrator shall also comply with Section 1724.5.

SEC. 10. Section 1765 of the Insurance Code is repealed.

SEC. 11. Section 1765 is added to the Insurance Code, to read:

1765. (a) A license under this chapter shall be applied for and renewed by the filing with the commissioner of a written application therefor, in accordance with the provisions of Section 1652.

(b) Subject to subdivision (f) of this section, the commissioner shall issue a license authorizing any applicant who is trustworthy and competent to transact an insurance brokerage business in such manner as to safeguard the interest of the insured, to act as a surplus line broker from the date of such license until the expiration date specified in subdivision (b) of Section 1630.

(c) An applicant for a surplus line broker's license shall, as part of his application and a condition of the issuance of his license, file a bond to the people of the State of California in the sum of fifty thousand dollars ($50,000), conditioned that such licensee will fully and faithfully comply with the requirements of this chapter, and all applicable provisions of this code. Such bond shall be subject to the provisions of Sections 1662, 1663, and 1664.

(d) The filing fee for a license to act as a surplus line broker, and naming up to two natural persons on the license, shall be two hundred fifty dollars ($250) per year, or for any initial fractional license year. If more than two natural persons are named on the license, an additional fee of seventy dollars ($70) per year, or for any

initial fractional license year, shall be paid for each additional natural person named on the license.

(e) Such license shall be renewed in accordance with and subject to, the provisions of Sections 1717, 1718, 1719, and 1720.

(f) The commissioner may deny, suspend or revoke any license applied for or granted pursuant to this chapter on all or any one of the grounds and in accordance with the procedures provided in Article 6 (commencing with Section 1666) and Article 13 (commencing with Section 1737) of Chapter 5 of this part, whenever he or she finds that the applicant or licensee has committed a violation of any provision of this code.

CHAPTER 349

An act to amend Section 602 of the Penal Code, relating to trespass.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 602 of the Penal Code is amended to read:

602. Every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.

(b) Carrying away any kind of wood or timber lying on such lands.

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof.

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone.

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone.

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice,

advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto.

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands.

(h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof.

(j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession.

(k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands without the written permission of the owner of such land, his agent or of the person in lawful possession, and

(1) Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such lands, or

(2) Tearing down, mutilating, or destroying any sign, signboard, or notice forbidding trespass or hunting on such lands, or

(3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into such lands, or

(4) Discharging any firearm.

(*l*) Entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof.

(m) Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to or lawfully occupied by another and known not to be open to the general public, without the

consent of the owner, his agent, or the person in lawful possession thereof.

(n) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer and the owner, his agent, or the person in lawful possession thereof, or (2) the owner, his agent, or the person in lawful possession thereof; provided, however, that clause (2) of this subdivision shall not be applicable to persons engaged in lawful labor union activities which are permitted to be carried out on the property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act.

(o) Entering upon any lands declared closed to entry as provided in Section 4256 of the Public Resources Code; provided, such closed areas shall have been posted with notices declaring such closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands.

(p) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue.

(q) Knowingly skiing in an area or on a ski trail which is closed to the public and which has signs posted indicating such closure.

(r) Refusing or failing to leave a hotel or motel, where he or she has obtained accommodations and has refused to pay for those accommodations, upon request of the proprietor or manager.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 350

An act to amend Section 14513 of the Government Code, relating to the California Transportation Commission.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 14513 of the Government Code is amended to read:

14513. The commission may employ its own legal staff or contract with other state agencies for legal services, or both.

CHAPTER 351

An act to add and repeal Chapter 6.5 (commencing with Section 1112) of Part 3 of Division 2 of the Labor Code, relating to peace officers' employment.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Chapter 6.5 (commencing with Section 1112) is added to Part 3 of Division 2 of the Labor Code, to read:

CHAPTER 6.5. PEACE OFFICERS

1112. No public entity shall permit any of its peace officers, as defined by Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, to be employed by any private employer as a security guard during a strike, lockout, picketing, or other physical demonstration of a labor dispute at the site of the strike, lockout, picketing, or other physical demonstration of a labor dispute which occurs in the jurisdiction in which the peace officer is regularly employed. When a peace officer is on loan from one jurisdiction to another, the prohibition of this section applies to any strike, lockout, picketing, or other physical demonstration of a labor dispute which occurs in the jurisdiction in which the peace officer is regularly employed and the jurisdiction to which the peace officer is loaned.

1113. This chapter shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 2. It is the intent of the Legislature in enacting this bill to ensure the neutrality of peace officers during labor disputes. Since on duty peace officers may be reluctant, or be accused of being reluctant, to intervene in any situation where a fellow peace officer is employed while off duty as a security guard for one party to a labor dispute, the Legislature finds that it is a matter of statewide concern that peace officers be prohibited from employment as security guards during labor disputes.

SEC. 3. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 352

An act to amend Section 6546 of the Business and Professions Code, relating to barbering.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 6546 of the Business and Professions Code is amended to read:

6546. Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) The applicant has completed the proper grade in school as provided in Section 6546.5, or has an equivalent education, as determined by an examination conducted by an examining agency prescribed by the board.

(b) The applicant is at least 16 years of age.

(c) The applicant is not subject to denial pursuant to Section 480.

(d) The applicant is engaged in learning, or acquiring a knowledge of the occupation of barbering, in a licensed barbershop approved by the board and under the supervision of a registered barber approved by the board, provided that

(1) The applicant is trained under the supervision of a registered barber instructor, for the first three months of apprenticeship training, or

(2) The applicant completes a minimum of 39 hours of preapprentice related training conducted by an approved apprenticeship training program approved under Section 6546.1. The preapprentice related training shall not be conducted in a facility open to the general public for professional barber services nor shall the applicant enrolled in the training serve the general public. The preapprentice related training shall be credited toward the apprentice training required by this section.

(e) The applicant has completed and filed an acceptable application with the board and has paid the certificate and registration fee required by this chapter.

CHAPTER 353

An act to amend Sections 17600, 22600, and 24600 of the Financial Code, relating to license surrender.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 17600 of the Financial Code is amended to read:

17600. (a) An escrow agent's license remains in effect until surrendered, revoked, or suspended.

(b) Surrender of a license becomes effective 30 days after receipt of an application to surrender such license or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, surrender of a license becomes effective at such time and upon such conditions as the commissioner determines.

SEC. 2. Section 22600 of the Financial Code is amended to read:

22600. (a) Licenses issued under this division remain in effect until they are surrendered, revoked, or suspended.

(b) Surrender of a license becomes effective 30 days after receipt of an application to surrender such license or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, surrender of a license becomes effective at such time and upon such conditions as the commissioner determines.

SEC. 3. Section 24600 of the Financial Code is amended to read:

24600. (a) Licenses issued under this division remain in effect until they are surrendered, revoked, or suspended.

(b) Surrender of a license becomes effective 30 days after receipt of an application to surrender such license or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, surrender of a license becomes effective at such time and upon such conditions as the commissioner determines.

CHAPTER 354

An act to amend Sections 8680, 8681, and 8682 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 8680 of the Fish and Game Code is amended to read:

8680. The Legislature finds and declares that it is in the best interest of the people of the state, the commercial fishing industry, and California's marine resources that fishermen who use gill nets or trammel nets be experienced in the use of such nets.

SEC. 2. Section 8681 of the Fish and Game Code is amended to read:

8681. Gill nets or trammel nets shall not be used for commercial purposes except under a revocable nontransferable permit issued by the department. Each permittee shall keep an accurate record of his fishing operations in a logbook furnished by the department. A permit may be revoked and canceled by the commission when so recommended by the department upon a conviction for a violation of a provision of this article, or regulation authorized by this article, by the permittee, his agents, servants, employees, or those acting under his direction and control. A permit may be revoked and canceled for a period not to exceed one year from the date of revocation.

SEC. 3. Section 8682 of the Fish and Game Code is amended to read:

8682. (a) The commission shall establish regulations for the issuance of gill net and trammel net permits as necessary to establish an orderly gill net and trammel net fishery. In promulgating regulations, the commission shall consider recommendations of the gill net and trammel net advisory committee created pursuant to subdivision (b). Such regulations shall include, but are not limited to, a requirement that persons being granted a permit have had previous experience as a crewmember of a vessel using gill nets or trammel nets or have successfully passed a proficiency test administered by the department, under such regulations as the commission shall prescribe.

(b) The director shall establish an advisory committee, consisting of fishermen experienced in the use of gill nets and trammel nets, to advise the department in developing regulations to be proposed to the commission governing the use of gill nets and trammel nets.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and

Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 355

An act to amend Section 1628 of the Business and Professions Code, relating to dentistry.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 1628 of the Business and Professions Code is amended to read:

1628. Any person over 18 years of age is eligible to take an examination before the board upon making application therefor and:

(a) Paying the fee for applicants for examination provided by this chapter;

(b) Furnishing satisfactory evidence of having graduated from a reputable dental college, which shall have been approved by the board; provided, also, that applicants furnishing evidence of having graduated after 1921 shall also present satisfactory evidence of having completed at such dental school or schools the full number of academic years of undergraduate courses required for graduation.

(c) Furnishing the satisfactory evidence of financial responsibility or liability insurance for injuries sustained or claimed to be sustained by a dental patient in the course of the examination as a result of the applicant's actions.

CHAPTER 356

An act to amend Sections 14000, 14010, 14023, 14024, 14025, 14026, 14028, 14028.4, 14030, 14032, 14033, 14036, 14040, 14045, 14047, 14060, 14062, 14066, 14075, 14081, 14081.1, 14081.2, 14082, 14083, 14084, 14090, 14101, 14110, 14111, 14115, 14131, 14151, and 14161 of, to amend the headings of Article 4 (commencing with Section 14030), Article 6 (commencing with Section 14045), and Article 7.5 (commencing with Section 14066), of Chapter 1 of Part 5 of Division 3 of Title 1 of, to add Sections 14025.2, 14044.1, and 14100 to, and to repeal Section 14100 of, the Corporations Code, relating to economic development.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 14000 of the Corporations Code is amended to read:

14000. This chapter shall be known and may be cited as the "Small Business Development Corporation Law."

SEC. 2. Section 14010 of the Corporations Code is amended to read:

14010. Unless the context otherwise requires, the definitions in this section govern the construction of this part.

(a) "Corporation" or "the corporation" means any nonprofit California small business development corporation created pursuant to the provisions of this part.

(b) "Financial institution" means banking organizations including national banking associations and state-chartered commercial banks and trust companies; savings and loan associations; state insurance companies; mutual insurance companies; and other banking, loaning, retirement, and insurance organizations.

(c) "Economically disadvantaged area" means the area or areas within the region of a corporation consisting of those contiguous census tracts within urbanized areas as defined by the most recent federal decennial census, in which 20 percent or more of the families were reported by the most recent federal decennial census to have an annual income of less than the poverty level established by the Bureau of the Census, or comparable areas which because of technical factors, cannot be isolated by census tracts. The definition set forth in this subdivision shall be reviewed periodically and the board shall recommend necessary changes to the Legislature and the Governor.

(d) "Area of high youth unemployment and high youth delinquency" shall be defined by the board.

(e) "Region" means an area containing a population of not less than 500,000 and including within its boundaries one or more economically disadvantaged areas, and in which members of a corporation conduct normal business operations.

(f) Unless otherwise defined by the board, "small business" means a business defined as an eligible small business as set forth in Section 121.3-10 of Part 121, Chapter 1, Title 13 of the Code of Federal Regulations, and including those businesses organized for agricultural purposes.

(g) "Employment incentive loan" means a loan for the purpose of attracting new business to, or expanding an existing business, which over the period of the loan will result in the new or continued employment of at least 15 persons who are either persons residing in economically disadvantaged areas or youths residing in areas of high youth unemployment and high youth delinquency.

(h) "Member" means any organization individual, financial institution, nonprofit organization or other business authorized to operate within this state which undertakes to make resources available to a corporation in accordance with the provisions of this chapter.

(i) "Resources" means monetary contributions, donation of consultants, personnel, facilities, equipment, loan services, and other items or services as defined by the corporation.

(j) "Loan committee" means a committee appointed by the board of directors of a corporation to determine the course of action on every loan application pursuant to Article 7.5 (commencing with Section 14066) of this chapter.

(k) "Membership agreement" means an agreement between a corporation and any individual, financial institution, nonprofit organization, or other business under which agreement such individual, financial institution, nonprofit organization, or other business agrees to make available or contribute resources to the corporation in accordance with the provisions of Article 8 (commencing with Section 14075).

(*l*) "Board of directors" means the board of directors of the corporation.

(m) "OSBD" means the Office of Small Business Development.

(n) "Board" means the Small Business Development Board.

(o) "Department" means the Department of Economic and Business Development.

(p) "Executive director" means the Executive Director of the Office of Small Business Development.

(q) "UDC" means an urban development corporation.

(r) "RDC" means a rural development corporation.

(s) "Director" means the Director of the Department of Economic and Business Development.

SEC. 3. Section 14023 of the Corporations Code is amended to read:

14023. The Governor may appoint, upon the recommendation of the director of the department, the executive director of the office. Such a recommendation must be selected from a list of three candidates submitted by the board. The executive director of the office shall receive a salary as shall be fixed by the director of the department with the approval of the Department of Finance. The executive director shall be in charge of the Office of Small Business Development under the direction of the director of the department, consistent with duties as set forth in this part. The executive director may be dismissed by the director of the department after consideration by the board and a recommendation thereof is submitted to the secretary. Finalization of such action is subject to approval by the Secretary of Business and Transportation Agency. Board approval of such action is not required. The executive director shall:

(a) Administer this part.

(b) In accordance with program resources, stimulate the formation of urban and rural development corporations and the use of branch offices for the purpose of making this program accessible to all disadvantaged areas of the state.

(c) After consideration by the board, approve or disapprove the articles of incorporation and any subsequent amendments to the articles of incorporation expeditiously.

(d) Require each small business development corporation to submit a written plan of operation in such form and containing such information as the board may require by regulation or otherwise. Every plan submitted shall provide for conversion to a UDC or RDC within six months.

(e) Review reports from the State Banking Department and inform regional corporations as to what corrective action is required.

(f) Examine, or cause to be examined, at any reasonable time all books, records, and documents of every kind, and the physical properties of a corporation. The inspection shall include the right to make copies, extracts, and search records.

SEC. 4. Section 14024 of the Corporations Code is amended to read:

14024. The board shall not allocate any funds to a small business development corporation unless the board determines to its satisfaction:

(a) That there is sufficient interest in the region, including commitments to provide financial support, business consultation and education, and other assistance.

(b) That the plan of operation submitted by the corporation includes:

(1) Substantiation of the ability of the corporation to maintain and increase its loan guarantee fund.

(2) A reasonably complete description of the disadvantaged area or areas to be served.

(3) A description of methods to be used to mobilize community resources within the region to carry out the purposes of this chapter.

(4) An agreement that at least one-half of the corporation's lendable funds and guarantee capacity will be utilized to make or guarantee small business loans. There shall be no discrimination on the basis of race, creed, national origin, sex, age or physical handicap in considering individual applications for loans. To prevent discrimination, small business loans shall be made to persons whose characteristics coincide, to the fullest extent possible consistent with provisions of law, with the characteristics of the economically disadvantaged area or economically disadvantaged areas to be served.

(5) An agreement to require, as a condition to the granting of any loan or guarantee, that the borrower in an employment incentive loan will accept for permanent employment a significant number of disadvantaged persons referred for placement by the Department of Employment Development. There shall be no discrimination on the

basis of race, creed, national origin, sex, age or physical handicap by an employment incentive borrower in hiring employees from disadvantaged areas. To prevent discrimination, the characteristics of these employees shall, to the fullest extent possible consistent with provisions of law, coincide with the characteristics of the unemployed in the economically disadvantaged area or economically disadvantaged areas served by the corporation.

(6) An agreement to require, as a condition to the granting of any loan or guarantee, that the borrower in a small business loan will agree to a continuing consulting relationship with the corporation during the existence of the loan or guarantee.

(7) An agreement to coordinate to the maximum extent feasible with existing job development and placement programs.

(c) That upon a subsequent request for additional allocations, the corporation will certify that the information provided pursuant to subdivision (b) of this section is still current or will supply revised information and provide information describing the current status of its fund and anticipated financial assistance transactions.

SEC. 5. Section 14025 of the Corporations Code is amended to read:

14025. If the executive director determines that the corporation is not meeting the criteria, rules, and regulations adopted pursuant to this part, its proposed plan of operation submitted under subdivision (d) of Section 14023, and the purposes expressed in Section 14002, the executive director may take action to suspend the corporate powers. With the approval of the board and the Department of Finance, the executive director may withdraw state funds allocated to a regional small business development corporation loan guarantee fund which are not encumbered or obligated by outstanding guarantees, and the state funds may be allocated to other regional small business development corporation loan guarantee funds.

If the executive director gives notice of the withdrawal of state funds, and the corporation does not return these funds within 15 days after the notice, the corporate powers, rights, and privileges of the corporation shall be suspended. Such suspension shall in no way impair the effectiveness of any outstanding loan or guarantee.

The executive director shall transmit the name of the corporation to be suspended to the Secretary of State, and the suspension shall thereupon become effective upon the issuance of a certificate of the Secretary of State which shall be prima facie evidence of suspension.

SEC. 6. Section 14025.2 is added to the Corporations Code, to read:

14025.2. A small business development corporation, urban development corporation, or rural development corporation may lend the use of loan guarantee funds to other borrowing corporations to act as the reserve in whole or part for financial assistance guaranteed by the borrowing corporation if the lending of the guarantee authority is approved by the executive director after

consultation with the board and the Department of Finance. The lending corporation shall retain the loan guarantee funds in its reserve as encumbered funds and retain for its use the return on investment of these funds. The lending corporation shall pay over the loan guarantee funds to the borrowing corporation in the event the financial assistance guaranteed is in default and shall be used by the borrowing corporation under its guarantee. The borrowing corporation shall be responsible for providing assistance as specified in Section 14084.

SEC. 7. Section 14026 of the Corporations Code is amended to read:

14026. Any corporation which has suffered the suspension may be relieved therefrom upon making an application therefor in writing to the board indicating the corrective actions taken to bring the corporation into conformity and upon return of the state funds and payment of interest, and upon the issuance of a certificate of revivor by the Secretary of State upon the request of the board.

SEC. 8. Section 14028 of the Corporations Code is amended to read:

14028. To the extent permitted by the resources allocated to the office, the office may, in the manner the board determines fair and reasonable, provide to small businesses in this state qualifying under any of the programs under the jurisdiction of the office, the following:

(a) Financial assistance in the form of loan guarantees through the California Small Business Development Corporations, equity guarantees.

(b) Management and technical assistance.

(c) Public relations services.

(d) Representation of their interests before Congress, the Legislature, and state and federal agencies. State agencies shall cooperate and respond to inquiries of the office when it represents the interests of small businesses.

(e) Planning and research functions.

SEC. 9. Section 14028.4 of the Corporations Code is amended to read:

14028.4. In connection with any loan made, guaranteed or otherwise assisted by the state, the executive director shall require that management and technical assistance be provided to the borrower by the central staff of a California small business development corporation, urban development corporation, or rural development corporation pursuant to Sections 14084 and 14170.

SEC. 10. The heading of Article 4 (commencing with Section 14030) of Chapter 1 of Part 5 of Division 3 of Title 1 of the Corporations Code is amended to read:

Article 4. Incorporation of Nonprofit California Small Business Development Corporation

SEC. 11. Section 14030 of the Corporations Code is amended to read:

14030. A corporation may be formed by seven or more persons who are residents of this state who desire to create a small business development corporation to carry out the intent of the Legislature as expressed in Section 14002.

SEC. 12. Section 14032 of the Corporations Code is amended to read:

14032. The articles of incorporation shall set forth:

(a) The name of the corporation, which shall include the words "small business development corporation."

(b) The purposes for which the corporation is formed, which shall be those specified in Section 14002. This requirement shall not be deemed to preclude a statement of powers.

(c) A geographical description of the economically disadvantaged area or economically disadvantaged areas that the corporation proposes to serve and a geographical description of the region, including the county in this state where the principal office for the transaction of the business of the corporation will be located.

(d) The names and addresses of seven or more persons who are to act in the capacity of directors until the selection of their successors, which number shall constitute the number of directors of the corporation until changed by an amendment to the articles of incorporation.

(e) That the corporation is organized pursuant to the California Small Business Development Corporation Law.

SEC. 13. Section 14033 of the Corporations Code is amended to read:

14033. If the board recommends acceptance upon the basis of the facts disclosed by the investigation provided by subdivision (d) of Section 14022 and finds that the proposed incorporation meets all the requirements of this chapter, the executive director shall approve the articles and endorse the approval thereon and forward the same to the Secretary of State for his or her approval and filing. Likewise, the board shall recommend approval or disapproval of all amendments to the articles. The executive director shall endorse the approval on the amendatory document before the document is forwarded to the Secretary of State for his or her approval and filing.

SEC. 14. Section 14036 of the Corporations Code is amended to read:

14036. The bylaws of a small business development corporation, an urban development corporation, or a rural development corporation and any amendment thereto shall become effective only when approved by the executive director and when a copy thereof certified by an appropriate officer of the corporation has been filed with the executive director.

SEC. 15. Section 14040 of the Corporations Code is amended to read:

14040. There is hereby continued in the State Treasury in the Small Business Expansion Fund, the Small Business Development Loan Guarantee Account as part of the Small Business Expansion Fund.

SEC. 16. Section 14044.1 is added to the Corporations Code, to read:

14044.1. Pursuant to this section and the regulations, the state has residual interest in the funds deposited by the state to a corporate loan guarantee fund and to the return on these funds from investment. On dissolution of the corporation or if the executive director believes these funds are in jeopardy or are not being effectively utilized, these funds, with the approval of the Department of Finance, may be withdrawn by the executive director from the trust if they are not encumbered by guarantees, and returned to the state or transferred to another corporation. This provision shall be contained in the trust instructions to the trustee.

SEC. 17. The heading of Article 6 (commencing with Section 14045) of Chapter 1 of Part 5 of Division 3 of Title 1 of the Corporations Code is amended to read:

Article 6. Regional Small Business Development Corporation Loan Guarantee Funds

SEC. 18. Section 14045 of the Corporations Code is amended to read:

14045. Every corporation formed under this chapter may establish a regional small business development corporation loan guarantee fund pursuant to regulations adopted by the board. This fund shall not be subject to any state regulation other than by the board and Department of Finance.

SEC. 19. Section 14047 of the Corporations Code is amended to read:

14047. The corporation shall use all reasonable means to maintain and enlarge the small business development corporation loan guarantee funds, in order to accomplish the purposes of this chapter.

SEC. 20. Section 14060 of the Corporations Code is amended to read:

14060. The corporate powers of a small business development corporation shall be exercised by the board of directors.

SEC. 21. Section 14062 of the Corporations Code is amended to read:

14062. No person shall serve as a director of a small business development corporation who is not:

(a) A resident of the region described in the articles of incorporation, or

(b) The owner, controlling shareholder, or a permanent employee of an organization maintaining a regular place of business

in such region.

SEC. 22. The heading of Article 7.5 (commencing with Section 14066) of Chapter 1 of Part 5 of Division 3 of Title 1 of the Corporations Code is amended to read:

Article 7.5. Small Business Development Corporation Loan Committees

SEC. 23. Section 14066 of the Corporations Code is amended to read:

14066. (a) Every small business development corporation shall establish one or more loan committees, each of which shall be composed of five or more persons, a majority of whom shall be experienced in banking and lending operations to be carried out by the corporation.

(b) A loan committee shall review every application to the corporation for a loan, guarantee, or other financial assistance and shall:

(1) Determine the feasibility of the proposed transaction and the likelihood of successful use of the corporation's money and credit within the overall objectives of the corporation; and

(2) On the basis of such determination, recommend to the board of directors such action as the committee deems appropriate under the circumstances, provided, however, that the loan committee shall not recommend the granting of any loan, guarantee, or other financial assistance unless it determines that the conditions of Section 14081 are satisfied, and so certifies to the board of directors.

(c) A loan committee shall expeditiously act to accept or reject loan applications.

(d) The loan committee in recommending the granting of loans, guarantees or other financial assistance shall emphasize consideration to applications that will increase employment of disadvantaged, disabled persons or unemployed persons and increase employment of youth residing in areas of high youth unemployment and high youth delinquency.

SEC. 24. Section 14075 of the Corporations Code is amended to read:

14075. In all matters requiring the vote or written consent of the membership, each member shall have one vote.

An election for members of the board of directors shall be held at intervals not to exceed one year.

SEC. 25. Section 14081 of the Corporations Code is amended to read:

14081. In furtherance of the purposes set forth in Section 14002, a small business development corporation may lend money to, and guarantee, endorse, or act as surety on the bonds, notes, contracts, or other obligations of, or assist financially, any person, firm, corporation or association, and may establish and regulate the terms and conditions with respect to any such loans or financial assistance

and the charges for interest and service connected therewith, except that the corporation shall not make or guarantee any loan unless and until it determines:

(a) There is no probability that the loan or other financial assistance would be granted by a financial institution under reasonable terms or conditions.

(b) The loan proceeds shall be used exclusively in the region of the corporation.

(c) The loan qualifies as a small business loan or an employment incentive loan.

(d) That the borrower has a minimum equity interest in the business as determined by the board.

SEC. 26. Section 14081.1 of the Corporations Code is amended to read:

14081.1. A small business development corporation may make or guarantee loans to provide the borrower with management and technical assistance. The regional corporation shall have the right to approve all consultants to be hired with loan proceeds.

SEC. 27. Section 14081.2 of the Corporations Code is amended to read:

14081.2. A small business development corporation may charge the borrower or financial institution a loan guarantee fee on all loans guaranteed by the corporation to defray the operating expenses of the corporation. The amount of the fee shall be determined by the board.

SEC. 28. Section 14082 of the Corporations Code is amended to read:

14082. With the approval of the executive director, a corporation may establish a profitmaking subsidiary for the specific purpose of sponsoring a small business investment company regulated by the Small Business Administration under subdivision (d) of Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. Sec. 681 (d)), as amended.

SEC. 29. Section 14083 of the Corporations Code is amended to read:

14083. A corporation, acting as a sponsor under Section 14082, is authorized to establish a small business investment company (including minority enterprise small business investment companies and business and industrial development companies) with funds committed by its members, in an amount designated by the board of directors of the regional corporation. A corporation may also establish such an investment corporation with funds allocated to it by the office. The state shall not be liable or obligated in any way beyond the money which has been allocated to the corporation.

SEC. 30. Section 14084 of the Corporations Code is amended to read:

14084. Every California small business development corporation, urban development corporation, or rural development corporation shall provide for and maintain a central staff to perform:

(a) All administrative requirements of the corporation including all those functions required of a corporation by the Small Business Development Board and the executive director.

(b) Management and technical assistance to borrowers who apply for and receive direct or guaranteed loans through this program, rendering directly such assistance to at least 65 percent of the corporation's borrowers, and by contracting with a qualified private association to fulfill remaining assistance needs if necessary.

(c) The preparation of financial statements on all applicants for loans through this program.

SEC. 31. Section 14090 of the Corporations Code is amended to read:

14090. Notwithstanding the provisions of any other law, the notes or other interest-bearing obligations, and that portion of loans guaranteed by a small business development corporation, issued in accordance with this chapter and any regulations governing the issuance of such obligations shall be legal investments for banks, insurance, and surety companies, and third party investors, such as private parties and pension funds, provided, however, that in no case shall the aggregate amount of such obligations held by any such bank, insurance or surety company, including membership loans and loans guaranteed by small business development corporation loan guarantee funds, exceed an amount equal to 3 percent of the capital and surplus of any such bank, insurance or surety company.

SEC. 32. Section 14100 of the Corporations Code is repealed.

SEC. 33. Section 14100 is added to the Corporations Code, to read:

14100. The executive director shall have the accounts of each corporation formed under this part audited as of the close of business on June 30, of each year.

SEC. 34. Section 14101 of the Corporations Code is amended to read:

14101. The corporation shall make a report to the board, as of the close of business on June 30, of each year describing the corporation's activities and any additional information requested by the executive director, on or before August 1st of each year.

SEC. 35. Section 14110 of the Corporations Code is amended to read:

14110. It shall be unlawful for the executive director or any person who is an officer, director, or employee of a small business development corporation, or who is a member of a loan committee, or who is a member or employee of the board or executive director to:

(a) Ask for, consent or agree to receive, any commission, emolument, gratuity, money, property, or thing of value for his own use, benefit, or personal advantage, for procuring or endeavoring to procure for any person, partnership, joint venture, association, or corporation, any loan, guarantee, financial or other assistance from any small business development corporation.

(b) Borrow money, property, or to benefit knowingly, directly or indirectly, from the use of the money, credit, or property of any small business development corporation.

(c) Make, maintain, or attempt to make or maintain, a deposit of the funds of a small business development corporation with any other corporation or association on condition, or with the understanding, expressed or implied, that the corporation or association receiving such deposit shall pay any money or make a loan or advance, directly or indirectly, to any person, partnership, joint venture, association, or corporation, other than to a small business development corporation formed under this part.

SEC. 36. Section 14111 of the Corporations Code is amended to read:

14111. It shall be unlawful for the executive director or any member of a small business development corporation, or any person who is an officer or director of a small business development corporation, or who is a member or employee of the board or executive director, to purchase or receive, or to be otherwise interested in the purchase or receipt, directly or indirectly, of any asset of a small business development corporation, without paying to such corporation the fair market value of the asset at the time of the transaction.

SEC. 37. Section 14115 of the Corporations Code is amended to read:

14115. The corporation shall not deposit any of its funds in any banking organization unless such banking organization has been designated as a depository by a vote of the majority of all of the directors of the corporation, exclusive of any director who is an officer or director of the depository so designated. The financial institution which is to act as trustee of the corporate loan guarantee fund shall be designated by the board of directors of the corporation on a competitive bid basis. The corporation shall not receive money on deposit.

SEC. 38. Section 14131 of the Corporations Code is amended to read:

14131. (a) The UDC's or RDC's guarantee shall be backed by funds on deposit in the UDC's or RDC's own loan guarantee fund account established pursuant to Articles 5 (commencing with Section 14040) and 6 (commencing with Section 14045).

(b) Loans made under an UDC or RDC guarantee shall be secured by a 100 percent reserve. The guarantee portion may be no more than 90 percent of the required total financing arranged from all lending sources. However, the guaranteed portion may be 100 percent for revolving lines of credit, personal farm operating loans, interim financing where another lender or guarantor will take out the corporation's position within 180 days, loans to UDC's or RDC's, and loans where traditional lenders have turned down the loan because it is too small.

(c) The UDC or RDC shall guarantee loans wherever possible.

However, earnings from the trust funds may be used for direct lending provided that UDC or RDC direct loan funds do not constitute more than one-third of the loan.

(d) In furtherance of the purposes of this part, up to one-half of the corporate loan guarantee funds may be used to guarantee loans utilized to establish a Business and Industrial Development Corporation (BIDCO) under Division 15 (commencing with Section 33000) of the Financial Code.

(e) The UDC or RDC may assume a negotiated equity position of not more than 5 percent of the current equity in an eligible small business, in lieu of part or all of the fees chargeable to such business or through direct purchase, provided state funds are not used to purchase the equity position. An equity position of 5 percent or less shall not be construed as a conflict of interest in terms of financial and technical assistant participation.

SEC. 39. Section 14151 of the Corporations Code is amended to read:

14151. The Legislature hereby finds and declares that:

(a) There exist serious problems of unemployment in various low-income areas in the state.

(b) Certain noneconomic risks exist within these areas in the state which make it difficult for financial institutions to grant small business opportunity loans to persons for small businesses.

(c) It is in the best interests of the state to promote small business enterprises within these areas, as well as to develop the entrepreneurial talent of persons in such areas.

SEC. 40. Section 14161 of the Corporations Code is amended to read:

14161. "Low-income area" means either of the following:

(a) An area as defined by a severity score based upon the sum of the following:

(1) The percentage of families of not less than 20 percent in the census tract or tracts whose last calendar year income reported to the census was under the amount determined by the board under subdivision (c) of Section 14010.

(2) Twice the percentage of unemployment reported by the most recent federal decennial census for the census tract or tracts in which reside the persons eligible for technical assistance under this chapter or in which a small business is located or will be established for such technical assistance.

(b) An area in which a small business development corporation may be established.

CHAPTER 357

An act to amend Section 40802 of the Vehicle Code, as amended by Section 1 of Chapter 1210 of the Statutes of 1978, and Section 40802 of the Vehicle Code, as added by Section 2 of Chapter 1210 of the Statutes of 1978, and Section 40803 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 40802 of the Vehicle Code, as amended by Section 1 of Chapter 1210 of the Statutes of 1978, is amended to read:

40802. A "speed trap" is either of the following:

(a) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(b) A particular section of a highway with a prima facie speed limit provided by this code or by local ordinance pursuant to paragraph (1) of subdivision (b) of Section 22352, or established pursuant to Section 22354, 22357, 22358, or 22358.3, which speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects. The provisions of this subdivision do not apply to local streets and roads.

For purposes of this section, local streets and roads shall be defined by the latest functional usage and federal-aid system maps as submitted to the Federal Highway Administration. When these maps have not been submitted, the following definition shall be used: A local street or road primarily provides access to abutting residential property and shall meet the following three conditions:

1. Roadway width of not more than 40 feet.

2. Not more than one-half mile of uninterrupted length. Interruptions shall include official traffic control devices as defined in Section 445.

3. Not more than one traffic lane in each direction.

This section shall remain in effect only until January 1, 1987, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1987, deletes or extends that date.

SEC. 2. Section 40802 of the Vehicle Code, as added by Section 2 of Chapter 1210 of the Statutes of 1978, is amended to read:

40802. A "speed trap" is either of the following:

(a) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the

time it takes the vehicle to travel the known distance.

(b) A particular section of a highway with a prima facie speed limit provided by this code or by local ordinance pursuant to paragraph (1) of subdivision (b) of Section 22352, or established pursuant to Section 22354, 22357, 22358, or 22358.3, which speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects.

This section shall become operative on January 1, 1987.

SEC. 3. Section 40803 of the Vehicle Code is amended to read:

40803. (a) No evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person for an alleged violation of this code when the evidence is based upon or obtained from or by the maintenance or use of a speed trap.

(b) In any prosecution under this code of a charge involving the speed of a vehicle, where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects, the prosecution shall establish, as part of its prima facie case, that the evidence or testimony presented is not based upon a speed trap as defined in subdivision (b) of Section 40802. Evidence that a traffic and engineering survey has been conducted within five years of the date of the alleged violation or evidence that the offense was committed on a local street or road as defined in subdivision (b) of Section 40802 shall constitute a prima facie case that the evidence or testimony is not based upon a speed trap as defined in subdivision (b) of Section 40802.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 358

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

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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 and the Director of Parks and Recreation, is hereby authorized to sell, for current market value

plus administrative and other costs actually incurred by the state in connection with that sale, as determined by the director, and upon such terms and conditions and with such reservations and exceptions, as the director deems to be in the best interests of the state, all or any part of that real property totaling approximately 0.117 acres being a portion of Topanga State Park, located contiguous to Canyon Trail Drive in Topanga in the County of Los Angeles and to the parcel of real property designated by the Los Angeles County Assessor as 4441-22-22, to the owner of that parcel.

SEC. 2. Any cost or expense incurred in the disposition of the parcel may be reimbursed from the proceeds of the disposition.

SEC. 3. Subject to Section 2 of this act, any moneys received from the disposition of the parcel shall be paid into the State Parks and Recreation Fund.

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

In order that the sale of the parcel of land authorized by this act may be accomplished at the earliest possible time, both in the best interests of the state and to relieve the owner of contiguous lands of a hardship, it is necessary that this act take effect immediately.

CHAPTER 359

An act to amend Section 13146.1 of the Health and Safety Code, relating to the State Fire Marshal.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 13146.1 of the Health and Safety Code is amended to read:

13146.1. (a) Notwithstanding the provisions of Section 13146, the State Fire Marshal, or the State Fire Marshal's authorized representative, shall inspect every jail or place of detention for persons charged with or convicted of a crime, unless the chief of any city or county fire department or fire protection district, or that chief's authorized representative, indicates in writing to the State Fire Marshal that inspections of jails or places of detention, therein, shall be conducted by the chief, or the chief's authorized representative and submits the reports as required in subdivision (c).

(b) The inspections shall be made at least annually for the purpose of enforcing the regulations adopted by the State Fire Marshal, pursuant to Section 13143, and the minimum standards pertaining to

fire and life safety adopted by the Board of Corrections, pursuant to Section 6030 of the Penal Code.

(c) Reports of the inspections shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal, and the Board of Corrections within 30 days of the inspections.

CHAPTER 360

An act to amend Sections 8505.15, 8516, 8516.5, 8518, 8561, 8614, 8671, 8672, and 8674 of, and to repeal Section 8537 of, the Business and Professions Code, relating to structural pest control, and making an appropriation therefor.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 8505.15 of the Business and Professions Code is amended to read:

8505.15. Two effective masks of a type approved by the National Institute of Occupational Safety and Health for protection against the fumigant being used shall be made readily available by the operator to a fumigating crew whenever a fumigant is released or removed from a structure.

SEC. 2. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) The provisions of this section shall apply only to wood-destroying pests or organisms.

(b) No licensee shall commence work on a contract, or sign, issue or deliver any documents expressing an opinion or statement relating to the absence or presence of wood-destroying pests or organisms until an inspection has been made. The licensee shall retain for three years all field reports from which a verbal or written estimate of or solutions for work are made. A written inspection report conforming to this section and on a form prescribed by the board shall be prepared and delivered to the person requesting the inspection or to the person's designated agent. A copy of each report shall be filed with the board at the time the report is delivered or not later than five working days after the date the inspection is made. The report shall be delivered to the person requesting the inspection, or to the person's designated agent, before work is commenced. The following shall be set forth in the report:

1. The date of the inspection and the name of the person making the inspection.
2. The name and address of the person or firm ordering the report.
3. The name and address of any person who is a party in interest

to whom the board is to send certified copies of inspection reports and completion notices as provided in subdivision (e).

4. The address or location of the property.

5. A general description of the building or premises inspected.

6. A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, indicating thereon the approximate location of any infested or infected areas evident, and the parts of the structure where conditions exist which would ordinarily subject such parts to attack by wood-destroying pests or organisms.

7. Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces or other parts subject to attack by wood-destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions and insufficient ventilation are to be reported.

8. Indication or description of any areas normally subject to damage which are inaccessible or for other reason not inspected, with suggestion for further inspection if practicable. If, after the report has been made in compliance with the provisions of this section, authority is given later to open inaccessible areas, a supplementary report on conditions in these areas shall be made.

9. Recommendations for corrective measures.

10. The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

An estimate shall be given with the original inspection report if the person who ordered the original inspection report so requests, and if the licensee is regularly in the business of performing corrective measures.

If no estimate or bid was given with the original inspection report, or thereafter, then the licensee shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled "Reinspection" in capital letters by rubber stamp or typewritten. Each reinspection shall also identify the original report by date and stamp numbers.

After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the firm's original inspection price and shall be completed within 10 working days after a reinspection has been ordered.

(c) The report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the

guarantee shall be in effect.

(d) Control service is defined as the regular reinspection of a property after a report has been made in compliance with the provisions of this section and such corrections as have been agreed upon have been completed. Under a control service agreement a licensee shall refer to the original report and contract in a manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A licensee is not required to issue a report as outlined in paragraphs 1 to 9, inclusive, after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood-destroying pests or organisms and the portions of the buildings or structures covered by the contract.

(e) Whenever a report is filed pursuant to subdivision (b), the board shall forthwith send to any person or firm designated under paragraph 3 of that subdivision a certified copy of all inspection reports and completion notices made on the property and filed with the board during the preceding two years, if so requested and upon payment of an appropriate search fee.

(f) All work recommended by a structural pest control licensee, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the licensee with the inspection report copy for two years.

SEC. 3. Section 8516.5 of the Business and Professions Code is amended to read:

8516.5. Any person who makes an inspection of any property relating to the absence or presence of wood-destroying pests or organisms on such property and makes a report of such inspection shall furnish a copy of the report either to the owner of the property, or if the owner has consented in writing, to the agent of the owner, within five working days after completing the report.

SEC. 4. Section 8518 of the Business and Professions Code is amended to read:

8518. When a licensee completes work under a contract, he shall not later than five working days thereafter file with the board a notice of work completed, on a form prescribed by the board. The notice shall include a statement of the cost of the completed work and estimated cost of work not completed. Each such notice shall have affixed thereto a stamp issued by the board in the denomination fixed by the board pursuant to Section 8674 as the fee for filing a notice of work completed. The board shall provide for the sale of such stamps and for the refund of moneys paid for stamps which are returned to it unused.

SEC. 5. Section 8537 of the Business and Professions Code is repealed.

SEC. 6. Section 8561 of the Business and Professions Code is amended to read:

8561. Any person may apply for an operator's license; however, an individual applicant shall be 18 years of age or over.

(a) If the applicant is an individual, he or she shall possess the qualifications and be examined as hereinafter prescribed. Within one year after such individual passes the examination and if such individual qualifies for an operator's license, as herein prescribed, the board shall issue to him or her an operator's license.

(b) If the applicant is a partnership, it shall designate a partner to be the qualified partner for the partnership entity or an employee designated as its responsible natural person, and such partner or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. Within one year after such person passes the examination and if such partner or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the partnership. The partner or responsible natural person may engage in pest control on behalf of the partnership only, so long as he or she remains in that capacity for the partnership, but he or she may become associated with another partnership, or with a firm or corporation, in a capacity other than a qualifying partner, responsible natural person or qualifying officer.

(c) If the applicant is an association or corporation, it shall designate an officer thereof or a responsible natural person employed or to be employed by it to be the qualified officer or responsible natural person for the association or corporation entity. The officer or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. Within one year after such person passes the examination and if such officer or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the association or corporation, as the case may be. The officer or responsible natural person may engage in pest control on behalf of the association or corporation only so long as he or she remains in that capacity for the association or corporation, but he or she may become associated with another association or corporation, or with a firm or partnership, in a capacity other than as a qualifying officer, responsible natural person, or partner.

SEC. 7. Section 8614 of the Business and Professions Code is amended to read:

8614. Any person, whether or not a party to a real property transaction, has a right to request and, upon payment of the required fee, to obtain directly from the board a certified copy of all inspection reports and completion notices prepared and filed by any structural pest control operator on a particular property during the preceding two years. Notice of this right shall be prominently disclosed on every

inspection report and work completion notice.

SEC. 8. Section 8671 of the Business and Professions Code is amended to read:

8671. As used in this chapter, "renewal operator's license" means a license issued to a person who had an operator's license unrevoked and unsuspended on June 30th of the preceding renewal period.

SEC. 9. Section 8672 of the Business and Professions Code is amended to read:

8672. As used in this chapter, "original field representative's license" means a field representative's license issued to an individual who did not have a license on the preceding June 30th.

For the purpose of this chapter, a renewal field representative's license means a field representative's license issued to an individual who had a field representative's license on June 30th of the preceding renewal period.

SEC. 10. 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) per year for each triennial renewal period.

(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) per year for each triennial renewal period.

(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) per year for each triennial renewal period.

(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) per year for each triennial renewal period.

(m) An applicator examination fee of not more than fifteen dollars ($15).

(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).

CHAPTER 361

An act to amend Section 441 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. 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 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, or by first-class mail, properly addressed with postage prepaid, no earlier than 15 days after the time appointed by the assessor of nonreceipt of the property statement within the appointed time. If such notice is given by first-class mail, the assessor shall obtain a certificate of mailing issued by the United States Postal Service verifying the fact and date of mailing of such notice; and

(3) The property statement has not been filed with the assessor within 15 days following the date of receipt of such notice, if such notice is given by certified or registered mail, or within 20 days following the date shown on the certificate of mailing, if such notice is given by first-class mail.

(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.

CHAPTER 362

An act to amend Sections 16373, 16379, 16381, 42006, and 42007 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 16373 of the Vehicle Code is amended to read:

16373. (a) The clerk of a court, or the judge of a court which has no clerk, shall, subject to subdivision (b), forward to the department a certified copy of any judgment or a certified copy of the docket entries in an action resulting in a judgment for damages. A certificate of facts relative to the judgment shall also be forwarded on a form provided by the department.

(b) The judgment creditor may pay the required fees for, and request the documents specified in subdivision (a) to be forwarded immediately upon the expiration of 30 days after the judgment has become final if the judgment has not been stayed or satisfied within the amounts specified in this chapter as shown by the records of the court. The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out the provisions of this section.

SEC. 2. Section 16379 of the Vehicle Code is amended to read:

16379. (a) The department shall not suspend a license and shall restore any suspended license following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility for future damages and when the trial court in which the judgment was rendered orders the payment of the judgment in installments and while the payment of any installment payment is not in default.

(b) Whenever the trial court orders the payment of a judgment in installments as provided in this section, upon payment of the required fees by the judgment creditor, it shall forward a certified copy of the order to the department, together with a certified copy of judgment or certified copy of the docket entries in an action resulting in a judgment for damages and a certificate of facts relative to the judgment on a form provided by the department.

(c) The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out the provisions of this section.

SEC. 3. Section 16381 of the Vehicle Code is amended to read:

16381. In the event that it is made to appear to the court that the judgment debtor has failed to pay any installment as permitted by the order of the court, upon the payment of required fees by the judgment creditor, the court shall give notice of the default to the department and the department shall forthwith suspend the driving privilege of the judgment debtor until the judgment is satisfied as provided in this chapter. The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out the provisions of this section.

SEC. 4. Section 42006 of the Vehicle Code is amended to read:

42006. There shall be levied a special assessment in an amount equal to one dollar ($1) for every fine and forfeiture, imposed and collected by a municipal court conducting a night session of the court pursuant to Section 72300 of the Government Code, on all offenses involving a violation of a section of this code or any local ordinance adopted pursuant to this code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists.

When a person makes a deposit of bail for an offense to which this section applies, in a case in which he is required to appear in a court conducting a night session pursuant to Section 72300 of the Government Code, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury for disposition as prescribed by this section.

After a determination by the court of the amount of the assessment due, the clerk of the court shall collect the amount and transmit it to the county treasury to be deposited in the municipal court night session fund, which fund shall be expended by the county for maintaining municipal courts in the county which have night sessions for traffic offenses pursuant to Section 72300 of the Government Code.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge shall waive the penalty assessment.

SEC. 5. Section 42007 of the Vehicle Code is amended to read:

42007. In addition to the fees authorized or required by other provisions of law, and upon the order of a majority or sole judge of

a municipal or justice court, the clerk of the court shall collect a uniform fee from every person ordered to attend a school pursuant to Section 42005 or attending any other court-supervised program of driving instruction, which shall be commensurate with the cost incurred by the court in carrying out the provisions of Section 42005 or in supervising any such other program, but which may not exceed ten dollars ($10) per person. Such fee may not include the cost, or any part thereof, of instruction offered at such a school or in such other program.

Revenues derived from such fee shall be deposited by the clerk in accordance with Section 68084 of the Government Code. The county board of supervisors may by resolution authorize disbursement of such funds as the public interest requires.

CHAPTER 363

An act to amend Section 987.86 of the Military and Veterans Code, relating to veterans' farm and home purchase.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 987.86 of the Military and Veterans Code is amended to read:

987.86. (a) Any veteran for whom a farm or home is purchased under this article may be granted a subsequent opportunity to purchase another farm or home when the farm or home purchased under this article is sold because of any of the following:

(1) Condemnation proceedings instituted by a public agency.

(2) A change in the veteran's employment which compels a change in residence location.

(3) The health of a veteran or of a member of his immediate family compels a change in residence location.

(4) Any increase or decrease in the veteran's obligation to provide housing for dependents has resulted in the livable area of the house being inadequate or excessive for the veteran's current housing needs.

(5) Increased real property taxes beyond the veteran's ability to pay.

(b) The provisions of subdivision (a) shall apply only if the veteran pays his purchase contract in full, applies for a subsequent loan within six months from date of sale, and pays toward the purchase of the new farm or home the net equity received from sale of the former property. The maximum amount which the department may advance under subdivision (a) is limited to the lesser of the following:

(1) The balance of the purchase price of the new farm or home after investment of the net equity received from the sale of the former property.

(2) The unpaid contract balance at the time of sale of the former property.

(c) Only one farm or home purchased under this article shall be owned by a veteran or a veteran and the veteran's spouse at any one time under this article.

(d) Any veteran for whom a farm or home is purchased under this article may be granted a subsequent opportunity to purchase another farm or home if he has paid his purchase contract in full, and qualifies as a veteran as described in Section 980 under another separate period of service, or the veteran and the veteran's spouse each qualify as a veteran as described in Section 980.

(e) A member of the armed forces, eligible for military retirement who meets the residence requirements of Section 980, or a veteran as described in Section 980 who is receiving military retirement pay, for whom a farm or home was purchased under this article while in active military service, may be granted a subsequent opportunity to purchase another farm or home, if he has paid his purchase contract in full and has served during more than one period for which eligibility is granted.

CHAPTER 364

An act to amend Section 7301 of the Elections Code, relating to elections.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 7301 of the Elections Code is amended to read:

7301. The statement and nomination papers shall be delivered to the election official responsible for the conduct of the election, no later than the 14th day prior to the election.

CHAPTER 365

An act to add Section 19828 to the Health and Safety Code, relating to building permits.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 19828 is added to the Health and Safety Code, to read:

19828. Any city, county, or city and county, which requires the issuance of a permit as a condition precedent to the construction alteration, improvement, demolition, or repair of any building or structure may, if it is satisfied that all conditions of the final or parcel map have been fulfilled, and the map may be recorded, issue a building permit for construction on a parcel created by the map before the recordation of the map pursuant to Article 6 (commencing with Section 66464) of Chapter 3 of Division 2 of Title 7 of the Government Code.

CHAPTER 366

An act to amend Sections 2617, 2618, 2704, 2705, 2759, 2760, 2761, 2762, 2922, 2922.5, 4103, and 4221 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 2617 of the Revenue and Taxation Code is amended to read:

2617. All taxes due November 1st, if unpaid, are delinquent December 10th at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to them.

SEC. 2. Section 2618 of the Revenue and Taxation Code is amended to read:

2618. The second half of taxes on real property, if unpaid, is delinquent April 10th at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to it.

SEC. 3. Section 2704 of the Revenue and Taxation Code is amended to read:

2704. All taxes due November 1st, if unpaid, are delinquent December 10th at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to them.

SEC. 4. Section 2705 of the Revenue and Taxation Code is amended to read:

2705. The second half of taxes on the secured roll, if unpaid, is delinquent April 10th at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to it.

SEC. 5. Section 2759 of the Revenue and Taxation Code is

amended to read:

2759. The first installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent October 10 at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to it.

SEC. 6. Section 2760 of the Revenue and Taxation Code is amended to read:

2760. The second installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent January 10 at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to it.

SEC. 7. Section 2761 of the Revenue and Taxation Code is amended to read:

2761. The third installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent March 10 at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to it.

SEC. 8. Section 2762 of the Revenue and Taxation Code is amended to read:

2762. The fourth installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent May 10 at 5 p.m., and thereafter a delinquent penalty of 10 percent attaches to it.

SEC. 9. 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 10 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 10 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 10 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 10 percent penalty attaches pursuant to subdivision (a), an additional penalty of 1½ 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 1½ 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 10 percent penalty attaches pursuant to subdivision (a), an additional penalty of 1½ 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. 10. Section 2922.5 of the Revenue and Taxation Code is amended to read:

2922.5. Notwithstanding Section 2922, with respect to taxes on the unsecured roll to which an application for reduction in assessment has been filed pursuant to Section 1607 and the board reduces the assessment in dispute, Section 4985 of this code shall apply.

If a taxpayer does not pay by the delinquent date established by Section 2922 and indicated on the unsecured assessment roll, interest at the rate of 1 percent per month on the unpaid tax shall be charged from such date to the date of payment. Taxes unpaid by 5 p.m. on the date established by Section 4985 are delinquent and thereafter a delinquent penalty of 10 percent attaches to them.

If taxes are unpaid by 5 p.m. of the last day of the second succeeding month after the 10 percent penalty attaches, an additional penalty of 1½ 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.

This section is not applicable to assessments made pursuant to Section 501, or to assessments made pursuant to Section 531.2 where the escape is the result of an act or omission of the assessee and to assessments made pursuant to Sections 531.3, 531.4, and 531.5.

SEC. 11. Section 4103 of the Revenue and Taxation Code is amended to read:

4103. Redemption penalties are the sum of the following:

(a) Beginning July 1st of the year of sale to the state, on the amount of sold taxes at the time of sale, 1½ percent a month to the time of redemption.

(b) Beginning July 1st of each subsequent year, on the unpaid taxes for which the property would have been sold to the state in that year if there had not been a previous sale, 1½ percent a month to the time of redemption. If the last day of any month falls on Saturday, Sunday, or a legal holiday, the additional penalty of 1½ percent shall attach after 5 p.m. on the next business day.

SEC. 12. Section 4221 of the Revenue and Taxation Code is amended to read:

4221. In each succeeding fiscal year the redemptioner shall pay, before the delinquency date of the last installment of current taxes, the sum of the following:

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

(1) 40 percent of the redemption amount when the payment is made during or prior to the first fiscal year following the year in which election was made to pay delinquent taxes in installments.

(2) 60 percent of the redemption amount when the payment is made during or prior to the second fiscal year following the year in which election was made to pay delinquent taxes in installments.

(3) 80 percent of the redemption amount when the payment is made during or prior to the third fiscal year following the year in which election was made to pay delinquent taxes in installments.

(4) 100 percent of the redemption amount when the payment is made during or prior to the fourth fiscal year following the year in which election was made to pay delinquent taxes in installments.

(b) On parcels sold to the state prior to June 15, 1974, interest shall be computed at the rate of ½ percent per month accruing on the first day of each month following the preceding payment, on the balance of the redemption amount.

(c) On parcels sold to the state on and after June 15, 1974, interest shall be computed at the rate of 1 percent per month accruing on the first day of each month following the preceding payment, on the balance of the redemption amount.

(d) On parcels sold to the state on and after June 15, 1982, interest shall be computed at the rate of 1½ percent per month accruing on the first day of each month following the preceding payment, on the balance of the redemption amount.

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

CHAPTER 367

An act to amend Section 29034.5 of the Public Utilities Code, relating to transit districts.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 29034.5 of the Public Utilities Code is amended to read:

29034.5. The district may approve annexation of areas to the district pursuant to Chapter 9 (commencing with Section 29500) or other forms of affiliation; however, it shall meet its service commitments within the boundaries of the district as they existed on January 1, 1971, before it may expend any district funds for the purpose of extending services and facilities outside of those boundaries.

This section does not, however, preclude (1) rail line extensions to other areas that may be annexed to, or in some other way are affiliated with, the district, if other than district funds are used to finance the construction and operation of the extensions or (2) improvements to existing district stations and yards, including construction of a new turnback zone and storage tracks south of the Daly City station.

As used in this section, "service commitments" means the extension of district services and facilities to the Cities of Antioch, Pittsburg, Pleasanton, Livermore, and Fremont and to the northwest section of the City and County of San Francisco.

CHAPTER 368

An act to add Section 11894 to the Public Utilities Code, relating to municipal utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 11894 is added to the Public Utilities Code, to read:

11894. The board may provide by resolution, if necessary to implement a memorandum of understanding adopted pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code, that the Friday following the Thursday in November appointed as Thanksgiving Day is a holiday within the district for the purpose of closing its offices and excusing its employees from work.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

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 that existing memoranda of understanding entered into between the East Bay Municipal Utility District and employee organizations representing district employees may be implemented in 1981, it is necessary that this act take effect immediately.

CHAPTER 369

An act to add Section 155.6 to the Streets and Highways Code, relating to highways.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 155.6 is added to the Streets and Highways Code, to read:

155.6. Unless prohibited by federal laws or rules and regulations, the department may authorize the installation of coin-operated binocular or telescopic viewing machines at the vista point on the north end of the Golden Gate Bridge.

Any money received by the state for authorizing the placement of these viewing machines shall be transferred by the department to the State Highway Account.

CHAPTER 370

An act relating to disposition and leasing of property by the Director of General Services, and making an appropriation therefor.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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 sell, exchange, or lease for current market value, or for any lesser consideration authorized by law, and upon those terms and conditions and with such reservations and exceptions which in his opinion may be in the best interest of the state, all or any part of the following real property:

PARCEL 1. Approximately 0.6 acre of land fronting on the south side of Sunnyside Road six miles southeasterly of the City of

Susanville, being a portion of the Department of Fish and Game's Bass Hill Wildlife Area in Lassen County.

PARCEL 2. Approximately 0.44 acre of land and improvements thereon, at the southwest corner of Santa Anita and McGroarty Streets, consisting of a veterinarian livestock and poultry diagnostic laboratory for the Department of Food and Agriculture in the City of San Gabriel, Los Angeles County.

PARCEL 3. Approximately 5 acres of land in Kings County, located on Skyline Road three miles westerly of Kettleman City, received by the Board of Equalization as partial payment for a creditor's claim.

PARCEL 4. Approximately 2.3 acres of land, being a portion of the field office of the Department of Motor Vehicles in the City of Carmichael, Sacramento County.

PARCEL 5. Approximately 0.34 acre of land on the west side of Old Sanjohn Road adjacent southerly to the Southern Pacific railroad tracks, being a portion of San Buenaventura State Beach in Ventura County.

PARCEL 6. Approximately 2 acres of land located four miles easterly of the City of Ione, being the site of a reservoir used by the Preston School of Industry in Amador County.

SEC. 2. The Director of General Services, with the approval of the State Public Works Board and the Director of Parks and Recreation, is hereby authorized to exchange, for current market value, upon those terms, conditions and with such reservations and exceptions which in his or her opinion may be in the best interest of the state, approximately 80 acres of land fronting on the west side of Lower Lake Road, south of Moseley Road, being a portion of the proposed Lakes Earl and Talawa State Park in Del Norte County.

SEC. 3. The Director of General Services, with the approval of the State Public Works Board and the Director of Parks and Recreation, is hereby authorized to sell for current market value or for any lesser consideration authorized by law, upon those terms, conditions and with such reservations and exceptions as in his or her opinion may be in the best interest of the state, all or any part of the following described property:

PARCEL 1. Approximately 0.822 acre, located adjacent to Stinson Beach School on State Highway 101, being a portion of Mount Tamalpais State Park in Marin County.

SEC. 4. Pursuant to Section 9 of Article XIX of the California Constitution, the Director of Transportation is hereby authorized to transfer to the Department of Fish and Game approximately 27.61 acres of coastal zone land located adjacent to State Highway 101 and fronting on Waukell Creek at its confluence with the Klamath River in Del Norte County.

SEC. 5. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated. All parcels in this act are

exempt from the provisions of Sections 21100 to 21174, inclusive, of the Public Resources Code.

SEC. 6. Any cost or expense incurred in the disposition of any parcels may be reimbursed from the proceeds of that disposition.

SEC. 7. Subject to the provisions of Section 6 of this act, any moneys received from the disposition of any parcel in this act shall be paid into the General Fund, except that any money received from the disposition of Parcel 4, as described in Section 1 of this act and the parcel described in Section 4 of this act, shall be deposited into the State Transportation Fund. Any money received from the disposition of Parcel 1, as described in Section 1 of this act, shall be paid into the Wildlife Conservation Fund.

SEC. 8. As to any property sold or exchanged pursuant to this act containing 10 acres or less, 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. As to any such property sold or exchanged containing more than 10 acres, the Director of General Services shall except and reserve in the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, together with the right to prospect for, mine, and remove the deposits. The rights to prospect for, mine, and remove shall be limited to those areas of the property conveyed which the director determines to be reasonably necessary for the removal of the resources and deposits.

CHAPTER 371

An act to amend Section 39618 of, and to add Section 49410 to, the Education Code, relating to schools.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. It is the intent and purpose of this act to encourage school districts to replace potentially harmful asbestos materials.

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, the exterior and interior painting of school buildings, encapsulation or replacement of asbestos materials, and 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 49410 is added to the Education Code, to read:

49410. (a) The governing board of every school district may conduct programs to control or eliminate health problems posed by the presence of asbestos in its schools. If a program is conducted, the presence of asbestos shall be determined from current available surveys of asbestos in schools.

(b) For purposes of subdivision (a), school districts may be reimbursed from the State School Deferred Maintenance Fund pursuant to Section 39618 and Section 39619, except as provided in subdivision (c).

(c) To the extent that federal funds become available for the removal of asbestos from schools, such federal funds may be used to reimburse districts for programs conducted pursuant to this section. Such federal funding shall be in lieu of funding specified in subdivision (b).

CHAPTER 372

An act to amend Section 8773 of the Business and Professions Code, relating to land surveyors.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 8773 of the Business and Professions Code is amended to read:

8773. (a) Except as provided in subdivision (b) of Section 8773.4, a person authorized to practice land surveying in this state shall complete, sign, stamp with his or her seal and file with the county surveyor or engineer of the county where the corner is situated, a written record of corner establishment or restoration to be known as a "corner record" for every corner established by the Survey of the Public Lands of the United States, except "lost corners," as defined by the Manual of Instructions for the Survey of the Public Lands of the United States, and every accessory to such corner which is found,

set, reset, or used as control in any survey by such authorized person.

(b) After the establishment of a lost corner, as defined by the Manual of Instructions for the Survey of the Public Lands of the United States, a record of survey shall be filed as set forth in Section 8764.

(c) Any person authorized to practice land surveying in this state may file such corner record for any property corner, property controlling corner, reference monument, or accessory to a property corner.

CHAPTER 373

An act to amend Sections 18368, 18520, 18523, and 18535 of, and to add Sections 18372, 18373, 18520.1, 18523.1, and 18523.2 to, the Financial Code, relating to industrial loan companies.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 18368 of the Financial Code is amended to read:

18368. The commissioner may take possession of the property and business of any industrial loan company and retain possession until the company resumes business or its affairs are liquidated if any of the following grounds exist:

(a) The capital of an industrial loan company is impaired.

(b) An industrial loan company has violated its articles of incorporation or any law of this state.

(c) An industrial loan company is conducting its business in an unsafe or unauthorized manner.

(d) An industrial loan company refuses to submit its books, papers, and affairs to the inspection of any examiner.

(e) An officer of any industrial loan company refuses to be examined upon oath touching the concerns of such industrial loan company.

(f) An industrial loan company has suspended payment of its obligations.

(g) An industrial loan company is in such condition that it is unsound or unsafe for it to transact business.

(h) An industrial loan company neglects or refuses to observe any order of the commissioner made pursuant to this division, unless the enforcement of such order is restrained in a proceeding brought by the industrial loan company.

(i) An industrial loan company fails to participate as a member of Thrift Guaranty Corporation of California in accordance with Chapter 7 (commencing with Section 18475) of this division or fails

to pay any assessment levied pursuant thereto within the time specified.

(j) A member industrial loan company of Guaranty Corporation refuses to permit Guaranty Corporation, its appointed certified public accountant or public accountant, or specialized committees or employees to fulfill their duties under Section 18496.

(k) An industrial loan company has sold or issued investment certificates in violation of the provisions of this division.

(*l*) An industrial loan company has failed to maintain in effect a bond required under the provisions of this division.

(m) Any fact or condition exists which, if it had existed at the time of the original application for authority to organize and establish a corporation to engage in the industrial loan business reasonably would have warranted the commissioner in disapproving the application.

If the commissioner takes possession of the business and property of an industrial loan company, the company, with the consent of the commissioner, may resume business upon prescribed conditions.

SEC. 2. Section 18372 is added to the Financial Code, to read:

18372. (a) Whenever the net worth of an industrial loan company, exclusive of its good will, is less than 90 percent of the aggregate sum of its outstanding investment certificates, exclusive of those hypothecated with the company issuing them, divided by the fraction which is its investment certificates ratio permitted by the commissioner, the commissioner shall by written order direct the company to make good the alleged deficiency of net worth. Pursuant to the commissioner's order, the company's net worth shall be at least 100 percent of the aggregate sum of its outstanding investment certificates, exclusive of those hypothecated with the company issuing them, divided by the fraction which is its investment certificates ratio permitted by the commissioner.

(b) If the company fails to make good the alleged deficiency of net worth within the commissioner's specified time, not to exceed 120 days, the commissioner may take possession of the company's property and business. If the alleged deficiency is not made good within 120 days of the order, the commissioner shall take possession of the company's property and business.

(c) If the commissioner takes possession of the company's property and business, the commissioner shall retain possession until the company resumes business or its affairs are liquidated. The company, with the commissioner's consent, may resume business upon the commissioner's prescribed conditions.

SEC. 2.5. Section 18373 is added to the Financial Code, to read:

18373. The term "investment certificates ratio", as used in this division, means the ratio of the aggregate sum of all the outstanding investment certificates, exclusive of those hypothecated with the company issuing them, of a company to the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus declared not available for dividends pursuant to Section 18319.

SEC. 3. Section 18520 of the Financial Code is amended to read:

18520. It shall be the purpose of Guaranty Corporation to guarantee full payment of thrift obligations of members up to ten thousand dollars ($10,000), or up to twenty thousand dollars ($20,000) if the commissioner so orders pursuant to Section 18520.1, for each account, subject to the express limitations provided in this chapter.

SEC. 4. Section 18520.1 is added to the Financial Code, to read:

18520.1. If the commissioner determines at any time that the amount in the guaranty fund is in excess of 1 percent of the total outstanding thrift obligations of all members, as determined by reference to the unaudited financial reports filed by the companies, the commissioner shall, within 15 days of the determination, issue a written order increasing, effective as of the date of the order, to twenty thousand dollars ($20,000) the amount up to which Guaranty Corporation guarantees thrift obligations of members for each account, subject to the express limitations provided in this chapter.

SEC. 5. Section 18523 of the Financial Code is amended to read:

18523. The following described thrift obligations will be guaranteed by Guaranty Corporation in the amounts hereinafter set forth below, subject to Section 18523.1:

(a) Single ownership accounts. Funds owned by an individual and invested in the manner set forth below shall be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(1) Individual accounts (or accounts of the husband-wife community of which the individual is a member) and invested in one or more accounts in his own name shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(2) Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(3) Accounts held by guardians, custodians or conservators for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and invested in one or more accounts in the name of the guardian, custodian or conservator shall be added to any individual accounts of the ward or minor and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(b) Testamentary accounts.

(1) Funds owned by an individual and invested in a revocable trust account, tentative trust account, payable-on-death account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child or grandchild, shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(2) If the named beneficiary of such an account is other than the owner's spouse, child or grandchild, the funds in such account shall be added to any individual accounts of such owner and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(c) Accounts held by executors or administrators. Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and invested in one or more accounts shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate, separately from the individual accounts of the beneficiaries of the estate or of the executor or administrator.

(d) Corporation or partnership accounts. Accounts of a corporation or partnership engaged in any independent activity shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate. An account of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for guarantee purposes, the interest of each person in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate. The term "independent activity" means any activity other than one directed solely at increasing guarantee coverage under this chapter.

(e) Unincorporated associations. Accounts of an unincorporated association engaged in any independent activity shall be guaranteed up to ten thousand dollars ($10,000) in the aggregate. An account of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for guarantee purposes, the interest of each owner in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(f) Joint accounts:

(1) Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be guaranteed separately from accounts individually owned by the coowners.

(2) A joint account shall be deemed to exist, for purposes of guarantee of accounts, only if each coowner has personally executed an account signature card and possesses redemption rights.

(3) An account owned jointly which does not qualify as a joint account for purposes of guarantee of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(4) All joint accounts owned by the same combination of individuals shall first be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(5) The interest of each coowner in all joint accounts owned by different combinations of individuals shall then be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate.

(g) Trust accounts. All trust interests for the same beneficiary

invested in accounts established pursuant to valid trust arrangements created by the same settlor (grantor) shall be added together and guaranteed up to ten thousand dollars ($10,000) in the aggregate, separately from other accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

(h) Thrift obligations withdrawn by checks that have not cleared a member's bank account at the time the commissioner has taken possession of the property and business of a member. The owner of the funds represented by such a check will be recognized for all purposes of claim for guaranteed thrift obligations to the same extent as if his name and interest were disclosed on the records of the member.

SEC. 6. Section 18523.1 is added to the Financial Code, to read:

18523.1. If the commissioner issues a written order for a twenty thousand dollar ($20,000) amount pursuant to Section 18520.1, effective as of the date of that order and subject to Section 18523.2 the figure of twenty thousand dollars ($20,000) shall be substituted in place of each ten thousand dollars ($10,000) figure appearing in Sections 18490, 18491, 18506, 18520 and 18523.

SEC. 7. Section 18523.2 is added to the Financial Code, to read:

18523.2. Irrespective of any other sections of the Financial Code, any order by the commissioner for a twenty thousand dollars ($20,000) amount pursuant to Section 18520.1 shall not apply to or have any effect upon thrift obligations of a member if the commissioner has taken possession of the property and business of that member before the date of that order.

SEC. 8. Section 18535 of the Financial Code is amended to read:

18535. Guaranty Corporation shall establish and maintain a guarantee fund as follows:

(a) Each new member shall pay one hundred thousand dollars ($100,000) to the guarantee fund to become a member.

(b) Whenever the commissioner finds that the controlling interest or 50 percent or more of the stock of a member which paid less than one hundred thousand dollars ($100,000) to become a member has been transferred, the member shall pay to the fund whatever sums are necessary to bring the member's total contribution pursuant to subdivision (a) to one hundred thousand dollars ($100,000) or 1 percent of the member's total outstanding thrift obligations on the date of transfer, whichever is less.

As used in this subdivision "controlling interest" means any percentage of stock which allows the stockholder to have control of management of the member company.

The provisions of this subdivision shall not be applicable (1) if the transfer of stock is between affiliated companies of a holding company and 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 Corporations Code, or (2) when the actual or contemplated change of ownership is to the transferor's ancestors, descendants, or spouse, or any custodian

or trustee for the account of the transferor or the transferor's ancestors, descendants, or spouse, or to a transferee by a trustee or custodian for the account of the transferee or the transferee's ancestors, descendants, or spouse.

The provisions of this subdivision shall apply, commencing January 1, 1987, to any member in existence prior to January 1, 1982. All other members shall be subject to the provisions of this subdivision on and after January 1, 1982.

(c) If the total amount in the fund (less any then unpaid demand made by the commissioner pursuant to Section 18492) on March 15 of any year hereafter is less than 1½ percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by Section 18405, then on or before May 1 of that year Guaranty Corporation shall levy an assessment. Each member shall be assessed an amount equal to fifteen-hundredths of 1 percent of its outstanding thrift obligations as shown on its most recent independent audit report required by Section 18405.

(d) If the total amount in the fund (less any then unpaid demand made by the commissioner pursuant to Section 18492) on March 15 of any year hereafter is equal to or in excess of 1½ percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by Section 18405, then on or before May 1 of that year Guaranty Corporation shall levy an assessment on each member that has not fulfilled both the following conditions as of March 15 of that year:

(1) Paid total cumulative assessment payments to Guaranty Corporation exceeding in the aggregate 1½ percent of the total outstanding thrift obligations of that member shown on its most recent independent audit report required by Section 18405;

(2) Has a member's account balance in Guaranty Corporation exceeding 1½ percent of the total outstanding thrift obligations of that member shown on its most recent independent audit report required by Section 18405.

Each member who has failed to fulfill both the preceding conditions as of March 15 of that year shall be assessed an amount equal to fifteen-hundredths of 1 percent of its outstanding thrift obligations as shown on its most recent independent audit report required by Section 18405.

CHAPTER 374

An act to add Section 20835.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 20835.1 is added to the Government Code, to read:

20835.1. Notwithstanding any other provision of this part, credit for prior service shall be granted only to each person who was employed by a contracting agency on the effective date of the agency's contract.

This section shall not apply to any contracting agency nor to the employees of any contracting agency, unless the agency elects to be subject to this section by express provision in the contract making the contracting agency subject to this section.

SEC. 2. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 375

An act to add Section 20211 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 20211 is added to the Government Code, to read:

20211. Notwithstanding Section 20202, the board may establish a special account and procedure to directly pay estimated benefits on an emergency basis. Payments under the special account shall be deducted from benefits otherwise due and payable under this part.

The board shall furnish each recipient of funds from this account with notice that the payment is an estimated amount and that any adjustments necessary due to inaccuracies in estimating shall be corrected as soon as practicable.

CHAPTER 376

An act to amend Section 20037 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 20037 of the Government Code is amended to read:

20037. "Beneficiary" means any person or corporation designated by a member, a retired member, or by statute to receive a benefit payable under this part, on account of the death of a member or a retired member.

A member or retired member may also designate the member's estate as a beneficiary.

All designations of an estate as a beneficiary, which would have been valid if this section, as amended during the 1981–82 Regular Session of the Legislature, had been in effect at the time the designation was made, are hereby validated.

CHAPTER 377

An act to amend Sections 51 and 170 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 51 of the Revenue and Taxation Code is amended to read:

51. For purposes of subdivision (b) of Section 2 of Article XIII A of the California Constitution, for each lien date after the lien date in which the base year value is determined pursuant to Section 110.1, the taxable value of real property 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 property was damaged or destroyed by disaster, misfortune, or calamity and the board of supervisors of the county in which the property is located has not adopted an ordinance pursuant to Section 170, or removed by voluntary action by the taxpayer, the sum of (1) the lesser of its base year value of land determined under subdivision (a) or full cash value of land determined pursuant to subdivision (b), plus (2) the lesser of its base year value of improvements determined under subdivision (a) or the full cash value of improvements determined pursuant to subdivision (b), which shall then become the base year value until such property is restored, repaired, or reconstructed or other provisions of law require establishment of a new base year value; or

(d) If the property was damaged or destroyed by disaster, misfortune or calamity and the board of supervisors in the county in which the property is located has adopted an ordinance pursuant to Section 170, its assessed value as computed pursuant to Section 170.

(e) For purposes of subdivisions (a) and (b), "real property" means that appraisal unit which persons in the market place commonly buy and sell as a unit, or which are normally valued separately.

(f) Nothing in this section shall be construed to require the assessor to make an annual reappraisal of all assessable property.

SEC. 2. Section 170 of the Revenue and Taxation Code is amended to read:

170. (a) Notwithstanding any provision of law to the contrary, the board of supervisors may, by ordinance, provide that every assessee of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed without his fault, may apply for reassessment of such property as provided herein.

To be eligible for reassessment the damage or destruction to the property must have been caused by any of the following:

(1) A major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster. As used in this paragraph "damage" includes a diminution in the value of property as a result of restricted access to the property where such restricted access was caused by the major misfortune or calamity.

(2) A misfortune or calamity.

(3) A misfortune or calamity which, with respect to a possessory interest in land owned by the state or federal government has caused the permit or other right to enter upon the land to be suspended or restricted. As used in this paragraph, "misfortune or calamity" includes a drought condition such as existed in this state in 1976 and 1977.

The application for reassessment may be filed within the time specified in the ordinance, or, if no time is specified, within 60 days

of such misfortune or calamity, by delivering to the assessor a written application requesting reassessment showing the condition and value, if any, of the property immediately after the damage or destruction, and the dollar amount of the damage. The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

An ordinance may be made applicable to a major misfortune or calamity specified in paragraph (1) or to any misfortune or calamity specified in paragraph (2), or to both, as the board of supervisors determines. An ordinance may not be made applicable to a misfortune or calamity specified in paragraph (3), unless an ordinance making paragraph (2) applicable is operative in the county. The ordinance may specify a period of time within which the ordinance shall be effective, and, if no period of time is specified, it shall remain in effect until repealed.

(b) Upon receiving a proper application, the assessor shall appraise the property and determine separately the full cash value of land, improvements and personalty immediately before and after the damage or destruction. If the sum of the full cash values of the land, improvements and personalty before the damage or destruction exceeds the sum of the values after the damage by five thousand dollars ($5,000) or more, the assessor shall also separately determine the percentage reductions in value of land, improvements and personalty due to the damage or destruction. The assessor shall reduce the values appearing on the assessment roll by the percentages of damage or destruction computed pursuant to this subdivision, and the taxes due on the property shall be adjusted as provided in subdivision (e); provided, however, that the amount of the reduction shall not exceed the actual loss.

(c) The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

Those reassessed values resulting from reductions in full cash value of amounts, as determined above, shall be forwarded to the auditor by the assessor or the clerk of the local equalization board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, such reassessed values shall not be subject to review, except by a court of competent jurisdiction.

(d) If no such application is made and the assessor determines that within the preceding six months a property has suffered damage

caused by misfortune or calamity, which may qualify the property owner for relief under an ordinance adopted under this section, the assessor shall provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within 30 days of notification by the assessor but in no case more than six months after the occurrence of said damage. Upon receipt of a properly completed, timely filed application, the property shall be reassessed in the same manner as required in subdivision (b).

(e) The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of the misfortune or calamity, shall be applied to the amount of the reassessment as determined in accordance with this section and the assessee shall be liable for: (1) a prorated portion of the taxes that would have been due on the property for the current fiscal year had the misfortune or calamity not occurred, such proration to be determined on the basis of the number of months in the current fiscal year prior to the misfortune or calamity; plus, (2) a proration of the tax due on the property as reassessed in its damaged or destroyed condition, such proration to be determined on the basis of the number of months in the fiscal year after the damage or destruction, including the month in which the damage was incurred. If the damage or destruction occurred after March 1 and before the beginning of the next fiscal year, the reassessment shall be utilized to determine the tax liability for the next fiscal year provided, however, if the property is fully restored during the next fiscal year, taxes due for that year shall be prorated based on the number of months in the year before and after the completion of restoration.

(f) Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9, as an erroneously collected tax or by order of the board of supervisors without the necessity of a claim being filed pursuant to Chapter 5.

(g) The assessed value of the property in its damaged condition, as determined pursuant to subdivision (b) compounded annually by the inflation factor specified in subdivision (a) of Section 51, shall be the taxable value of the property until it is restored, repaired, reconstructed or other provisions of the law require the establishment of a new base year value.

If partial reconstruction, restoration, or repair has occurred on any subsequent lien date, the taxable value shall be increased by an amount determined by multiplying the difference between its factored base year value immediately before the calamity and its assessed value in its damaged condition by the percentage of the repair, reconstruction, or restoration completed on that lien date.

When the property is fully repaired, restored or reconstructed, its new taxable value shall be the lesser of (1) its full cash value, or (2) its factored base year value or its factored base year value as adjusted pursuant to subdivision (c) of Section 70. The new taxable

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:

Public entities seeking to finance needed capital projects are experiencing difficulty due to rapid fluctuation of the current money market. Therefore, in order to give issuers greater flexibility in arranging financing, it is necessary that this act take effect immediately.

CHAPTER 379

An act to add Section 31484.6 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 31484.6 is added to the Government Code, to read:

31484.6. 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 that county or district through the adoption of an ordinance or resolution, the governing body may at any time thereafter adopt another ordinance or resolution terminating the applicability of that 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 the 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 an oral or written explanation of the effect and impact of the 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 the member has been fully informed regarding the effect of the termination, and understands that the termination of a provision or provisions is irrevocable. The affidavit shall also stat

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 the 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 who has made an election whereby a death benefit provision of Article 12 (commencing with Section 31780) no longer applies shall have the death benefit provisions specified by the governing body applied at the date of retirement regardless of previous service under other provisions of Article 12.

A current employee who has elected to have the applicability of the 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 eighteenth class as described by Section 28039.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 380

An act to amend Section 9886.3 of the Business and Professions Code, relating to automotive repair dealers, and making an appropriation therefor.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 9886.3 of the Business and Professions Code is amended to read:

9886.3. The fees prescribed by this chapter shall be set by the director in an amount estimated to provide for the administration of this chapter within the limits of the following schedule:

(a) The automotive repair dealer registration fee is not more than one hundred dollars ($100), for each place of business in this state.

(b) The annual renewal fee for an automotive repair dealer registration shall not be more than one hundred dollars ($100) for each place of business in this state, if renewed prior to its expiration date.

(c) The renewal fee for a registration that is not renewed prior to its expiration date shall be 1½ times the renewal fee required for a registration renewal prior to its expiration date, but not more than the renewal fee plus twenty-five dollars ($25).

CHAPTER 381

An act to add Section 11024 to the Business and Professions Code, relating to subdivided lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 11024 is added to the Business and Professions Code, to read:

11024. (a) A person who has made an offer to purchase a time-share estate or time-share use in a time-share project subdivision shall have the right to rescind any contract resulting from the acceptance of the offer until midnight of the third calendar day following the day on which the prospective purchaser executed the

offer to purchase.

(b) The owner of the subdivision, or his or her agent, shall, in accordance with regulations adopted by the Real Estate Commissioner, clearly and conspicuously disclose to all prospective purchasers of time-share interests the right of rescission provided for in subdivision (a), and shall furnish to each offeror a form, as prescribed by regulations of the commissioner, for the exercise of the right of rescission.

(c) Any certificate bearing the signature of the purchaser of a time-share estate or time-share use in a time-share project subdivision which contains an adequate description of the interests sold and a statement by the purchaser that he or she has not exercised the right of rescission within the time limit set forth herein shall constitute conclusive evidence that the right of rescission has not been exercised in any matter involving the rights of a third party who has acted in good faith in reliance upon representations in the certificate.

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 sales of interests in many time-share projects have been and are being made through intensive marketing efforts which often include misleading advertisements, deceptive promotional give away devices, and high pressure selling tactics. It is vitally important that there be no unnecessary delay in affording purchasers the opportunity to reflect upon their decision to purchase and to change that decision in an environment free of persuasive influences.

CHAPTER 382

An act to amend Sections 774 and 778 of, and to add Section 778.5 to, the Public Resources Code, relating to forestry.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 774 of the Public Resources Code is amended to read:

774. (a) Issuance of a license may be denied if sufficient evidence is received by the board of the commission or doing by the applicant of any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of his license.

(b) In any decision denying an application, the board may provide that it will accept no future application from the applicant until he complies with specified conditions. No condition may be

required by the board that is not just and reasonable.

SEC. 2. Section 778 of the Public Resources Code is amended to read:

778. A registrant or certificant shall be subject to disciplinary action who:

(a) Has been convicted of a felony substantially related to the qualifications, functions, or duties of a registered professional forester. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which the board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed 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.

(b) Has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud, or gross incompetence in his practice.

(c) Has been guilty of any fraud or deceit in obtaining his registration or certification.

(d) Aids or abets any person in the violation of any provisions of this article.

(e) Fails in any material respect to comply with the provisions of this article.

SEC. 3. Section 778.5 is added to the Public Resources Code, to read:

778.5. The board shall develop criteria to determine whether a felony is substantially related to the qualifications, functions, or duties of a registered professional forester in order to aid it when considering the denial, suspension, or revocation of a license.

CHAPTER 383

An act to add Article 5 (commencing with Section 4120) to Chapter 9 of Division 2 of the Business and Professions Code, and to amend Section 13401 of the Corporations Code, relating to pharmacy corporations.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Article 5 (commencing with Section 4120) is added to Chapter 9 of Division 2 of the Business and Professions Code, to read:

Article 5. Pharmacy Corporations

4120. A pharmacy corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are registered pharmacists are in compliance with the Moscone-Knox Professional Corporation Act, the provisions of this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

With respect to a pharmacy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the State Board of Pharmacy.

4121. It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws.

4122. A pharmacy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation now or hereafter in effect. In the conduct of its practice, a pharmacy corporation shall observe and be bound by such statutes and regulations to the same extent as a person licensed under this chapter.

4123. The income of a pharmacy corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of the shareholder or his or her shares in the pharmacy corporation.

4124. Each shareholder, director, and officer of a pharmacy corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in Section 13401 of the Corporations Code.

4125. The name of a pharmacy corporation and any name or names under which it may render professional services shall contain the word "pharmacist," "pharmacy," or "pharmaceutical" and wording or abbreviations denoting corporate existence.

4126. The board may adopt and enforce regulations to carry out the purposes and objectives of this article, including regulations requiring (a) that the bylaws of a pharmacy corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person, as defined in Section 13401 of the Corporations Code, or a deceased person, shall be sold to the corporation or to the remaining shareholders of the corporation within such time as the regulations may provide, and (b) that a pharmacy corporation shall provide adequate security by insurance or otherwise for claims against it by its patients or clients arising out

of the rendering of professional services.

4127. Nothing in this article shall be construed as requiring the applicant or holder of a pharmacy permit pursuant to Section 4080 to be a pharmacy corporation.

SEC. 2. Section 13401 of the Corporations Code is amended to read:

13401. As used in this part:

(a) "Professional services" means any type of professional services which may be lawfully rendered only pursuant to a license, certification or registration authorized by the Business and Professions Code or the Chiropractic Act.

(b) "Professional corporation" means a corporation organized under the General Corporation Law which is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating such profession as herein provided and which in its practice or business designates itself as a professional or other corporation as may be required by statute, provided however, that any professional corporation rendering professional services by persons duly licensed by the Board of Medical Quality Assurance or any examining committee under the jurisdiction of the board or the State Board of Pharmacy, shall not be required to obtain a certificate of registration in order to render such professional services.

(c) "Licensed person" means any natural person who is duly licensed under the provisions of the Business and Professions Code or the Chiropractic Act to render the same professional services as are or will be rendered by the professional corporation of which he is or intends to become, an officer, director, shareholder or employee.

(d) "Disqualified person" means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the same professional services which the particular professional corporation of which he or she is an officer, director, shareholder or employee is or was rendering.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 384

An act relating to the Private Investigator and Adjuster Act.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. The Bureau of Collection and Investigative Services or the State Treasurer shall cause the release and return of any cash deposit which has been filed in lieu of a bond by any person licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code.

CHAPTER 385

An act to amend Sections 7260, 7263, 7264, and 7264.5 of the Government Code, relating to relocation assistance.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 7260 of the Government Code is amended to read:

7260. As used in this chapter:

(a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property, or any interest therein, in any city or county for public use.

(b) "Person" means any individual, partnership, corporation, or association.

(c) "Displaced person" means any person who moves from real property, or who moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, by a public entity or by any person having an agreement with or acting on behalf of a public entity, or as the result of a written order from a public entity to vacate the real property, for public use. This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the public entity is otherwise empowered to acquire the property to carry out the public use Except persons or families of low and moderate income, as defined in Section 50093 of

the Health and Safety Code, who are occupants of housing which was made available to them on a permanent basis by a public agency and who are required to move from such housing, a "displaced" person shall not include: (1) any person who, at the time of the public entity's acquisition of the real property, was not a tenant or occupant in lawful possession of the real property, and whose right of possession at the time of moving arose after the date of the public entity's acquisition of the real property and with knowledge of such acquisition; or (2) unless federal law or regulations require such a tenant to be considered a displaced person, any nonresidential tenant or occupant who moves as a result of his breach of his tenancy agreement.

(d) "Business" means any lawful activity, except a farm operation, conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of Section 7262 for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

(e) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(f) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

(g) "Public use" means a use for which real property may be acquired by eminent domain.

(h) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

SEC. 2. Section 7263 of the Government Code is amended to read:

7263. (a) In addition to the payments required by Section 7262, the public entity, as a part of the cost of acquisition, shall make a payment to the owner of real property acquired for public use which is improved with a dwelling actually owned and occupied by the owner as a permanent or customary and usual place of abode for not less than 180 days prior to the initiation of negotiation for the acquisition of that property. If a homeowner has satisfied all but the 180-day requirement, and if in the judgment of the public entity the

circumstances warrant it, the public entity may reduce the requirement as necessary.

(b) The payment, not to exceed fifteen thousand dollars ($15,000), shall be based on the following factors:

(1) The amount, if any, which, when added to the acquisition payment, equals the reasonable cost of a comparable replacement dwelling determined, in accordance with standards established by the public entity, to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and the displaced person's place of employment, and available on the market.

(2) The amount, if any, which will compensate the displaced owner for any increased interest costs which he is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. The amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) Reasonable expenses incurred by the displaced owner for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(c) The payment shall be made only to a displaced owner who purchases and occupies a replacement dwelling that meets standards established by the public entity within one year subsequent to the date on which he receives from the public entity final payment of all costs of the dwelling acquired by the public entity. However, the displaced owner and the public entity may agree in writing that the displaced owner may remain in occupancy of the acquired dwelling as a tenant of the public entity on the conditions that the displaced owner shall only be entitled to the payment authorized by this section on the date on which he moves from the acquired dwelling and that the payment shall be in an amount equal to that to which he would have been entitled if he had purchased and occupied a replacement dwelling one year subsequent to the date on which he received final payment of all costs of the acquired dwelling from the public entity.

SEC. 3. Section 7264 of the Government Code is amended to read:

7264. (a) In addition to the payments required by Section 7262, as a part of the cost of acquisition, the public entity shall make a

payment to any displaced person displaced from any dwelling not eligible to receive a payment under Section 7263 which was actually and lawfully occupied by such person as a permanent or customary and usual place of abode for not less than 90 days prior to the initiation of negotiation by the public entity for the acquisition of such property. If a displaced person satisfies all but the 90-day requirement, and if in the judgment of the public entity the circumstances warrant it, the public entity may reduce the requirement as necessary.

(b) Such payment, not to exceed four thousand dollars ($4,000), shall be the additional amount which is necessary to enable such person to lease or rent for a period not to exceed four years, or to make the down-payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities.

(c) If the payment is to be used as a downpayment for the acquisition of a decent, safe, and sanitary dwelling of such standards, the payment shall not exceed two thousand dollars ($2,000), unless the amount in excess thereof is equally matched by such person.

SEC. 4. Section 7264.5 of the Government Code is amended to read:

7264.5. (a) If comparable replacement housing is not available and the public entity determines that comparable replacement housing cannot otherwise be made available, the public entity shall use funds authorized for the project for which the real property, or interest thereof, is being acquired to provide that housing.

(b) No person shall be required to move from his dwelling because of its acquisition by a public entity, unless there is replacement housing, as described in paragraph (3) of subdivision (c) of Section 7261, available to him.

(c) For purposes of determining the applicability of subdivision (a), the public entity is hereby designated as a duly authorized administrative body of the state for the purposes of subdivision (c) of Section 408 of the Revenue and Taxation Code.

(d) The provisions of subdivision (b) shall not apply to a displaced owner who agrees in writing with the public entity to remain in occupancy of the acquired dwelling as provided in subdivision (c) of Section 7263.

CHAPTER 386

An act to add Section 1518 to the Health and Safety Code, relating to community care facilities.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 1518 is added to the Health and Safety Code, to read:

1518. (a) Nothing in this chapter shall authorize the imposition of rent regulations or controls for licensed community care facilities.

(b) Licensed community care facilities shall not be subject to controls on rent imposed by any state or local agency or other local government or entity.

CHAPTER 387

An act to amend Section 146c of the Penal Code, relating to nongovernmental organizations.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 146c of the Penal Code is amended to read:

146c. Every person who designates any nongovernmental organization by any name, including, but not limited to any name which incorporates the term "peace officer," "police," or "law enforcement," which would reasonably be understood to imply that the organization is composed of law enforcement personnel, when, in fact, less than 90 percent of the voting members of the organization are law enforcement personnel or firemen, active or retired, is guilty of a misdemeanor.

Every person who solicits another to become a member of any organization so named, of which less than 90 percent of the voting members are law enforcement personnel or firemen, or to make a contribution thereto or subscribe to or advertise in a publication of the organization, or who sells or gives to another any badge, pin, membership card, or other article indicating membership in the organization, knowing that less than 90 percent of the voting members are law enforcement personnel or firemen, active or retired, is guilty of a misdemeanor.

As used in this section, "law enforcement personnel" includes those mentioned in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, plus any other officers in any segment of law enforcement who are employed by the state or any of its political subdivisions.

CHAPTER 388

An act to amend Sections 20100.1 and 50954 of, to amend and renumber Sections 20232 and 21220.1 of, and to add Sections 9354.6 and 75109.6 to, the Government Code, relating to public retirement systems.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 9354.6 is added to the Government Code, to read:

9354.6. When there is insufficient data upon which to establish mortality rates or other actuarial assumptions required to evaluate the obligations of the system, the board may adopt appropriate assumptions which are necessary, upon the advice and recommendation of the actuary.

All computations, payments, and other acts previously made or done by the board or its officers and employees which would be valid if this section had been in effect at the time the computations, payments, or other acts were made or done are hereby ratified, confirmed, and validated.

SEC. 2. Section 20100.1 of the Government Code is amended to read:

20100.1. The members of the board of administration appointed by the Governor pursuant to subdivision (c) of Section 20100 and any retired person serving on the board pursuant to subdivision (d) of Section 20100 shall receive one hundred dollars ($100) for every day or portion thereof of actual attendance at meetings of the board or any meeting of any committee of the board of which committee the person is a member and which meeting is conducted for the purpose of carrying out the powers and duties of the board, together with their necessary traveling expenses incurred in connection with performance of their official duties.

SEC. 3. Section 20232 of the Government Code is amended and renumbered to read:

20136. As soon as practicable after the close of each fiscal year the board shall file with the Governor a report of its work for such fiscal year.

SEC. 4. Section 21220.1 of the Government Code is amended and renumbered to read:

20137. The board shall report to the Governor and Legislature, not later than September 1 of each year, on the extent to which the purpose of Section 21220 is being achieved under the provisions of this article and the amount of supplementary increases in retirement allowances required to meet the objective of preserving the purchasing power of benefits provided by the system. The board

shall also determine and report on the increase in the state contribution rate required to provide the supplementary increases for state members, other than school members.

SEC. 5. Section 50954 of the Government Code is amended to read:

50954. (a) The board shall, from time to time, determine and fix the annual interest rate and actuarial interest rate.

(b) The board shall keep in convenient form the data which are necessary for the actuarial valuation of this system. The board shall, at least quadrennially, cause to be made an actuarial investigation into the mortality and service experience of members and persons receiving awards and an actuarial valuation of the assets and liabilities of the award system and shall transmit the information to the Legislature.

When there is insufficient data upon which to establish mortality rates or other actuarial assumptions required to evaluate the obligations of the system, the board may adopt appropriate assumptions which are necessary, upon the advice and recommendation of the actuary.

SEC. 6. Section 75109.6 is added to the Government Code, to read:

75109.6. When there is insufficient data upon which to establish mortality rates or other actuarial assumptions required to evaluate the obligations of the system, the board may adopt appropriate assumptions which are necessary, upon the advice and recommendation of the actuary.

All computations, payments, and other acts previously made or done by the board or its officers and employees which would be valid if this section has been in effect at the time the computations, payments, or other acts were made or done are hereby ratified, confirmed, and validated.

CHAPTER 389

An act to amend Sections 25549.5, 25549.8, and 25549.10 of the Government Code, relating to public property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 25549.5 of the Government Code is amended to read:

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 such portion of the building to be occupied by the county or city and county may vest in the county or city and county.

SEC. 2. Section 25549.8 of the Government Code is amended to read:

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 60 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 all plans or proposals submitted.

SEC. 3. Section 25549.10 of the Government Code is amended to read:

25549.10. At the time and place fixed in the resolution for the meeting of the board of supervisors, the board shall meet and receive all plans and proposals submitted for the joint occupancy of the building to be constructed on the site under consideration.

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 the necessity are:

Article XIII A of the California 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.

CHAPTER 390

An act to amend Section 1181 of the Civil Code and to repeal Section 27204 of the Government Code, relating to counties.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

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

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

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

SEC. 2. Section 27204 of the Government Code is repealed.

CHAPTER 391

An act to amend Section 1126 of, and to add Section 1128 to, the Government Code, relating to public employees.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 1126 of the Government Code is amended to read:

1126. (a) Except as provided in Section 1128, a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. Such officer or employee shall not perform any work, service, or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his

or her employing body, unless otherwise approved in the manner prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, and consistent with the provisions of Section 1128 where applicable, those outside activities which, for employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity, or enterprise may be prohibited if it: (1) involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment or, (2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee or, (3) involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed, or (4) involves such time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

The local agency may adopt rules governing the application of this section. Such rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee.

SEC. 2. Section 1128 is added to the Government Code, to read:

1128. Service on an appointed or elected governmental board, commission, committee, or other body by an attorney employed by a local agency in a nonelective position shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to the duties of the attorney as an officer or employee of the local agency and shall not result in the automatic vacation of either such office.

CHAPTER 392

An act to amend Section 66494 of the Government Code, relating to land subdivisions.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 66494 of the Government Code is amended to read:

66494. (a) If the taxes or special assessments are allowed to become delinquent, the county shall recover from the security the principal sum of the security without proof of loss. The county shall apply the sum received in payment of any or all of such taxes or special assessments, including penalties and costs, if any, accruing thereto, to the proper state, county, municipal or district officers, for the satisfaction of the tax and special assessment liens and shall pay the balance, if any, over to the surety or depositor.

(b) If the taxes or special assessments are allowed to become delinquent and the security consists of a deposit of money, negotiable bond or instrument of credit, the clerk, subject to any rules of the board of supervisors with respect thereto, shall apply the proceeds thereof to the payment of such taxes and special assessments, including penalties and costs. Any excess proceeds shall be deposited in the county treasury for the benefit of the persons entitled thereto.

(c) If authorized by prior agreement with the subdivider or his or her sureties, when secured taxes become due the amount of taxes and special assessments may be paid to the county tax collector from the security deposit, or the negotiable paper or instrument of credit may be cashed and any excess proceeds placed in the county treasury subject to refund claim by the subdivider.

CHAPTER 393

An act to add Section 35429 to the Water Code, relating to California water districts.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 35429 is added to the Water Code, to read:

35429. The board may grant to the owner or lessee of a right to the use of any water permission to store the water in any reservoir of the district or to carry it through any conduit of the district.

CHAPTER 394

An act to amend Section 25504.5 of the Government Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 1981. Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 25504.5 of the Government Code is amended to read:

25504.5. The county purchasing agent, with the approval of the board of supervisors, and after publishing notice of his or her intended action pursuant to Section 6061, may, by direct sale or otherwise, sell to a purchaser any personal property owned by or to be owned by the county, provided the purchaser agrees to lease the equipment back to the county for use by the county following the sale. The approval by the board of supervisors of the sale and leaseback shall be given only if the board of supervisors finds, by resolution, that the sale and leaseback is the most economical means for providing such personal property to 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 passage of Article XIII A of the California Constitution and an inflationary economy have placed severe financial restraints on counties, including their ability to obtain needed equipment and all other personal property. This act provides a means for a county to obtain such needed property on an economic basis. In order for counties to utilize this cost saving method at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 395

An act to amend Section 54.3 of the Civil Code, relating to disabled persons.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 54.3 of the Civil Code is amended to read:

54.3. Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities as

specified in Sections 54 and 54.1 or otherwise interferes with the rights of a totally or partially blind person, deaf person, or other physically disabled person under Sections 54, 54.1 and 54.2 is liable for each such offense for the actual damages and any amount as may be determined by a jury, or the court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than two hundred fifty dollars ($250), and such attorney's fees as may be determined by the court in addition thereto, suffered by any person denied any of the rights provided in Sections 54, 54.1, and 54.2.

CHAPTER 396

An act to amend Section 289.3 of the Health and Safety Code, relating to health.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981]

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

SECTION 1. Section 289.3 of the Health and Safety Code is amended to read.

289.3. The state department shall maintain a program which addresses the special needs of high-risk pregnant women and infants. Such a program shall include the following:

(a) Identification of high-risk geographical areas and populations.

(b) Identification and evaluation of deficiencies in perinatal health systems.

(c) Assistance in the development of regionalized perinatal health systems, particularly in underserved areas, to meet unmet needs.

(d) Assistance in implementing regionalized perinatal health systems.

(e) Collection and analyses of data on perinatal health systems and needs.

(f) Monitoring of results.

(g) Assist in implementing and maintaining a high-risk infant follow-up program.

CHAPTER 397

An act to amend Section 9765 of the Business and Professions Code, relating to cemeteries, and making an appropriation therefor.

[Approved by Governor September 8, 1981 Filed with Secretary of State September 9, 1981.]

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

SECTION 1. Section 9765 of the Business and Professions Code is amended to read:

9765. Every cemetery authority operating a cemetery shall pay an annual regulatory charge for each cemetery to be fixed by the board at not more than four hundred dollars ($400), plus an additional charge of not more than fifty cents ($0.50), for each burial, entombment, inurnment, or cremation made during the preceding full calendar year, which charges shall be deposited in the Cemetery Fund. If the cemetery authority performed the cremation and either the burial, entombment, or inurnment then there shall only be one additional charge due.

CHAPTER 398

An act to amend Sections 58937, 59947, 64258, and 64696 of the Food and Agricultural Code, and to amend Section 13296 of the Government Code, relating to auditing, and making an appropriation therefor.

[Approved by Governor September 10, 1981 Filed with Secretary of State September 10, 1981]

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

SECTION 1. Section 58937 of the Food and Agricultural Code is amended to read:

58937. (a) Any money which is collected by the director pursuant to this chapter shall be deposited in a bank or other depository which is approved by the Director of Finance, allocated to each marketing order under which it is collected. Except as provided in Section 58941, these funds shall be disbursed by the director only for the necessary expenses which are incurred by the advisory board and which are approved by the director with respect to each marketing order. Allowable expenses include expenses generated by the auditing requirement imposed by subdivision (b).

Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations which are prescribed by the director. The expenditure of such funds is exempt from the provisions of Section 925.6 of the Government Code.

(b) All such expenditures by the director shall be audited at least once every two years by one of the following means:

(1) By contract with a certified public accountant.

(2) By contract with a public accountant holding a valid permit issued by the State Board of Accountancy.

(3) By contract with a public accounting firm.

(4) By agreement with the Department of Finance.

A copy of the audit shall be delivered within 30 days after the completion of the audit to the Governor, the director, and the Controller.

SEC. 2. Section 59947 of the Food and Agricultural Code is amended to read:

59947. (a) The funds which are deposited pursuant to Section 59946 shall be disbursed by the director, pursuant to regulations prescribed by him, only for the expenditures which are incurred by the marketing program committee in carrying out the specific purposes and provisions of the marketing program, including all necessary expenses which are incurred in the formulation, administration, and enforcement of the marketing program, and expenses generated by the auditing requirement imposed by subdivision (b).

(b) All such expenditures shall be audited at least once every two years by one of the following means:

(1) By contract with a certified public accountant.

(2) By contract with a public accountant holding a valid permit issued by the State Board of Accountancy.

(3) By contract with a public accounting firm.

(4) By agreement with the Department of Finance.

A copy of the audit shall be delivered, within 30 days after the completion thereof, to the Governor, the director, and the Controller.

SEC. 3. Section 64258 of the Food and Agricultural Code is amended to read:

64258. (a) Any money which is collected by the director pursuant to this chapter shall be deposited in a bank or other depository which is approved by the Director of Finance. Funds which are so collected shall be deposited and disbursed in conformity with appropriate regulations prescribed by the director and may be allocated to pay for expenses generated by the auditing requirement imposed by subdivision (b). The expenditure of such funds shall be exempt from the provisions of Section 925.6 of the Government Code.

(b) All such expenditures by the director shall be audited at least once every two years by one of the following means:

(1) By contract with a certified public accountant.

(2) By contract with a public accountant holding a valid permit issued by the State Board of Accountancy.

(3) By contract with a public accounting firm.

(4) By agreement with the Department of Finance.

A copy of the audit shall be delivered within 30 days after the completion thereof to the Governor, the director, and the Controller.

SEC. 4. Section 64696 of the Food and Agricultural Code is amended to read:

64696. (a) All money which is collected by the director pursuant to this chapter shall be deposited in any bank, or other depository which is approved by the Director of Finance, allocated to the purposes of this chapter only, and disbursed by the director only for the necessary expenses which are incurred by the council and the director in carrying out the purposes and provisions of this chapter, including expenses generated by the auditing requirement contained in this section. Money which is so collected shall be deposited and disbursed in conformity with appropriate auditing regulations which are prescribed by the director. The expenditure of such money is exempt from the provisions of Sections 925.6 and 16304 of the Government Code.

(b) All such expenditures by the council and the director shall be audited at least once every two years by one of the following means:

(1) By contract with a certified public accountant.

(2) By contract with a public accountant holding a valid permit issued by the State Board of Accountancy.

(3) By contract with a public accounting firm.

(4) By agreement with the Department of Finance.

A copy of the audit shall be delivered within 30 days after completion of the audit to the Governor, the director, and the Controller.

SEC. 5. Section 13296 of the Government Code is amended to read:

13296. The director shall supply to the Controller a certified copy of each periodical audit of the accounts of any state agency. Additionally, if the audit includes a review of federal funds, the director shall also report the results of the audit simultaneously to the Legislature and the affected state agency.

CHAPTER 399

An act to amend Sections 3806, 4101, and 4102 of the Food and Agriculture Code, and to amend Section 12804 of, and to add Section 12804.5 to, the Government Code, relating to state agencies.

[Approved by Governor September 10, 1981 Filed with Secretary of State September 10, 1981]

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

SECTION 1. Section 3806 of the Food and Agriculture Code is amended to read:

3806. For the purposes of Article 1 (commencing with Section 4101) of Chapter 6 of this part, "agency" means the State and Consumer Services Agency.

SEC. 2. Section 4101 of the Food and Agriculture Code is amended to read:

4101. The Sixth District Agricultural Association shall be known as the California Museum of Science and Industry. It is in the State and Consumer Services Agency.

SEC. 3. Section 4102 of the Food and Agriculture Code is amended to read:

4102. The California Museum of Science and Industry, with the approval of the State and Consumer Services Agency, may build, construct, and maintain and operate a stadium or any arena, pavilion, or other building which is to be used for the holding of sports events, athletic contests, contests of skill, exhibitions, spectacles, and other public meetings. It may lease, let, or grant licenses for the use of such stadium, arena, pavilion, or other building, with the approval of the agency.

SEC. 4. Section 12804 of the Government Code is amended to read:

12804. The Agriculture and Services Agency is hereby renamed the State and Consumer Services Agency.

The State and Consumer Services Agency consists of the following: the Department of General Services; the Department of Veterans Affairs; the Department of Consumer Affairs; the Franchise Tax Board; the Public Employees' Retirement System; the State Fire Marshal; the State Teachers' Retirement System; the Department of Fair Employment and Housing; the California Museum of Science and Industry; and the State Building and Standards Commission.

The Department of Corrections and the Department of the Youth Authority are hereby transferred from the Youth and Adult Corrections Agency to the Health and Welfare Agency.

SEC. 5. Section 12804.5 is added to the Government Code, to read:

12804.5. The State and Consumer Services Agency succeeds to and is vested with all the duties, powers, purposes, and responsibilities, and jurisdiction vested in the Department of Food and Agriculture by Part 3 (commencing with Section 3801) of Division 3 of the Food and Agriculture Code with respect to the Museum of Science and Industry.

CHAPTER 400

An act to repeal Section 55305.5 of the Water Code, relating to county waterworks districts.

[Approved by Governor September 10, 1981. Filed with Secretary of State September 10, 1981.]

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

SECTION 1. Section 55305.5 of the Water Code is repealed.

CHAPTER 401

An act to repeal Chapter 4.3 (commencing with Section 3534) of Part 6 of Division 1 of the Revenue and Taxation Code.

[Approved by Governor September 10, 1981 Filed with Secretary of State September 10, 1981.]

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

SECTION 1. Chapter 4.3 (commencing with Section 3534) of Part 6 of Division 1 of the Revenue and Taxation Code is repealed.

CHAPTER 402

An act to amend Section 21080 of the Public Resources Code, relating to environmental quality.

[Approved by Governor September 10, 1981 Filed with Secretary of State September 10, 1981]

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 the 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 groundwater), steam, or power for 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 the 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 the 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 those intracity 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. Those 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.

(16) Projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board, or commission under a certified regulatory program pursuant to Section 21080.5. Any site-specific effect of the project which was not analyzed as a significant effect in the plan or other written documentation required by Section 21080.5 is 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.

CHAPTER 403

An act to add Chapter 4 (commencing with Section 13220) to Part 2 of Division 12 of the Health and Safety Code, relating to fire safety.

[Approved by Governor September 10, 1981 Filed with Secretary of State September 10, 1981]

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

SECTION 1. Chapter 4 (commencing with Section 13220) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 4. BUILDING SAFETY NOTIFICATION

13220. (a) The owner or operator of any privately owned high rise structure, as defined in Section 13210, or any hotel or motel, shall provide to persons entering those buildings specific emergency procedures to be followed in the event of fire.

(b) In the case of hotels and motels, the emergency procedure information shall be posted in a conspicuous place in every room

available for rental in the hotel or motel, or, at the option of the hotel or motel operator, it shall be provided through the use of brochures, pamphlets, videotapes, or other means pursuant to regulations adopted by the State Fire Marshal.

(c) In the case of other high rise structures, the emergency procedure information shall be made available in an area of the structure which is easily accessible to all persons entering the structure, designated pursuant to the regulations of the State Fire Marshal.

13221. The State Fire Marshal shall adopt regulations for the furnishing of emergency procedure information according to this chapter. Those regulations may include the general contents of brochures, pamphlets, signs, or videotapes used in furnishing emergency procedure information, but shall provide for at least the following:

(a) A reference to the posting of exit plans for the structure.

(b) A general explanation of operation of the fire alarm system of the structure.

(c) Other fire emergency procedures.

13222. Section 13220 shall become operative four months after the regulations adopted pursuant to Section 13221 become effective.

13223. Any person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction, shall be punished by a fine of not to exceed ten thousand dollars ($10,000) or imprisonment in the county jail not to exceed six months, or both.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 404

An act to amend Sections 21, 22, 26, 188, and 189 of, and to add Sections 28 and 29 to, the Penal Code, relating to criminal law.

[Approved by Governor September 10, 1981. Filed with Secretary of State September 10, 1981]

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

SECTION 1. Section 21 of the Penal Code is amended to read:

21. The intent or intention is manifested by the circumstances connected with the offense.

SEC. 2. Section 22 of the Penal Code is amended to read:

22. (a) No act committed by a person while in a state of voluntary intoxication is less criminal by reason of his having been in such condition. Evidence of voluntary intoxication shall not be admitted to negate the capacity to form any mental state including, but not limited to, purpose, intent, knowledge, or malice aforethought, with which the accused committed the act.

(b) Whenever the actual existence of any mental state, including, but not limited to, purpose, intent, knowledge, or malice aforethought, is a necessary element to constitute any particular species or degree of crime, evidence that the accused was voluntarily intoxicated at the time of the commission of the crime is admissible on the issue as to whether the defendant actually formed any such mental state.

(c) Voluntary intoxication includes the voluntary ingestion, injection, or taking by any other means of any intoxicating liquor, drug, or other substance.

SEC. 3. Section 26 of the Penal Code is amended to read:

26. All persons are capable of committing crimes except those belonging to the following classes:

One—Children under the age of 14, in the absence of clear proof that at the time of committing the act charged against them, they knew its wrongfulness.

Two—Idiots.

Three—Persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent.

Four—Persons who committed the act charged without being conscious thereof.

Five—Persons who committed the act or made the omission charged through misfortune or by accident, when it appears that there was no evil design, intention, or culpable negligence.

Six—Persons (unless the crime be punishable with death) who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to and did believe their lives would be endangered if they refused.

SEC. 4. Section 28 is added to the Penal Code, to read:

28. (a) Evidence of mental disease, mental defect, or mental disorder shall not be admitted to negate the capacity to form any mental state, including, but not limited to, purpose, intent, knowledge, or malice aforethought, with which the accused committed the act. Evidence of mental disease, mental defect, or mental disorder is admissible on the issue as to whether the criminal defendant actually formed any such mental state.

(b) As a matter of public policy there shall be no defense of diminished capacity, diminished responsibility, or irresistible impulse in a criminal action.

(c) This section shall not be applicable to an insanity hearing pursuant to Section 1026 or 1429.5.

SEC. 5. Section 29 is added to the Penal Code, to read:

29. In the guilt phase of a criminal action, any expert testifying about a defendant's mental illness, mental disorder, or mental defect shall not testify as to whether the defendant had or did not have the required mental states, which include, but are not limited to, purpose, intent, knowledge, or malice aforethought, for the crimes charged. The question as to whether the defendant had or did not have the required mental states shall be decided by the trier of fact.

SEC. 6. Section 188 of the Penal Code is amended to read:

188. Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied, when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

When it is shown that the killing resulted from the intentional doing of an act with express or implied malice as defined above, no other mental state need be shown to establish the mental state of malice aforethought. An awareness of the obligation to act within the general body of laws regulating society is not included within the definition of malice.

SEC. 7. Section 189 of the Penal Code is amended to read:

189. All murder which is perpetrated by means of a destructive device or explosive, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, mayhem, or any act punishable under Section 288, is murder of the first degree; and all other kinds of murders are of the second degree.

As used in this section, "destructive device" shall mean any destructive device as defined in Section 12301, and "explosive" shall mean any explosive as defined in Section 12000 of the Health and Safety Code.

To prove the killing was "deliberate and premeditated," it shall not be necessary to prove the defendant maturely and meaningfully reflected upon the gravity of his or her act.

CHAPTER 405

An act to repeal Section 3112.5 of the Government Code, relating to volunteers.

[Approved by Governor September 10, 1981. Filed with Secretary of State September 11, 1981.]

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

SECTION 1. Section 3112.5 of the Government Code is repealed.

CHAPTER 406

An act to amend Section 36512.1 of the Government Code, relating to cities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 11, 1981.]

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

SECTION 1. Section 36512.1 of the Government Code is amended to read:

36512.1. Notwithstanding the provisions of Sections 34902 and 36512, a city may enact an ordinance requiring that a special election be called immediately to fill every city council vacancy. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 90 days from the call of the special election. A city may also enact an ordinance requiring that a special election be held to fill a city council vacancy when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 90 days from the filing of the petition. However, a governing body which has enacted such an ordinance may also call a special election pursuant to Section 36512 without waiting for the filing of a petition.

For purposes of this section, a city council vacancy includes a vacancy in an office designated as the office of mayor pursuant to Section 34902.

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:

In order that vacancies in the office of mayor-councilman may be filled by election, as provided in this act, at the next regularly scheduled municipal elections, it is essential that this act take effect immediately.

CHAPTER 407

An act to amend Sections 11703, 11734, 12843, and 12844 of, to amend and renumber Section 11712 of, and to repeal Section 11713 of, the Food and Agricultural Code, relating to pest control.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 11, 1981]

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

SECTION 1. Section 11703 of the Food and Agricultural Code is amended to read:

11703. Except as otherwise provided in Sections 11704 and 11707, the application shall be accompanied by a fee of fifty dollars ($50).

SEC. 2. Section 11712 of the Food and Agricultural Code is amended and renumbered to read:

11704. (a) A person regularly engaged in the business of maintenance gardening and who desires to engage in pest control for hire incidental to such business shall qualify for an agricultural pest control license in the maintenance gardener category by passing the Certified Commercial Applicators Examination in both the laws and regulation and the ornamental and turf categories.

(b) The maintenance gardener category shall be limited to pest control in ornamental and turf plantings surrounding structures and commercial parks. A contract or verification that the pest control operation is incidental and that maintenance gardening is the primary purpose shall be immediately submitted to the commissioner or director upon request.

(c) An application for a license limited to the maintenance gardener category shall be accompanied by a fee of twenty-five dollars ($25).

SEC. 3. Section 11713 of the Food and Agricultural Code is repealed.

SEC. 4. Section 11734 of the Food and Agricultural Code is amended to read:

11734. The board of supervisors of any county may establish reasonable fees for the registration required under Section 11732. However, registration fees for pest control businesses licensed pursuant to Section 11704 shall be that amount necessary to cover the costs of registration, but shall not exceed twenty-five dollars ($25) per year.

SEC. 5. Section 12843 of the Food and Agricultural Code is amended to read:

12843. The payment required by Section 12841, together with a return in a form prescribed by the director, shall be made quarterly one calendar month after March 31, June 30, September 30, and December 31 of each year. For any delinquency in making a return, or any deficiency in payment, the director may add to the delinquent payment a penalty of 10 percent of the amount which is due to defray the cost of collection of the delinquent or deficient payment.

SEC. 6. Section 12844 of the Food and Agricultural Code, as amended by Section 1 of Chapter 1052 of the Statutes of 1978, is amended to read:

12844. Notwithstanding Section 12784, the director shall pay five-eighths of the money received pursuant to this article to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of the provisions of Division 6

(commencing with Section 11401) and Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of this division.

The development of regulations pursuant to this section shall be the joint and mutual responsibility of the director and the county agricultural commissioners. After public hearing, the director shall adopt regulations specifying the criteria to be used in allocating pesticide mill assessment funds to the counties based upon each county's pest control activities, costs, workload, and performance. The criteria shall include, but is not limited to, the following:

(a) The effectiveness of the pesticide use enforcement program in each county.

(b) The number, comprehensiveness, and effectiveness of pest control inspections performed in each county.

(c) The number of licensed pest control advisers, pesticide dealers, pest control operators, and other persons, firms, and agencies using pesticides in each county.

(d) The work hours expended by certified pesticide use enforcement personnel in each county.

(e) The total amount of dollars expended by each county relating to pesticide regulatory activities.

(f) The number of private applicators certified in each county.

(g) The volume and type of pesticides used and the number of pesticide applications in each county.

This section shall remain in effect only until January 1, 1985, and as of that date is repealed.

SEC. 7. Section 12844 of the Food and Agricultural Code, as added by Section 2 of Chapter 1052 of the Statutes of 1978, is amended to read:

12844. Notwithstanding Section 12784, the director shall pay five-eighths of the money received pursuant to this article to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of the provisions of Division 6 (commencing with Section 11401) and Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of this division.

The payment shall be apportioned to the counties by the director in relation to each county's expenditures for these programs to the total amount expended by all counties for these programs. The director shall by regulation establish procedures for the determination and payment to the counties of the funds.

This section shall become operative on January 1, 1985.

CHAPTER 408

An act to amend Section 3 of, and to add Sections 5.5 and 14.5 to, the Tulare County Flood Control District Act (Chapter 1149 of the Statutes of 1969), relating to the Tulare County Flood Control District.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 11, 1981.]

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

SECTION 1. Section 3 of the Tulare County Flood Control District Act (Chapter 1149 of the Statutes of 1969) is amended to read:

Sec. 3. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish flood control zones within the district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to, or by withdrawing property from, the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided, or superimposed zones by metes and bounds and entitling each of such zones by a zone number. Any territory in the district may be included within one or more flood control zones. As used in this act, "zone" means a flood control zone.

After a project has been approved at an election held pursuant to Section 13 of this act, the boundaries of the zone or zones approving the project shall not be changed.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 12 of this act. However, zones may be established without complying with the procedure in Section 12.

The boundaries of any proposed zone which includes any territory within a city shall be submitted to the city council of such city for consideration before the final approval of the boundaries of such zone by the board of supervisors of the district. If the city council does not approve the boundaries of the zone lying within the city, or including the city as a whole, the city council may recommend realigned boundaries for the portion of the zone within the city. The board of supervisors may then form the zone with such boundaries as have been recommended by the city council, or the board of supervisors may approve the zone as originally submitted to the city

council for consideration.

SEC. 2. Section 5.5 is added to the Tulare Flood Control District Act (Chapter 1149 of the Statutes of 1969), to read:

Sec. 5.5. In addition to the powers specified in Section 5 of this act, the district shall have the power to perform acts of water conservation when such water conservation is undertaken in connection with the control of flood and storm waters and is incidential to such flood control. In particular, the district shall have the power to spread, store, distribute, buy, and sell water, and to cause water to be percolated into the soil, for beneficial and useful purposes. All of the powers, duties, and procedures set forth in this act, with regard to control of flood and storm waters, shall also apply to such powers to conserve water. None of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, in whole or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of the district. Within the boundaries of any other public district having water conservation powers, the powers granted by this section shall be exercised only in concert and cooperation with that district.

SEC. 3. Section 14.5 is added to the Tulare Flood Control District Act (Chapter 1149 of the Statutes of 1969), to read:

Sec. 14.5. Because of the enactment of Article XIII A of the California Constitution and implementing legislation, no ad valorem taxes or assessments are presently being levied under subdivision 1 of Section 14 of this act. However, such revenues from taxation as are received by the district in lieu of such taxes and assessments may, if they exceed the amount needed to carry out the purposes specified in subdivision 1 of Section 14, be used for any flood control or water conservation projects or purposes of benefit within the district even though they are not of common benefit to the entire district.

CHAPTER 409

An act to amend Sections 4100 and 7500 of the Welfare and Institutions Code, relating to state hospitals, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 11, 1981.]

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

SECTION 1. Section 4100 of the Welfare and Institutions Code is amended to read:

4100. The department has jurisdiction over the following institutions:

(a) Atascadero State Hospital.

(b) Metropolitan State Hospital.
(c) Patton State Hospital.

SEC. 2. Section 7500 of the Welfare and Institutions Code is amended to read:

7500. There are established in the state the following state hospitals for the care and treatment of the developmentally disabled:
(a) Sonoma State Hospital, in Sonoma County.
(b) Lanterman State Hospital, in Los Angeles County.
(c) Porterville State Hospital, in Tulare County.
(d) Fairview State Hospital, in Orange County.
(e) Agnews State Hospital, in Santa Clara County.
(f) Stockton State Hospital, in San Joaquin County.
(g) Camarillo State Hospital, in Ventura County.
(h) Napa State Hospital, in Napa County.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the term "home for the feebleminded," "home for the mentally deficient," "state hospital for the mentally deficient," or "state hospital for the mentally retarded" is used, it shall be construed to refer to and mean "state hospital for the developmentally disabled."

SEC. 3. The Department of Mental Health shall on and after the effective date of this act assume such administrative functions and be vested with such powers as may be necessary to carry out the provisions of this act and to plan, provide, and implement the orderly assumption of those functions transferred to such department by this act. The Director of Mental Health shall make all arrangements necessary to assure the effectuation of the transfer of programs, personnel, patients, facilities and funds in an orderly manner and with no disruption of functions.

SEC. 4. Sections 1 and 2 of this act shall become operative July 1, 1982.

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 the necessity are:

In order to provide for adequate time for planning and placement of clients. to the most appropriate, least restrictive alternative residential setting, and allow for administrative and budgetary planning for the 1982–83 fiscal year state budget, this act must take effect immediately.

CHAPTER 410

An act to add Section 14133.2 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 11, 1981]

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

SECTION 1. Section 14133.2 is added to the Welfare and Institutions Code, to read:

14133.2. The director shall include in the Medi-Cal drug formulary any drug approved for the treatment of cancer by the Federal Food and Drug Administration.

CHAPTER 411

An act to amend Sections 19700, 19700.1, 19702, 19705, 19706, and 19709 of, and to repeal and add Sections 19707 and 19710 of, the Welfare and Institutions Code, relating to the Rehabilitation Appeals Board.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 11, 1981]

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

SECTION 1. Section 19700 of the Welfare and Institutions Code is amended to read:

19700. There is in the department a Rehabilitation Appeals Board consisting of seven members, one of whom shall be designated chairman. The chairman and the members of the board shall be appointed by the Governor with the advice and consent of the Senate for terms of four years. The members of the board shall be selected for their interest and leadership in activities to encourage and enable the disabled and otherwise disadvantaged to participate fully in the economic and social life of the community.

A majority of the members of the board shall be disabled persons who have overcome their disabilities, including those who have done so with the assistance of public agencies, and who are independently self-supporting in the regular businesses, professions, and occupations of the community.

SEC. 2. Section 19700.1 of the Welfare and Institutions Code is amended to read:

19700.1. (a) As used in this chapter "client" means any person applying for or receiving services or support from the department.

(b) "Director" means the Director of the State Department of Rehabilitation.

SEC. 3. Section 19702 of the Welfare and Institutions Code is amended to read:

19702. The members of the board shall meet whenever required to hear appeals which have been filed with the board. Special meetings may be called by the chairman, who shall notify the other

members of the time and place of such meetings.

SEC. 4. Section 19705 of the Welfare and Institutions Code is amended to read:

19705. Within 30 days after receiving the decision of the reviewer pursuant to Section 19704, if the applicant for, or client of, the department remains dissatisfied with any action of the department, he shall upon filing a petition with the department, have the right to a fair hearing. The department shall set such hearing before the Rehabilitation Appeals Board and shall give all parties concerned written notice of the time and place of such hearing. At the hearing, the applicant or client may appear in person, and may be accompanied by a representative of his or her own choosing or the client may designate a representative to appear on his or her behalf. The client may submit the matter on the written record and waive the right to appear at the hearing.

SEC. 5. Section 19706 of the Welfare and Institutions Code is amended to read:

19706. In each appeal to the Rehabilitation Appeals Board, the written notification required by Section 19703 shall form part of the record. The board shall hear all relevant evidence and shall consider each case on the basis of the policies, rules, laws, and regulations controlling the department and it shall render its recommended decision promptly and in writing.

SEC. 6. Section 19707 of the Welfare and Institutions Code is repealed.

SEC. 7. Section 19707 is added to the Welfare and Institutions Code, to read:

19707. Any hearing before the board may be conducted by any member of the board or by a referee designated by a majority of the board.

If a hearing is conducted and a majority of the board is not present at the hearing, a proposed decision shall be prepared by the board member or referee conducting the hearing. This proposed decision, together with all relevant evidence, shall be circulated among the board members for their approval or disapproval. The proposed recommendations of a majority of the board shall be forwarded to the director for final decision. Only the director may make such final decision. The department shall mail a copy of the final decision promptly to all parties.

SEC. 8. Section 19709 of the Welfare and Institutions Code is amended to read:

19709. The applicant or client, within six months after receiving notice of the department's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the applicant or client for review of the department's decision. The department shall be the sole respondent in such proceedings.

No filing fee shall be required for the filing of a petition pursuant to this section. Any such petition to the superior court shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom. The applicant or client shall be entitled to reasonable attorney's fees and costs, if he obtains a decision in his favor.

SEC. 9. Section 19710 of the Welfare and Institutions Code is repealed.

CHAPTER 412

An act to amend, repeal, and add Section 2909 of the Business and Professions Code, to amend, repeal, and add Section 1277 of the Health and Safety Code, and to amend, repeal, and add Section 5600.2 of the Welfare and Institutions Code, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 11, 1981.]

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

SECTION 1. Section 2909 of the Business and Professions Code is amended to read:

2909. Nothing in this chapter shall be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided such persons are performing those activities as part of the duties for which they were employed, are performing such activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not offer to render or render psychological services as defined in Section 2903 to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization in which they are employed:

(a) Persons who hold a valid and current credential as a school psychologist issued by the California Department of Education.

(b) Persons who hold a valid and current credential as a psychometrist issued by the California Department of Education.

(c) Persons employed in positions as psychologists or psychological assistants, or in a student counseling service, by accredited or approved colleges, junior colleges or universities; federal, state, county or municipal governmental organizations which are not primarily involved in the provision of direct health or mental health services. However, such persons may, without obtaining a license under this act, consult or disseminate their research findings and scientific information to other such accredited

or approved academic institutions or governmental agencies. They may also offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter.

(d) Persons who meet the educational requirements of subdivision (d) of Section 2914 and who have one year or more of professional experience of a type which the committee determines will competently and safely permit the person to engage in the activities regulated by this chapter, if they are employed by nonprofit community agencies which receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services. Such persons shall be registered by the agency with the committee at the time of employment and shall be exempt from the provisions of this chapter for a maximum period of two years from the date of registration.

(e) Persons exempted from licensure requirements under subdivision (b) of Section 1277 of the Health and Safety Code and subdivision (b) of Section 5600.2 of the Welfare and Institutions Code.

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.

SEC. 2. Section 2909 is added to the Business and Professions Code, to read:

2909. Nothing in this chapter shall be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided such persons are performing those activities as part of the duties for which they were employed, are performing such activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not offer to render or render psychological services as defined in Section 2903 to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization in which they are employed:

(a) Persons who hold a valid and current credential as a school psychologist issued by the California Department of Education.

(b) Persons who hold a valid and current credential as a psychometrist issued by the California Department of Education.

(c) Persons employed in positions as psychologists or psychological assistants, or in a student counseling service, by accredited or approved colleges, junior colleges or universities; federal, state, county or municipal governmental organizations which are not primarily involved in the provision of direct health or mental health services. However, such persons may, without obtaining a license under this act, consult or disseminate their research findings and scientific information to other such accredited or approved academic institutions or governmental agencies. They may also offer lectures to the public for a fee, monetary or otherwise,

without being licensed under this chapter.

(d) Persons who meet the educational requirements of subdivision (d) of Section 2914 and who have one year or more of professional experience of a type which the committee determines will competently and safely permit the person to engage in the activities regulated by this chapter, if they are employed by nonprofit community agencies which receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services. Such persons shall be registered by the agency with the committee at the time of employment and shall be exempt from the provisions of this chapter for a maximum period of two years from the date of registration.

(e) This section shall become operative January 1, 1984.

SEC. 3. Section 1277 of the Health and Safety Code is amended to read:

1277. (a) No license shall be issued by the state department unless it finds that the premises, the management, the bylaws, rules and regulations, the equipment, the staffing, both professional and nonprofessional, and the standards of care and services are adequate and appropriate, and that the health facility is operated in the manner required by this chapter and by the rules and regulations adopted hereunder.

(b) Notwithstanding any provision of Part 2 (commencing with Section 5600) of Division 5 of, or Division 7 (commencing with Section 7100) of, the Welfare and Institutions Code or any other law to the contrary, except Sections 2137.1 and 2137.2 of the Business and Professions Code, the licensure requirements for professional personnel, including, but not limited to, physicians and surgeons, dentists, podiatrists, psychologists, pharmacists, registered nurses, and clinical social workers in the state and other governmental health facilities licensed by the state department shall not be less than for such professional personnel in health facilities under private ownership. Persons employed as psychologists and clinical social workers, while continuing in their employment in the same class as of January 1, 1979, in the same state or other governmental health facility licensed by the state department, including those persons on authorized leave, but not including intermittent personnel, shall be exempt from the requirements of this subdivision; provided, however, any psychologist or clinical social worker so exempted shall continue to be exempted if required to relocate or change classifications in order to continue in state or other governmental employment. Additionally, the requirements of this subdivision may be waived by the state department solely for persons in the professions of psychology or clinical social work who are gaining qualifying experience for licensure in such profession in this state. A waiver granted pursuant to this subdivision shall not exceed two years from the date the employment commences in this state in the case of psychologists, or three years from commencement of the

employment in this state in the case of clinical social workers, at which time licensure shall have been obtained or the employment shall be terminated. However, this durational limitation upon waivers shall not apply to active candidates for a doctoral degree in social work, social welfare, or social science, who are enrolled at an accredited university, college, or professional school, but such limitations shall apply following completion of such training. A waiver pursuant to this subdivision shall be granted only to the extent necessary to qualify for licensure, except that personnel recruited for employment from outside this state and whose experience is sufficient to gain admission to a licensing examination shall nevertheless have one year from the date of their employment in California to become licensed, at which time licensure shall have been obtained or the employment shall be terminated, provided that the employee shall take the licensure examination at the earliest possible date after the date of his or her employment, and if the employee does not pass the examination at that time, he or she shall have a second opportunity to pass the examination, subject to the one-year limit.

(c) A special permit shall be issued by the state department when it finds that the staff, both professional and nonprofessional, and the standards of care and services are adequate and appropriate, and that the special services unit is operated in the manner required in this chapter and by the rules and regulations adopted hereunder.

(d) The state department shall apply the same standards to state and other governmental health facilities that it licenses as it applies to health facilities in private ownership. The state department shall report to the Legislature by March 1 of each year any waivers of requirements imposed by its regulations granted during the prior calendar year to any health facility.

(e) 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.

SEC. 4. Section 1277 is added to the Health and Safety Code, to read:

1277. (a) No license shall be issued by the state department unless it finds that the premises, the management, the bylaws, rules and regulations, the equipment, the staffing, both professional and nonprofessional, and the standards of care and services are adequate and appropriate, and that the health facility is operated in the manner required by this chapter and by the rules and regulations adopted hereunder.

(b) Notwithstanding any provision of Part 2 (commencing with Section 5600) of Division 5 of, or Division 7 (commencing with Section 7100) of, the Welfare and Institutions Code or any other law to the contrary, except Sections 2137.1 and 2137.2 of the Business and Professions Code, the licensure requirements for professional personnel, including, but not limited to, physicians and surgeons, dentists, podiatrists, psychologists, pharmacists, registered nurses,

and clinical social workers in the state and other governmental health facilities licensed by the state department shall not be less than for such professional personnel in health facilities under private ownership. Persons employed as psychologists and clinical social workers, while continuing in their employment in the same class as of January 1, 1979, in the same state or other governmental health facility licensed by the state department, including those persons on authorized leave, but not including intermittent personnel, shall be exempt from the requirements of this subdivision. Additionally, the requirements of this subdivision may be waived by the state department solely for persons in the professions of psychology or clinical social work who are gaining qualifying experience for licensure in such profession in this state. A waiver granted pursuant to this subdivision shall not exceed two years from the date the employment commences in this state in the case of psychologists, or three years from commencement of the employment in this state in the case of clinical social workers, at which time licensure shall have been obtained or the employment shall be terminated. However, this durational limitation upon waivers shall not apply to active candidates for a doctoral degree in social work, social welfare, or social science, who are enrolled at an accredited university, college, or professional school, but such limitations shall apply following completion of such training. A waiver pursuant to this subdivision shall be granted only to the extent necessary to qualify for licensure, except that personnel recruited for employment from outside this state and whose experience is sufficient to gain admission to a licensing examination shall nevertheless have one year from the date of their employment in California to become licensed, at which time licensure shall have been obtained or the employment shall be terminated, provided that the employee shall take the licensure examination at the earliest possible date after the date of his or her employment, and if the employee does not pass the examination at that time, he or she shall have a second opportunity to pass the examination, subject to the one-year limit.

(c) A special permit shall be issued by the state department when it finds that the staff, both professional and nonprofessional, and the standards of care and services are adequate and appropriate, and that the special services unit is operated in the manner required in this chapter and by the rules and regulations adopted hereunder.

(d) The state department shall apply the same standards to state and other governmental health facilities that it licenses as it applies to health facilities in private ownership. The state department shall report to the Legislature by March 1 of each year any waivers of requirements imposed by its regulations granted during the prior calendar year to any health facility.

(e) This section shall become operative January 1, 1984.

SEC. 5. Section 5600.2 of the Welfare and Institutions Code is amended to read:

5600.2. (a) Except as provided in subdivision (b), persons

employed or under contract to provide mental health services pursuant to this part shall be subject to all applicable requirements of law respecting professional licensure, and no person shall be employed in local mental health programs pursuant to this part to provide services for which such a license is required, unless such person possesses a currently valid license.

(b) Persons employed as psychologists and clinical social workers, while continuing in their employment in the same class as of Janaury 1, 1979, in the same program or facility, including those persons on authorized leave, but not including intermittent personnel, shall be exempt from the requirements of subdivision (a); provided, however, any psychologist or clinical social worker so exempted shall continue to be exempted if required to relocate or change classifications in order to continue to be employed in a local mental health program or facility. Additionally, the requirements of subdivision (a) may be waived by the state department solely for persons in the professions of psychology or clinical social work who are gaining qualifying experience for licensure in such profession in this state. A waiver granted pursuant to this subdivision shall not exceed two years from the date the employment commences in this state in the case of psychologists, or three years from commencement of the employment in this state in the case of clinical social workers, at which time licensure shall have been obtained or the employment shall be terminated. However, this durational limitation upon waivers shall not apply to active candidates for a doctoral degree in social work, social welfare, or social science, who are enrolled at an accredited university, college, or professional school, but such limitations shall apply following completion of such training. A waiver pursuant to this subdivision shall be granted only to the extent necessary to qualify for licensure, except that personnel recruited for employment from outside this state and whose experience is sufficient to gain admission to a licensing examination shall, nevertheless, have one year from the date of their employment in California to become licensed, at which time licensure shall have been obtained or the employment shall be terminated, provided that the employee shall take the licensure examination at the earliest possible date after the date of his or her employment, and if the employee does not pass the examination at that time, he or she shall have a second opportunity to pass the examination, subject to the one-year limit.

(c) 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.

SEC. 6. Section 5600.2 is added to the Welfare and Institutions Code, to read:

5600.2. (a) Except as provided in subdivision (b), persons employed or under contract to provide mental health services pursuant to this part shall be subject to all applicable requirements of law respecting professional licensure, and no person shall be

employed in local mental health programs pursuant to this part to provide services for which such a license is required, unless such person possesses a currently valid license.

(b) Persons employed as psychologists and clinical social workers, while continuing in their employment in the same class as of Janaury 1, 1979, in the same program or facility, including those persons on authorized leave, but not including intermittent personnel, shall be exempt from the requirements of subdivision (a). Additionally, the requirements of subdivision (a) may be waived by the state department solely for persons in the professions of psychology or clinical social work who are gaining qualifying experience for licensure in such profession in this state. A waiver granted pursuant to this subdivision shall not exceed two years from the date the employment commences in this state in the case of psychologists, or three years from commencement of the employment in this state in the case of clinical social workers, at which time licensure shall have been obtained or the employment shall be terminated. However, this durational limitation upon waivers shall not apply to active candidates for a doctoral degree in social work, social welfare, or social science, who are enrolled at an accredited university, college, or professional school, but such limitations shall apply following completion of such training. A waiver pursuant to this subdivision shall be granted only to the extent necessary to qualify for licensure, except that personnel recruited for employment from outside this state and whose experience is sufficient to gain admission to a licensing examination shall, nevertheless, have one year from the date of their employment in California to become licensed, at which time licensure shall have been obtained or the employment shall be terminated, provided that the employee shall take the licensure examination at the earliest possible date after the date of his or her employment, and if the employee does not pass the examination at that time, he or she shall have a second opportunity to pass the examination, subject to the one-year limit.

This section shall become operative January 1, 1984.

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 the necessity are:

In order to enable psychologists and clinical social workers in governmental health facilities to retain their employment when forced to change facilities or classifications, it is necessary that this act take effect immediately.

CHAPTER 413

An act to amend Sections 21352, 21353, 21450, 21451, 21452, 21453, 21454, 21455, 21456, 21457 of, and to add Section 22100.5 to, the Vehicle Code, relating to traffic control.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 11, 1981]

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

SECTION 1. Section 21352 of the Vehicle Code is amended to read:

21352. The Department of Transportation may erect stop signs at any entrance to any state highway and whenever the department determines that it is necessary for the public safety and the orderly and efficient use of the highways by the public, the department may erect and maintain, or cause to be erected and maintained, on any state highway any traffic control signal or any official traffic control device regulating or prohibiting the turning of vehicles upon the highway, allocating or restricting the use of specified lanes or portions of the highway by moving vehicular traffic, establishing crosswalks at or between intersections, or restricting use of the right-of-way by the public for other than highway purposes.

SEC. 2. Section 21353 of the Vehicle Code is amended to read:

21353. No local authority, except by permission of the Department of Transportation, shall erect or maintain any stop sign or traffic control signal in such manner as to require the traffic on any state highway to stop before entering or crossing any intersecting highway or any railroad grade crossing.

SEC. 3. Section 21450 of the Vehicle Code is amended to read:

21450. Whenever traffic is controlled by official traffic control signals showing different colored lights, or colored lighted arrows, successively, one at a time, or in combination, only the colors green, yellow, and red shall be used, except for pedestrian control signals, and those lights shall indicate and apply to drivers of vehicles and pedestrians as provided in this chapter.

SEC. 4. Section 21451 of the Vehicle Code is amended to read:

21451. (a) A driver facing a circular green signal shall proceed straight through or turn right or left or make a U-turn unless a sign prohibits a U-turn. Any driver, including one turning, shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.

(b) A driver facing a green arrow signal, shown alone or in combination with another indication, shall enter the intersection only to make the movement indicated by that green arrow or any other movement that is permitted by other indications shown at the same time. A driver facing a left green arrow may also make a U-turn unless prohibited by a sign. A driver shall yield the right-of-way to

other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.

(c) A pedestrian facing a circular green signal, unless prohibited by sign or otherwise directed by a pedestrian control signal as provided in Section 21456, may proceed across the roadway within any marked or unmarked crosswalk, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(d) A pedestrian facing a green arrow turn signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, shall not enter the roadway.

SEC. 5. Section 21452 of the Vehicle Code is amended to read:

21452. (a) A driver facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(b) A pedestrian facing a steady circular yellow or a yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 21456, is thereby warned that there is insufficient time to cross the roadway.

SEC. 6. Section 21453 of the Vehicle Code is amended to read:

21453. (a) A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).

(b) Except when a sign is in place prohibiting a turn, a driver, after stopping as required by subdivision (a), facing a steady circular red signal, may turn right, or turn left from a one-way street onto a one-way street only after yielding the right-of-way to pedestrians and to other traffic proceeding as directed by the signal.

(c) A driver facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown.

(d) Unless otherwise directed by a pedestrian control signal as provided in Section 21456, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

SEC. 7. Section 21454 of the Vehicle Code is amended to read:

21454. When lane use control signals are placed over individual lanes, those signals shall indicate and apply to drivers of vehicles as follows:

(a) Green indication: A driver may travel in any lane over which a green signal is shown.

(b) Steady yellow indication: A driver is thereby warned that a lane control change is being made.

(c) Steady red indication: A driver shall not enter or travel in any

lane over which a red signal is shown.

(d) Flashing yellow indication: A driver may use the lane only for the purpose of making a left turn to or from the highway.

SEC. 8. Section 21455 of the Vehicle Code is amended to read:

21455. When an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this article shall be applicable except those provisions which by their nature can have no application. Any stop required shall be made at a sign or crosswalk or limit line indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

SEC. 9. Section 21456 of the Vehicle Code is amended to read:

21456. Whenever a pedestrian control signal showing the words "WALK" or "WAIT" or "DONT WALK" or other approved symbol is in place, the signal shall indicate as follows:

(a) "WALK" or approved "Walking Person" symbol. A pedestrian facing the signal may proceed across the roadway in the direction of the signal, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(b) Flashing or steady "DONT WALK" or "WAIT" or approved "Upraised Hand" symbol. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the "WAIT" or "DONT WALK" or approved "Upraised Hand" symbol is showing.

SEC. 10. Section 21457 of the Vehicle Code is amended to read:

21457. Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by drivers as follows:

(a) Flashing red (stop signal): When a red lens is illuminated with rapid intermittent flashes, a driver shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the driver may proceed subject to the rules applicable after making a stop at a stop sign.

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

SEC. 11. Section 22100.5 is added to the Vehicle Code, to read:

22100.5. No driver shall make a U-turn at an intersection controlled by traffic signals except as provided in Section 21451, and then only from the far lefthand lane that is lawfully available to traffic moving in the direction of travel from which the turn is commenced.

SEC. 12. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act

creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 414

An act to amend Section 201.1 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 11, 1981.]

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

SECTION 1. Section 201.1 of the Revenue and Taxation Code is amended to read:

201.1. Property owned by a nonprofit entity, in which a transit development board has the sole ownership interest in the entity, shall be deemed to be property owned by the transit development board for purposes of this division. To the extent that the property is possessed, or a claim to or right to possession of the property exists, for other than public purposes, the interest shall be deemed a possessory interest as defined in Section 107.

It is the intent and purpose of this section to clarify Section 3 of Article XIII of the California Constitution and, therefore, this section does not constitute a change in, but is declaratory of, the existing law. Furthermore, this section shall not be construed to exempt, from ad valorem property taxation, property of any transit development board located outside of its boundaries.

SEC. 2. Notwithstanding Section 16113 of the Government Code and Section 2229 of the Revenue and Taxation Code, no claim shall be filed and no reimbursement shall be made pursuant to those sections for loss of revenues resulting from the exemption of property from ad valorem property taxation pursuant to Section 201.1 of the Revenue and Taxation Code.

CHAPTER 415

An act to amend Section 21191 of the Public Resources Code, and to amend Sections 5004 and 5004.5 of the Vehicle Code, relating to the California Environmental License Plate Fund.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 11, 1981]

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

SECTION 1. Section 21191 of the Public Resources Code is amended to read:

21191. (a) The California Environmental License Plate Fund which supersedes the California Environmental Protection Program Fund is continued in existence in the State Treasury, consisting of the moneys deposited in the fund pursuant to any provisions of law.

(b) The Controller shall transfer from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund amounts equal to the actual costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Sections 5004, 5004.5, and Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code. The Director of Motor Vehicles shall certify these amounts to the Controller.

(c) The balance of the moneys in the California Environmental License Plate Fund shall be available for expenditure for the purposes and uses of the California Environmental Protection Program upon appropriation by the Legislature.

(d) All proposed appropriations for the program shall be summarized in a section in the Governor's Budget for each fiscal year and shall bear the caption "California Environmental Protection Program." The section shall contain a separate description of each project for which an appropriation is made. All such appropriations shall be made to the department performing the project and accounted for separately.

SEC. 2. Section 5004 of the Vehicle Code is amended to read:

5004. (a) Notwithstanding any other provision of this code, any owner of a motor vehicle described in paragraph (1), (2), or (3) which is operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special identification plates for the motor vehicle:

(1) A motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965.

(2) A motor vehicle manufactured in the year 1922 or prior thereto.

(3) A motor vehicle which was manufactured after 1922, is at least 25 years old, and is of historic interest.

(b) The special identification plates assigned to motor vehicles with an engine of 16 or more cylinders manufactured prior to 1965 and to any motor vehicle manufactured in the year 1922 and prior thereto shall run in a separate numerical series, commencing with "Horseless Carriage No. 1".

The special identification plates assigned to motor vehicles manufactured after 1922 which are at least 25 years old and are motor vehicles of historic interest shall run in a separate numerical series,

commencing with "Historical Vehicle No. 1".

Each series of plates shall have different and distinguishing colors.

(c) A fee of twenty-five dollars ($25) shall be charged for the initial issuance of the special identification plates. Such plates shall be permanent and shall not be required to be replaced. If such special identification plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265.

(d) All funds received by the department in payment for such identification plates or the replacement thereof shall be deposited in the California Environmental License Plate Fund.

(e) These vehicles shall not be exempt from the equipment provisions of Sections 26709, 27150, and 27600.

(f) As used in this section, a motor vehicle of historic interest is one which is collected, restored, maintained, and operated by a collector or hobbyist principally for purposes of exhibition and historic vehicle club activities.

SEC. 3. Section 5004.5 of the Vehicle Code is amended to read:

5004.5. Notwithstanding any other provision of this code, any owner of a motorcycle manufactured in the year 1942 or prior thereto shall, upon application in the manner and at the time prescribed by the department, be issued special license plates for the motorcycle. The special license plates assigned to such motorcycles shall run in a separate numerical series. An additional fee of fifteen dollars ($15) shall be charged for the initial issuance of the special license plates. Such plates shall be permanent and shall not be required to be replaced. If such special license plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265. Except as otherwise provided in this section, such motorcycles shall be subject to the same annual registration fees and provisions of law as are other motorcycles.

All revenues derived from the fees provided for in this section above actual costs of the production and issuance of the special plates for motorcycles, or the replacement thereof, shall be deposited in the California Environmental License Plate Fund by the department.

CHAPTER 416

An act to amend Sections 19442 and 19510.5 of, and to add Section 19441.5 to, the Business and Professions Code, relating to horseracing.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 11, 1981]

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

SECTION 1. Section 19441.5 is added to the Business and Professions Code, to read:

19441.5. The Legislature finds and declares that the services performed by stewards at horseracing meetings are unique and cannot be performed adequately, competently, or satisfactorily by civil service personnel, and that the services cannot be adequately rendered by an existing public agency and do not duplicate the function of an existing public agency. Stewards shall be personal service contractors of the board and shall not be civil service employees.

SEC. 2. Section 19442 of the Business and Professions Code is amended to read:

19442. The board shall contract with persons licensed as stewards pursuant to Section 19510 to perform the duties of stewards at horseracing meets and representatives of the affected racing associations shall be entitled to participate in the negotiation of the contracts. Contracts shall be upon such terms as the board and the stewards may mutually agree upon and may contain differing rates of compensation based upon the experience of the steward.

The board shall assess each racing association prior to the start of any race meet for an amount equal to the total compensation to be paid to the stewards assigned by the board to the race meet. The funds shall be paid to the board by the associations in equal installments at the end of each week, or partial week of racing. The board shall maintain these funds in a separate trust account in the State Treasury, and the board may withdraw advances from the trust account which are sufficient to meet the requirements of the stewards' compensation program but in amounts not to exceed the total of funds assessed for the program.

The board shall establish a committee of at least two board members to meet at least quarterly with representatives of the stewards, so that recommendations of the stewards can be discussed as necessary. These meetings may be scheduled the same day as regular board meetings or at the convenience of the board.

SEC. 3. Section 19510.5 of the Business and Professions Code is amended to read:

19510.5. The board shall require applicants for a license as a steward to pass an examination on matters relating to the duties of stewards. Examinations shall be held at such times and places as may be determined by the board. Notice of the time and place of such examinations shall be given as determined by the board.

The board shall prepare both written and oral examinations to be taken by persons applying for qualification as stewards, requesting and taking into consideration suggestions from representatives of

horsemen, association management, stewards, and other interested and knowledgeable groups. The written examinations may be administered by members of the board staff. Oral examinations shall be conducted by an oral examination panel to include at least two board members and one steward.

The board may admit to examination any person who meets all of the following qualifications:

(a) Who has not been convicted of a crime involving moral turpitude or of a felony.

(b) Who has completed an accredited senior high school or its equivalent.

(c) Who has been given a physical examination by a licensed physician and surgeon within 60 days prior to the date of application for the steward's examination, indicating at least 20-20 vision or vision corrected to at least 20-20, and normal hearing ability.

(d) Who has one of the following:

(1) At least five years of experience in the parimutuel horseracing industry as a licensed trainer, jockey, or driver.

(2) At least 10 years of experience in the California parimutuel horseracing industry as a licensed owner whose experience, knowledge, ability, and integrity relative to the industry are known to the board.

(3) At least three years of experience as a licensed racing official, racing secretary, assistant racing secretary, or director of racing.

(4) Experience in the horseracing industry of a character and for a length of time sufficient, in the opinion of the board, to be substantially equivalent to the requirements of paragraph (1), (2), or (3).

For the purpose of subdivision (d), the experience of the applicant shall be in the same type of racing, either harness horseracing or other forms of horseracing, as the examination applied for, and one year of experience shall mean at least 100 days actually worked within one calendar year.

Stewards qualified through this section shall be placed on eligible lists from which the board will select the best qualified individuals to contract with for services. Separate eligible lists shall be maintained for stewards who have passed the harness horseracing examination and for stewards who have passed the horseracing examination for other forms of horseracing.

The board shall establish and administer a continuing training program for stewards.

Any person who has been licensed as a steward in California prior to January 1, 1981, shall be exempt from the written examination requirements of this section.

CHAPTER 417

An act to amend Section 68549 of the Government Code, relating to courts.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 11, 1981.]

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

SECTION 1. Section 68549 of the Government Code is amended to read:

68549. (a) A judge who has been defeated in an election for his or her office and who, before his term of office expires, elects to leave his or her 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 whose position is terminated by court annexation, merger, closure, or consolidation, or who retires or resigns from office, and who has a vested interest under a public employees' retirement system as a result of service as a judge, and who has been a member of the State Bar for at least five years or who has served as a judge of a court of record, shall be deemed a retired judge within the meaning of Section 6 of Article VI of the California Constitution.

CHAPTER 418

An act to add Section 532.5 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 11, 1981]

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

SECTION 1. Section 532.5 is added to the Revenue and Taxation Code, to read:

532.5. (a) Notwithstanding any other provision of law, there shall not be any penalties or interest on taxes due on escaped assessments where the error causing the escaped assessment was not that of the assessee.

(b) Notwithstanding any other provision of law, taxes due on escaped assessments shall be paid over an eight-year period from the year of discovery, at the option of the assessee, in those instances when the error causing the escaped assessment was not that of the assessee.

CHAPTER 419

An act to amend Section 12640.13 of the Insurance Code, relating to insurance.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 12640.13 of the Insurance Code is amended to read:

12640.13. (a) No mortgage guaranty insurer shall pay to any person who is acting as agent, representative, attorney or employee of the owner, mortgagee of the prospective owner, or mortgagee of the real property or any interest therein, either directly or indirectly, any commission, or any part of its premium charges or any other consideration as an inducement for or as compensation on any mortgage guaranty insurance business.

(b) Notwithstanding subdivision (a), or the provisions of Section 751, activities of mortgage guaranty insurers in dealing with the secondary mortgage market, which are made available to the mortgage lending industry, whether insureds or not, shall not be deemed to be unlawful rebates or commissions. Included, but not limited to such activities, are the following:

(1) Services provided for the purpose of assisting in the purchase or sale of mortgage loans in the secondary market.

(2) Preparation of forms necessary for the sale of mortgage loans in the secondary mortgage market.

(3) Educational seminars dealing with issues affecting the mortgage lending industry.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 420

An act to amend Section 62272 of the Food and Agricultural Code, relating to milk and making an appropriation therefor.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 62272 of the Food and Agricultural Code is amended to read:

62272. The director may allocate from the funds which are derived pursuant to Article 14 (commencing with Section 62211) of this chapter such sum for any fiscal year, not exceeding one hundred twenty thousand dollars ($120,000) which shall be used exclusively for the supervision and checking the correctness of the milk fat, milk solids not fat, and bacteriological tests and the weighing and sampling of all market milk delivered to handlers in accordance with the stabilization and marketing plans established pursuant to the provisions of this division.

The director may also allocate from the funds which are derived pursuant to Article 14 (commencing with Section 62211) of this chapter, the sum of thirty thousand dollars ($30,000), for the fiscal year 1981–82, which shall be used exclusively for the purchase and installation of an infrared milk analyzer to assist with the requirements of this section.

CHAPTER 421

An act to enable the creation of local flood control districts within Stanislaus County; to provide for the method of formation, government, management, and operation of the districts; to provide for the control and management of flood, storm, and drainage waters and the protection of watercourses, watersheds, life, and property from damage or destruction from those waters; to authorize the incurring of indebtedness, and the levying of assessments on land within the districts and in the respective zones thereof; and to define the powers of the districts and their officers.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

CHAPTER 1. GENERAL PROVISIONS

Article 1. Introductory Provision

SECTION 1. The Legislature finds and declares that the problems of providing for the management and control of flood, storm, and drainage waters in local areas of Stanislaus County are peculiar to that county and, therefore, it is necessary to deal specially with that county and to provide special provisions for the creation, government, and operation of local flood control districts within

Stanislaus County.

SEC. 2. This act shall be known and may be cited as the Stanislaus County Flood Control Enabling Act.

SEC. 3. An action to determine the validity of any district formation completed pursuant to this act shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 4. This act shall be liberally construed to effectuate its purposes. No formation of any district ordered under this act shall be invalidated by any defect, error, irregularity, or omission in any act, determination, or procedure which does not adversely and substantially affect the right of any person, city, county, district, the state, or any agency or subdivision of the state. All determinations made by a commission or by any legislative body under and pursuant to the provisions of this act shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.

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

SEC. 6. In this act, provisions governing the time within which an official, a conducting authority, or the commission is to act shall in all instances, except for notice requirements, be deemed directory rather than mandatory.

Article 2. Definitions

SEC. 10. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this act. The definition of a word applies to any of such word's variants.

SEC. 11. "Affected city" means each city which contains any territory which is proposed to be included or is included in any local district.

SEC. 12. "Board of supervisors" or "board" means the Board of Supervisors of Stanislaus County.

SEC. 13. "Board of directors" means the governing board of a local district.

SEC. 14. "City council" or "council" means the city council or legislative body of a city.

SEC. 15. "Clerk" means the clerk of a city or county or legislative body thereof.

SEC. 16. "Commission" means the Stanislaus County Local Agency Formation Commission.

SEC. 17. "County" means Stanislaus County.

SEC. 18. "Executive officer" means the executive officer appointed by the commission, or if none has been appointed, then the county officer acting as executive officer for the commission.

SEC. 19. "Landowner" or "owner of land" means any person shown as the owner of land on the last equalized assessment roll; where such person is no longer the owner, then the person entitled to be shown as owner of the land on the next equalized assessment roll; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser; and, any public agency owning land.

SEC. 20. "Landowner voter district" means a district in which an elector must be a landowner, and in which each elector shall have one vote for each acre of land and fractional acre which such elector owns.

SEC. 21. "Last equalized assessment roll" means the last equalized assessment roll or book used by the county for the annual levy and collection of any taxes or assessments imposed by the county.

SEC. 22. "Legislative body" means the legislative body or governing board of a city, local district, special district, or county.

SEC. 23. "Local district" means a district organized under the provisions of this act.

SEC. 24. "Next equalized assessment roll" means the next assessment roll or book to be equalized and used by the county for the purpose of the annual levy and collection of any taxes or assessments imposed by the county.

SEC. 25. "Notice" means any ordinance, resolution, order, notice, or other matter authorized or required by this act to be published, posted, or mailed.

SEC. 26. "Preliminary proceedings" means proceedings which are taken by the commission pursuant to Article 2 (commencing with Section 110) of Chapter 2.

SEC. 27. "Proceeding", or "proceeding for formation" means proceedings conducted pursuant to Article 3 (commencing with Section 150) of Chapter 2.

SEC. 28. "Proposal" means a request or statement of intention made by petition or by resolution of application of the board of supervisors proposing proceedings for the formation of a local district as described therein.

SEC. 29. "Public agency" means the state or any state agency, board, or commission, any city, county, city and county, local district, special district, or other political subdivision, and any agency, board, or commission thereof.

SEC. 30. "Registered voter" means any elector registered under, and pursuant to, the Elections Code.

SEC. 31. "Resident voter district" means a district in which an elector must be a registered voter and in which each elector has one vote.

Article 3. Notice

SEC. 35. Notice required to be given pursuant to this act shall be given in the same manner and form as prescribed in Chapter 3 (commencing with Section 56080) of Part 1 of Division 1 of Title 6 of the Government Code.

Article 4. Elections

SEC. 40. After making and entering the order establishing and describing the boundaries of, and naming, the proposed district, in accordance with Section 161, unless election is waived in accordance with Section 127, the board of supervisors shall forthwith call and give notice of an election to be held in the proposed district for the purposes of determining whether or not it shall be formed and electing persons to fill the offices of the proposed district if it is formed.

SEC. 41. The election shall be scheduled and held on the next regular election date, as set forth in Section 2500 of the Elections Code, following the 90th day following the making and entering of the order establishing and describing the boundaries of, and naming, the proposed district.

SEC. 42. The notice of the election shall contain the following:

(a) Date and hours of election.

(b) Place of polls.

(c) Description of the boundaries of the proposed district.

(d) Name of the proposed district.

(e) Offices for which candidates shall be elected at the election.

(f) A statement that the proposed district will be either a resident voter district or a landowner voter district.

(g) A statement that all voters and legal representatives of voters may vote either in person or by proxy at the election.

(h) A statement of the maximum assessment collectible in any one year, in the district, or in any zone or zones therein.

SEC. 43. Notice of the election shall be published once a week for at least three weeks previous to the election in a newspaper of general circulation published in each affected city.

SEC. 44. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the commission. The written notice shall include the name and description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and

shall include a specific description of the boundaries of the district proposed to be formed.

The commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 45. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 46. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, the election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members thereof authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 47. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. The ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 48. The board shall, at the time of calling the formation election for the proposed district, prescribe the procedure for nominating candidates for the offices to be filled at that election, if there are any such.

SEC. 49. The board shall designate the polling place for the election and appoint from the persons eligible to the office of district director a board of election. The board may provide for the payment of reasonable compensation for the services of the members of the

board of election.

SEC. 50. For the convenience of voters, the board may divide the proposed district into election precincts and establish the boundaries of the precincts. In such case, the board shall appoint a board of election for each precinct and designate a polling place in each precinct.

SEC. 51. At the election, the last equalized assessment roll or other records of the county shall be used to establish the qualifications of landowner voters, if the election is for formation of a landowner voter district, and the county shall make known to each landowner the number of votes he has.

SEC. 52. The election shall be held and the result determined and declared as nearly as may be practicable pursuant to the Uniform District Election Law.

SEC. 53. The returns of the election shall be forwarded to the board which shall meet on the second Monday following the election and canvass the returns and declare the results.

SEC. 54. If upon the canvass of the returns it appears that a majority of all the votes cast favor the formation of the district, the board shall by an order entered on its minutes declare the territory formed as a district under the name designated for it and shall issue certificates of election to the persons elected to district offices, if there are any such.

SEC. 55. Immediately upon making that order, the board of supervisors shall forward the order to the executive officer of the commission in accordance with Section 54797.2 of the Government Code and the executive officer of the commission shall take the action specified therein.

SEC. 56. With the filing of the certificate of completion specified in Section 54797.2 of the Government Code, the formation of the local district shall be complete.

SEC. 57. All elections pertaining to a local district organized under this act, other than the formation election, shall be conducted in accordance with the Uniform District Election Law.

CHAPTER 2. FORMATION OF A DISTRICT

Article 1. Introductory Provisions

SEC. 100. Preliminary proceedings for formation of a local district may be initiated by either of the following methods:

(a) By petition.

(b) By resolution of application of the board of supervisors.

SEC. 101. Preliminary proceedings shall be deemed initiated on the date a petition or resolution of application is accepted for filing by the executive officer of the commission.

SEC. 102. The commission may establish a schedule of filing fees for checking the sufficiency of any petition filed with the executive officer. Such fees shall not exceed fifteen cents ($0.15) for each

signature affixed to the petition. A minimum filing fee of not to exceed ten dollars ($10) may be established. Any fees so established shall be paid to the executive officer at the time of filing a petition. No petition shall be deemed filed until these fees have been paid. Any fees may be waived by the commission.

SEC. 103. The commission also may establish a schedule of processing fees for the estimated expenses of the preliminary proceedings to be taken by the commission. These fees shall not exceed five hundred dollars ($500) for each proposal. The processing fee shall be deposited with the executive officer after the filing with the executive officer of any resolution of application or the certification by the executive officer of the sufficiency of a petition. The deposit of the processing fee shall be made within such period as the commission may specify. No further action shall be taken upon any such resolution of application or petition until the processing fee is deposited. Any processing fee may be waived by the commission.

SEC. 104. Unless otherwise agreed by the board of supervisors and the commission, the commission shall serve as lead agency, as defined in Section 21067 of the Public Resources Code, and shall carry out the responsibilities of a lead agency under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

Article 2. Preliminary Proceedings

SEC. 110. A proposal for local district formation may be made by petition. Any such petition shall:

(a) State that the proposal is made pursuant to this act.

(b) Set forth a description of the boundaries of the affected territory accompanied by a map showing such boundaries.

(c) State the reason or reasons for the proposed formation.

(d) State whether the proposed district is to be a landowner voter district or a resident voter district.

(e) State whether the petition is signed by registered voters or owners of land. If it is to be a landowner voter district, the petition shall be signed by landowners, and if it is to be a resident voter district, the petition shall be signed by registered voters.

(f) Choose one of the methods of selection of the board of directors, as set forth in Chapter 3 (commencing with Section 200).

(g) Designate not to exceed three persons as chief petitioners, setting forth their names and mailing addresses.

(h) Request that proceedings be taken for formation of a local district pursuant to this act.

SEC. 111. The petition may propose a name for the local district.

SEC. 112. A petition may consist of a single instrument or separate counterparts.

SEC. 113. Each person signing a petition shall, at the time he signs the petition, affix after his signature the date upon which he signs the petition.

SEC. 114. If a petition is signed by registered voters, each person signing the petition shall in addition to his signature and the date upon which he signs the petition, indicate on the petition his place of residence, giving street and number or other designation to enable the place of residence to be readily ascertained.

SEC. 115. If a petition is signed by owners of land, each person signing the petition shall, in addition to his signature and the date on which he signs the petition, include on the petition a written description sufficient to identify the location of the land owned by him, which description may be the assessor parcel number assigned by the county.

SEC. 116. No petition shall be accepted for filing unless the signatures thereon shall have been secured within six months of the date on which the first signature on the petition was affixed and such petition is submitted to the executive officer for filing within 60 days after the last signature is affixed. If the elapsed time between the date on which the last signature is affixed and the date on which the petition is submitted for filing is more than 60 days, the executive officer shall file such petition in accordance with Section 119.

SEC. 117. All petitions shall be filed with the executive officer of the commission.

SEC. 118. Within 30 days after the date of filing a petition, the executive officer of the commission shall cause the petition to be examined and shall issue a certificate of sufficiency indicating whether it is signed by the requisite number of signers.

If the certificate of the executive officer shows the petition to be insufficient, he shall immediately give notice by certified mail of the insufficiency to the chief petitioners, if any. The mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the certificate of insufficiency, a supplemental petition bearing additional signatures may be filed with the executive officer.

Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the supplemental petition and certify in writing the results of his examination.

A certificate of sufficiency shall be signed by the executive officer and dated. The certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination.

SEC. 119. If the petition, including any supplemental petition, shall be certified to be insufficient, it shall be filed with the executive officer as a public record, without prejudice to the filing of a new petition. The executive officer shall give mailed notice to the chief petitioners, if any, stating that the petition has been found to be insufficient.

SEC. 120. If the petition, including any supplemental petition, shall be certified to be sufficient, the executive officer shall give mailed notice thereof to the chief petitioners, if any.

SEC. 121. If a petition is signed by registered voters, the executive officer shall cause the names of the signers on the petition

to be compared with the voters' register in the office of the county clerk or registrar of voters and have ascertained therefrom the following:

(a) The number of registered voters in the affected territory.

(b) The number of qualified signers appearing upon the petition.

SEC. 122. If a petition is signed by owners of land, the executive officer shall cause the names of the signers on the petition to be compared with the names of the persons shown as owners of land on the last equalized assessment roll of the county and have ascertained to the extent possible therefrom the following:

(a) The total number of landowners within the territory and the total area of all land within the affected territory.

(b) The total number of landowners represented by qualified signers and the total area of land owned by qualified signers.

SEC. 123. For purposes of evaluating the sufficiency of any petition signed by owners of land:

(a) The area of given land held in joint tenancy or tenancy in common shall be determined in proportion to the proportionate interest of the petitioner in such land.

(b) When land is subject to a written recorded agreement to buy, the purchaser under the agreement may sign a petition and the seller may not sign, even though the seller is shown as the owner of the land on the last equalized assessment roll.

(c) Any public or federal agency owning land within the territory which is the subject of the proposed local district formation shall be deemed a landowner for the purpose of the signing and certification of a petition. Any agency may authorize such petition to be signed for and on its behalf by any duly authorized officer or employee.

SEC. 124. To be determined sufficient, a petition shall have the following minimum number of signatures:

(a) For a resident voter district, not less than 25 percent of the registered voters residing in the area of the proposed local district, as determined by the commission, in accordance with Section 126.

(b) For a landowner voter district, not less than 25 percent of the number of owners of land within the area of the proposed local district who also own not less than 25 percent of the area of land within the area of the proposed local district, as shown on the last equalized assessment roll of the county.

SEC. 125. A proposal for formation of a local district may be made by the adoption of a resolution of application of the board of supervisors. Except for the provisions regarding signers and signatures, a resolution of application shall contain all matters specified for a petition and, when adopted by the board of supervisors, a certified copy thereof shall be submitted to the executive officer of the commission.

SEC. 126. The commission shall have the powers and duties set forth in Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code, and such additional powers and duties as are specified in this act, including the following:

(a) To review and approve or disapprove with or without amendment, wholly, partially, or conditionally, the proposal for formation of a local district.

(b) To determine the number of landowners and area of land, or the number of registered voters residing within the area of the proposed local district.

Except as otherwise provided in this act, such powers and duties shall be exercised in accordance with the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code. To the extent of any inconsistency between those provisions and this act, the provisions of this act shall control.

SEC. 127. If a petition for formation of a local district is for the formation of a landowner voter district, and is signed by all of the owners of land within the area of the proposed local district, or if a resolution of application making a proposal for formation of a landowner voter district is accompanied by proof, satisfactory to the commission, that all the owners of land within the area of the proposed local district have given their written consent to formation, the commission may approve the formation without notice and hearing by the commission. In such cases, the commission may also authorize the board of supervisors to conduct proceedings for the formation (1) without notice and hearing, (2) without an election, or (3) both.

The executive officer shall give each affected city mailed notice of the filing of any such petition or resolution of application. The commission shall not, without the written consent of each affected city, take any further action on the petition or resolution of application for 10 days following mailing. Upon written request by an affected city, filed with the executive officer during that 10-day period, the commission shall make determinations upon the petition or resolution of application only after notice and hearing thereon. If no such request is filed, the commission may make those determinations without notice and hearing. By written consent, which may be filed with the executive officer at any time, an affected city may (1) waive the requirement of mailed notice, (2) consent to the commission making those determinations without notice and hearing, or (3) both.

SEC. 128. Upon accepting for filing a sufficient petition or a resolution of application, the executive officer shall issue a "certificate of filing" to the chief petitioners or the board of supervisors making the proposal. A certificate of filing shall be in the form prescribed by the executive officer and shall specify the date upon which the proposal will be heard by the commission. Following issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give published notice thereof as provided in this act. The date of such hearing shall not be more than 90 days after issuance of the certificate.

SEC. 129. The executive officer shall also give mailed notice as

provided in this act of any hearing of the commission to the following:

(a) Any affected city, and to the county.

(b) The chief petitioners, if any.

(c) Each person who shall have filed a written request for special notice with the executive officer.

SEC. 130. If two or more proposals pending before the commission shall conflict or in any way be inconsistent with each other, the commission may determine the relative priority for conducting any further proceedings based on any such proposals. Any such determination shall be included in the terms and conditions imposed by the commission. In the absence of that determination, priority shall be given to that proceeding which shall be based upon the proposal first filed with the executive officer.

SEC. 131. The hearing shall be held by the commission upon the date and at the time and place specified. The hearing may be continued from time to time but not to exceed 70 days from the date specified in the original notice.

SEC. 132. At the hearing, the commission shall hear and receive any oral or written protests, objections, or evidence which shall be made, presented, or filed, and shall consider the report of the executive officer.

SEC. 133. At any time not later than 35 days after the conclusion of the hearing, the commission shall adopt a resolution making determinations approving or disapproving the proposal.

SEC. 134. The resolution making determinations shall also:

(a) Make any of the findings or determinations authorized or required pursuant to Section 126.

(b) If applicable, assign a distinctive short-term designation to the proposed affected local district and a description therefor.

(c) Direct the board of supervisors to initiate proceedings in compliance with such resolution.

SEC. 135. The executive officer shall mail a certified copy of the commission's resolution making determinations to the following:

(a) The board of supervisors.

(b) The chief petitioners, if any.

(c) Each affected city.

SEC. 136. If the commission wholly disapproves any proposal, no further proceedings shall be taken on such proposal. No new proposal involving the same or substantially the same territory shall be initiated for one year after the date of adoption of the resolution terminating proceedings; provided, however, that the commission may waive the provisions of this section if it finds such provisions are detrimental to the public interest.

SEC. 137. If a proposal is approved by the commission, with or without amendment, wholly, partially, or conditionally, it shall be mandatory upon the board of supervisors to take proceedings in accordance with Article 3 (commencing with Section 150) of this chapter. Such proceedings shall be initiated, conducted, and

completed pursuant to those provisions which are applicable to the proposal and the territory contained in the proposal as it is approved by the commission. If the commission approves the proposal with modifications or conditions, proceedings shall be initiated, conducted, and completed in compliance with such modifications or conditions.

SEC. 138. The board of supervisors or any affected city, landowner, voter, taxpayer, inhabitant, or other interested person desiring any addition, deletion, amendment, or revision of any commission resolution making determinations or of any term, condition, or other provision therein, including the boundaries of the local district determined and established by the commission, shall file written application therefor with the executive officer within 60 days of the adoption of the commission resolution, who shall present the same to the commission at its next regular meeting.

Once a request for a rehearing is filed with the executive officer, the board of supervisors shall be notified by the executive officer, and the board of supervisors shall not take final action until the commission has made a determination on the requested change.

Reconsideration of the application shall be made prior to final action of the conducting authority and in no case to exceed 60 days from the date of notification by the executive officer.

The commission, in its discretion, may either (1) without further notice and hearing, deny or approve the application in whole or in part, or (2) provide for notice and hearing upon the application in the same manner as for the original proposal, prior to denying or approving the same.

The determinations of the commission as specified in its resolution, or in any such amended resolution, including the commission's determinations as to boundaries of the local district, shall be final and conclusive, and no further changes shall be made except as provided in this section.

SEC. 139. Whenever the executive officer is required pursuant to this act to prepare an impartial analysis of a proposition for approval by the commission, the commission may, by rule, provide a procedure for approval or modification and approval of the executive officer's analysis.

Article 3. Proceedings

SEC. 150. After completion of preliminary proceedings as provided in Article 2 (commencing with Section 110) of this chapter, proceedings for formation of a local district shall be taken pursuant to this article.

SEC. 151. Not later than 35 days after the date of adoption of the commission's resolution making determinations, the board of supervisors shall adopt a resolution initiating proceedings in accordance with the commission's resolution. A certified copy of the resolution initiating proceedings shall, immediately upon adoption,

be mailed by the clerk of the board to the executive officer of the commission.

SEC. 152. Upon adoption of a resolution initiating proceedings pursuant to this chapter, jurisdiction over the proceedings is acquired by the board of supervisors, and until such proceedings are completed or terminated pursuant to this chapter, no other petition or resolution of application seeking the formation of a local district in all or part of the territory described by the resolution initiating proceedings shall be filed with, or acted on, by the commission.

SEC. 153. The board of supervisors shall adopt a resolution initiating proceedings for formation, which resolution shall comply with the commission's resolution making determinations and shall:

(a) Indicate the manner in which and by whom preliminary proceedings were commenced. Reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by petition.

(b) State the name of the proposed local district as stated in the petition or resolution of application initiating preliminary proceedings and set forth a description of the exterior boundaries of such proposed local district.

(c) State the number of landowners and area of land or the number of registered voters residing within the proposed local district as determined by the commission in its resolution making determinations.

(d) State the reason or reasons for the proposed formation as set forth in the proposal therefor.

(e) Set forth any terms and conditions of the proposed formation contained in the commission's resolution making determinations.

(f) Fix a time, place, and date of hearing on the proposed formation which shall be not less than 30 days, or more than 45 days, after the date of adoption of the board's resolution pursuant to this section.

(g) State that any registered voter residing within the proposed local district, if it is to be a resident voter district, or any landowner within the proposed local district, if it is to be a landowner voter district, may file a written protest against the formation at any time prior to the conclusion of the hearing on the proposed formation.

(h) Establish a maximum assessment collectible in any one year within the proposed local district, or within any zone or zones within the proposed local district.

SEC. 154. Any written protest shall show the date that each signature was affixed to such protest. All signatures without a date or bearing a date prior to the date of adoption of the resolution initiating proceedings shall be disregarded for the purpose of ascertaining the existence of a major protest. Any person who has signed a written protest may withdraw his name from the protest at any time prior to conclusion of the public hearing.

SEC. 155. The clerk of the board shall cause notice of the hearing to be given by publication as provided in Section 35. The notice

required by this section shall contain all the information specified in Section 153.

SEC. 156. The clerk shall also give mailed notice of the hearing as provided in Section 35 to the following:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice.

(b) The chief petitioners, if any, as indicated in the petition initiating preliminary proceedings pursuant to this act.

Mailed notice given pursuant to this section shall contain all the information specified in Section 153.

SEC. 157. The hearing on the proposed formation shall be held by the board on the date and at the time specified in the notice. The hearing may be continued from time to time not to exceed 60 days from the date specified for the hearing in the resolution adopted pursuant to Section 153.

SEC. 158. At any time prior to conclusion of the hearing, any registered voter residing in the area of the proposed local district, if it is to be a resident voter district, or any landowner within the area of the proposed local district, if it is to be a landowner voter district, may file written protest against the formation.

SEC. 159. At the hearing the board shall hear and receive any oral or written protests, objections, or evidence which shall be presented.

SEC. 160. Upon conclusion of the hearing, the board shall determine the value of written protests filed and not withdrawn. The value of protests shall be determined in the manner prescribed in this act for determining the sufficiency of petitions filed with the commission.

SEC. 161. Not more than 30 days after conclusion of the hearing, the board shall adopt a resolution making a finding regarding the value of written protests filed and not withdrawn and taking one of the following actions:

(a) Terminate proceedings, if written protests have been filed and not withdrawn by 50 percent or more of the registered voters residing within the area of the proposed local district, if it is a resident voter district. A certified copy of the resolution shall be filed with the executive officer of the commission.

(b) Terminate proceedings, if written protests have been filed and not withdrawn by landowners owning 50 percent or more of the land within the area of the proposed local district, if it is a landowner voter district. A certified copy of the resolution shall be filed with the executive officer of the commission.

(c) If written protests sufficient to terminate the proceedings have not been filed, and the commission has authorized formation without election in accordance with Section 127, order the formation of the local district.

(d) If written protests sufficient to terminate the proceedings have not been filed, and the commission has not authorized formation without election in accordance with Section 127, order the formation of the local district subject to confirmation of the voters,

and call an election and submit to the voters the question of whether the local district shall be formed, in accordance with Article 4 (commencing with Section 40) of Chapter 1.

SEC. 162. After the canvass of the returns of any election called on the question of formation, the board shall declare by resolution the total number of votes cast in the election and the number of votes cast for and against the formation.

SEC. 163. If the majority of votes cast is for formation, the board shall adopt a resolution containing the following:

(a) Confirming the order of formation.

(b) Giving the newly formed local district a name, the name being either the name in the petition or favored by the electors.

(c) Declaring the persons receiving the highest number of votes for the offices of director of the newly formed local district to be elected to those offices, if there are any such.

(d) Declaring which system of selecting directors of the local district was adopted.

(e) Declaring the maximum assessment collectible in any one year.

The clerk of the board shall cause a certified copy of the resolution to be filed with the executive officer of the commission.

SEC. 164. If the majority of votes cast is against formation, the board by resolution shall terminate proceedings for the formation. A certified copy of the resolution shall be filed with the executive officer of the commission.

SEC. 165. If proceedings for formation are terminated either by majority protest or by failure of a majority of the voters to confirm the formation, no new proposal for formation of a local district within the same or substantially the same territory may be filed with the commission within two years of the date of the resolution terminating proceedings; provided, that the commission may waive the provisions of this section if it finds these provisions are detrimental to the public interest.

SEC. 166. Upon filing of a certified copy of the resolution confirming formation with the executive officer of the commission, the executive officer shall take the action specified in Section 54.

SEC. 167. If the formation election results in formation of a local district, the expenses of the election shall be paid by the county, but shall be reimbursed to the county by the local district. Otherwise, the expenses of the election shall be borne by the county.

Article 4. Mergers, Consolidation, or Boundary Changes

SEC. 180. Any merger, consolidation, boundary change, dissolution, change of organization, or reorganization of a local district formed pursuant to this act shall be conducted in accordance with Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

CHAPTER 3. INTERNAL ORGANIZATION

Article 1. Introductory Provisions

SEC. 200. Upon submitting a proposal for formation of a local district, the proponents shall select, as part of the proposal, one of the methods of selecting a board of directors set forth in Article 2 (commencing with Section 210), Article 3 (commencing with Section 220), Article 4 (commencing with Section 230), or Article 5 (commencing with Section 240) of this chapter.

SEC. 201. If the method of selection set forth in Article 3 (commencing with Section 220) of this chapter is chosen, the petition or resolution of application shall contain, in addition to the information required by the provisions of Chapter 2 (commencing with Section 100), a description of the boundaries of the divisions within the local district, and the map required by the provisions of Chapter 2 (commencing with Section 100) shall show such divisions.

SEC. 202. The board of directors shall consist of five persons meeting the qualifications set forth in Article 2 (commencing with Section 210), Article 3 (commencing with Section 220), Article 4 (commencing with Section 230), or Article 5 (commencing with Section 240) of this chapter.

SEC. 203. A vacancy in the office of a director who was elected to office shall be filled pursuant to Section 1780 of the Government Code.

SEC. 204. A vacancy in the office of a director who was appointed to office shall be filled within 30 days by the appointing authority. If not filled within 30 days, it shall be filled pursuant to Section 1780 of the Government Code.

Article 2. Elected Board of Directors

SEC. 210. The directors elected in accordance with this article shall be landowners within the local district, if it is a landowner voter district, or resident voters if it is a resident voter district, and shall be elected at large.

SEC. 211. The term of office of the directors and the method of election of directors shall be in accordance with the Uniform District Election Law.

Article 3. Alternate Method of Election

SEC. 220. Under the provisions of this article, the local district, whether it is a landowner voter district or a resident voter district, shall be divided into five divisions, each of which shall contain, as nearly as practicable, an equal number of registered voters.

SEC. 221. One director, who shall be a registered voter and a resident in the division from which he is elected, shall be elected from each division.

SEC. 222. The term of office of the directors and the method of election of directors shall be in accordance with the Uniform District Election Law.

Article 4. Appointed Board of Directors

SEC. 230. Under the provisions of this article, the board of directors shall be appointed as follows:

(a) If there is no affected city, the board of supervisors shall appoint the board of directors.

(b) If there is an affected city or cities, the council or councils of the affected city or cities shall appoint directors, the number of directors appointed by the council or councils being proportionate to the ratio of the number of registered voters within the portion of the affected city or cities which is within the local district to the number of registered voters within the whole local district, if it is a resident voter district, or proportionate to the ratio of the area within the portion of the affected city or cities which is within the local district to the whole area of the local district if it is a landowner voter district. The board of supervisors shall appoint the remainder of the board of directors, if any remain to be appointed.

SEC. 231. The term of office of such appointed directors shall be determined, as though they were elected, in accordance with the Uniform District Election Law.

Article 5. Board of Supervisors as Board of Directors

SEC. 240. Under the provisions of this article, the board of supervisors shall be ex officio members of the board of directors of the local district.

SEC. 241. No additional compensation shall be received by any supervisor for his services as a director, but actual and necessary expenses incurred in the performance of official duties under this act by any supervisor shall be reimbursed to the supervisor from the funds of the local district.

SEC. 242. Under the provisions of this article, all ordinances, resolutions, and other legislative acts for the local district shall be adopted by the board of supervisors, and certified to, recorded, and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

Article 6. General Provisions

SEC. 250. The board of directors shall elect one of its members as its president, and one of its members, or any other person, as its secretary.

SEC. 251. The secretary shall have charge of the office of the board, keep the minutes of all meetings, attest all documents

requiring the signature of the president, and keep account of all expenditures made in behalf of the local district.

SEC. 252. All local district actions shall be by motion or resolution, except that the levying of assessments in accordance with Chapter 5 (commencing with Section 400) shall be by ordinance.

SEC. 253. Each member of the board shall receive such compensation for services actually and necessarily performed as the board determines to be just and reasonable, except as provided in Article 5 (commencing with Section 240) of this chapter, and shall be reimbursed for expenses necessarily incurred in the performance of his duties as director.

SEC. 254. Except as otherwise provided by the board of directors, the county counsel, county surveyor, county assessor, county tax collector, county clerk, county auditor, purchasing agent, and county treasurer of the county, and their successors in office, and all their assistants, deputies, clerks, and employees, and all other officers of the county, their assistants, deputies, clerks, and employees, shall be ex officio officers, assistants, deputies, clerks, and employees, respectively, of the district, and shall, respectively, perform the same various duties for the district as for the county, in order to carry out the provisions of this act.

All such officers, deputies, clerks, and employees shall receive their actual necessary expenses in the performance of official duties under this act payable from the funds of the district. Reimbursement for the services of the officers, deputies, clerks, and employees shall be made by the district to the county.

SEC. 255. The board of directors shall adopt bylaws, not inconsistent with the laws of the state, for the government and control of the district, after notice of a public hearing and the holding of a public hearing on the bylaws proposed to be so adopted. Adoption shall be by a resolution adopted after the close of the public hearing on the bylaws.

SEC. 256. Bylaws may be amended in the same manner as adopted.

CHAPTER 4. POWERS AND DUTIES OF A DISTRICT

Article 1. Introductory Provisions

SEC. 300. The board of directors is the governing body of a local district, and the powers of a local district enumerated in this act shall, except as otherwise provided, be exercised by the board of directors.

SEC. 301. The board of directors shall exercise general supervision and complete control over the construction, maintenance, and operation of all works and projects of a local district, and generally over the affairs of the local district.

Article 2. General Powers and Duties

SEC. 310. The object and duties of a local district are to provide for the control of the flood, storm, and drainage waters of the district and the flood, storm, and drainage waters that have their source outside of the district, but which waters flow into the district, to the end of protecting the land, property, and persons within the district from damage from those waters.

SEC. 311. A local district may do all things necessary or convenient for accomplishing the purposes for which it is formed.

SEC. 312. Without limiting the provisions of Section 311, a local district may:

(a) Deepen, widen, or reroute stream channels.

(b) Remove debris and vegetation.

(c) Clear vegetation.

(d) Construct levees, weirs, embankments, canals, ditches, or pumping systems.

(e) Conduct studies, investigations, or planning for such works.

(f) Do any other work necessary or convenient for the control of flood, storm or drainage waters.

SEC. 313. A local district may sue and be sued.

SEC. 314. A local district may, by ordinance, adopt rules deemed necessary and proper for carrying out the provisions of this act, including, but not limited to, rules for the prevention of encroachment upon or damage to the works or property of the local district, or stream channels controlled by the local district. Violation of these rules are a misdemeanor and may be enforced in the same manner as provided for violation of a city ordinance, the violation of which is a misdemeanor.

SEC. 315. The board of directors shall determine which projects or works of improvement shall be carried out and shall determine, as to each such project or work of improvement, whether it is for the benefit of all the land in the local district or for any portion of the land in the local district less than the whole. Any portion less than the whole shall be known as a zone.

Article 3. Property

SEC. 320. A local district may acquire, by purchase, condemnation, gift, lease, or other legal means, such real or personal property as is necessary or convenient for accomplishing the purposes of the local district. Without limiting the foregoing, a local district may apply for, receive, and use for any proper purpose grants from the United States or any of its agencies, or the state or any of its agencies, or the county, or any city or other local district, special district, or public agency.

SEC. 321. A local district may sell, convey, transfer, lease, or otherwise dispose of such of its property as the board of directors determines is no longer necessary for the purposes of the local

district.

SEC. 322. The requirements, including, but not limited to, bidding procedures, for the acquisition or disposal of real or personal property or the performance of works or projects or services for a local district shall be the same as those required by law for the county.

Article 4. Offices, Records, and Documents

SEC. 330. The board of directors shall hold meetings within the local district at the times specified in the bylaws.

SEC. 331. The local district shall maintain a mailing address and a location as depository of its records, which location shall be known as the office of the local district.

SEC. 332. All meetings of the board of directors, and all records of the local district, shall be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

Article 5. Personnel

SEC. 340 A local district may employ engineers, surveyors, attorneys, or such other professional or other persons or services as is necessary to accomplish the purposes of the district and may employ such assistance as the board deems necessary.

Article 6. Cooperation with Federal, State, and Local Government

SEC. 350. A local district may cooperate and contract with the United States or any of its agencies, or with the state or any of its agencies, or with the county or any affected city or any other local district, special district, or public agency, for the purpose of accomplishing the local district's purposes set forth in this act, subject only to the limitations on financing ability set forth in Chapter 5 (commencing with Section 400).

SEC. 351. A local district may give assurances, to any of the government, agencies, or entities specified in Section 350, of performance of maintenance or continued operation of works of improvement or projects, subject only to the limitations on financing ability set forth in Chapter 5 (commencing with Section 400).

CHAPTER 5. FINANCIAL PROVISIONS

Article 1. Handling of Funds

SEC. 400. The county treasurer shall receive to the credit of the local district and in trust for its use and benefit all the money belonging to the local district, and the county treasurer shall establish

for the local district a general fund, in which all moneys received for the local district shall be placed.

SEC. 401. All money belonging to the local district, or to which the local district is entitled, shall, when received, be paid by the person receiving it to the county treasurer.

SEC. 402. Any money belonging to a local district may be deposited by the county treasurer pursuant to the general laws governing the deposit of public money.

SEC. 403. No money shall be paid out by the county treasurer unless a warrant therefor has been drawn and executed by the board of directors in the manner specified in Article 2 (commencing with Section 410) of this chapter.

SEC. 404. The board of directors shall expend moneys of the local district only by means of a warrant, as specified in Article 2 (commencing with Section 410) of this chapter, except that a revolving fund as specified in Section 405 may be created.

SEC. 405. The board of directors may create, and fund, a revolving fund with any bank acceptable to the board of directors, by a resolution entered in its minutes. A copy of the resolution shall be filed with the county treasurer. A revolving fund shall not be in excess of five hundred dollars ($500), and shall be used only for such purposes as specified in the resolution establishing the fund. Checks and drafts on such revolving fund shall be signed by at least two directors, or some person who is authorized to do so by unanimous vote of the board.

Article 2. Warrants

SEC. 410. The board of directors may issue warrants drawn on the appropriate funds of a local district to pay indebtedness of the local district incurred in carrying out the works or project of the local district, and to raise money in anticipation of the collection of assessments.

SEC. 411. Warrants issued by a local district may be demand warrants or time warrants.

SEC. 412. Demand warrants are warrants, drawn for any purpose, which are payable upon demand.

SEC. 413. Time warrants are warrants, based upon assessments, payable at a specified future date expressed in the warrant.

SEC. 414. The date of a warrant is the date inserted as such on the face of the warrant.

SEC. 415 Demand warrants may be in substantially the following form:

Face

No. _____ $_____

Office of the Board of Directors
of _____ District

The Treasurer of Stanislaus County will pay to the order of _____ out of _____ District fund the sum of _____ dollars ($_____) for _____ allowed by the board of directors of the _____ District.
Dated _____, 19__.

_____
_____
_____
Trustees

Attest:

_____
Secretary

Reverse

When registered this warrant bears interest at the rate of _____ percent per year, computed from the date of registration hereof. This warrant will outlaw and cannot legally be paid four years after date, unless it is payable by its terms at a future date.
Pay to _____ or order _____.

Presented for payment but not paid for want of funds, this _____ day of _____, 19__.

_____
Treasurer of Stanislaus County

SEC. 416. Demand warrants shall be presented to the county treasurer, and, if not paid on presentation, shall be registered and an endorsement of nonpayment made thereon.

SEC. 417. Demand warrants not paid on presentation shall bear interest from date of registration at the rate set by the board of directors, but not to exceed 12 percent per year.

SEC. 418. Demand warrants registered for nonpayment shall be paid by the county treasurer in the order of registration.

SEC. 419. When the board of directors has levied an assessment in the manner specified in Article 4 (commencing with Section 450) of this chapter, and has directed that it be paid in annual installments over a period of not to exceed five years, it may issue and sell, or otherwise dispose of, time warrants based upon, and in anticipation of, the collection of that assessment levy, to pay the expenses for the payment of which the assessment was levied on a cash basis, or for the purpose of paying any outstanding warrants payable from the assessment levy.

SEC. 420. Time warrants may be in substantially the following form:

Face

No. _____ $_____

Office of the Board of Directors
of _____ District

The Treasurer of Stanislaus County will, on the _____ day of _____, 19__, pay to the order of _____ out of _____ District fund the sum of _____ dollars ($_____) together with interest on said sum from date of registration of this warrant in the office of the county treasurer until paid at the rate of _____ percent per year, the interest payable on January 1st and July 1st of each year until this warrant is paid in full, upon the presentation of this warrant to the county treasurer.

This warrant is one of a series of warrants aggregating in face amount _____ dollars ($_____) all issued by the above-named local district, and payable out of the proceeds of levies made by the board of directors of the local district by order entered on the minutes of the board on the _____ day of _____, 19__, against an assessment levied by ordinance effective on the _____ day of _____, 19__. This warrant and each of the warrants of such series are payable exclusively from the proceeds of such levies when collected.
Dated this day of _____, 19__.

_____
_____
_____
Trustees

Attest:

_____
Secretary

Reverse

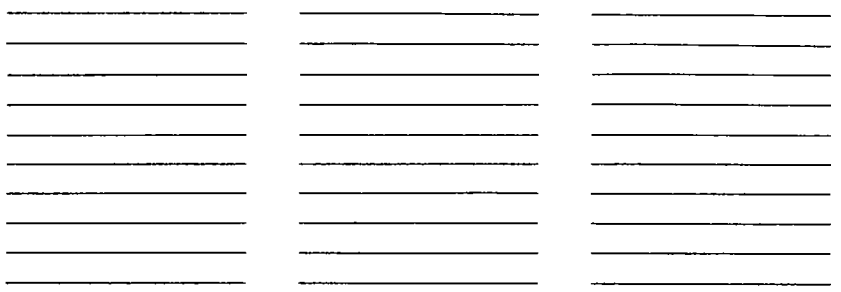
Registered this _____ day of _____, 19__.

_____
Treasurer of Stanislaus County

This warrant will outlaw four years after it matures and cannot thereafter be legally paid unless extended by order of the board of directors on or before maturity.

Interest Endorsements

Date Due	Date Paid	Amount Paid
_____	_____	_____
_____	_____	_____



Transfer Endorsements

SEC. 421. The time warrants which may be issued to mature in any year shall not exceed 75 percent of the amount of the assessment installment payable in such year, and the principal amount of time warrants which is outstanding at any time shall not exceed 75 percent of the total amount of the assessment remaining uncollected.

SEC. 422. No time warrants shall be issued, sold, or disposed of for less than the face amount thereof and accrued interest thereon to date of delivery.

SEC. 423. The proceeds from the issuance and sale of time warrants shall be deposited in the general fund and shall be applicable to the payment of the expenses payable from that fund, or to the payment of outstanding warrants.

SEC. 424. Time warrants shall be registered with the county treasurer prior to their issuance.

SEC. 425. Time warrants shall be paid upon their due date upon presentation and surrender to the county treasurer.

SEC. 426. If time warrants are not paid by reason of lack of funds, no further registration is required, and they shall continue to bear interest after their due date until paid, reissued, extended, or canceled.

SEC. 427. Time warrants which are not paid on their due date because of lack of funds have priority and shall be paid out of the proceeds of the collection of the assessment against which they have been issued, in preference to any demand warrants issued and registered after the date of registration of the time warrants which are payable out of the same assessment.

SEC. 428. The county treasurer, upon the request of the board of directors, shall pay all time warrants before the maturity thereof, providing there are sufficient funds, after payment of all outstanding warrants, and all such time warrants shall be presented for payment.

Article 3. Short-Term Borrowing

SEC. 430. A local district may incur indebtedness and borrow money as provided in this article by action of the board of directors.

SEC. 431. The board of directors, by agreement either with the county as a lending entity, or with any bank acceptable to the board

of directors, may borrow money by issuing demand warrants, either to the lending entity, or to a third party, which warrants shall be annotated on their face as payable only from a special fund of the local district, and which shall be annotated on their face as payable at a stated time fixed by the board of directors.

SEC. 432. Such warrant, if payable to a third party, shall be negotiated by the lending entity on presentation to it by the third party.

SEC. 433. Such warrant shall bear interest at a rate to be set by the board of directors, but not to exceed 12 percent per annum.

SEC. 434. The proceeds of such warrant may be used for any purpose of the local district, including the redemption of outstanding time or demand warrants.

SEC. 435. Such warrants may be issued after the adoption, by a four-fifths vote of the board of directors, of a resolution setting forth the form of the warrant, the maturity date or dates thereof, and the manner of execution thereof.

SEC. 436. The board may, in its resolution authorizing the issuance of such warrant, provide that the warrant shall be subject to call and redemption prior to maturity.

SEC. 437. No such warrant shall be issued with a date of maturity more than five years from the date of issuance.

SEC. 438. The total amount of any such warrants outstanding at any time shall not exceed 90 percent of the assessment levied in accordance with Article 4 (commencing with Section 450) of this chapter, less the total amount of any time warrants outstanding.

SEC. 439. The county treasurer, on request of the board of directors, shall create such special fund, and shall deposit therein such moneys as are directed by the board of directors, including transfers from the general fund, and shall pay such warrant only from the special fund.

SEC. 440. If such warrants are not paid by reason of lack of funds, no further registration is required, and they shall continue to bear interest after their due date until paid, reissued, extended or canceled.

SEC. 441. Such warrants which are not paid on their due date because of lack of funds have priority over later warrants issued on the special fund.

Article 4. Levy of Assessments

SEC. 450. The board of directors shall have power each year to levy assessments on land only, exclusive of improvements and personal property, to accomplish the purposes of the local district. No benefit assessment shall be levied pursuant to this article unless it meets all of the following requirements:

(a) The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service.

(b) The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service.

(c) The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.

SEC. 451. It is hereby declared that for the purposes of any assessment levied under the provisions of this act, the land so assessed within a given zone, or within the local district as a whole, is equally benefitted. It is hereby declared that the actual and necessary cost of running the local district in order to carry out works and projects is a benefit to the land benefitted by the works or project.

SEC. 452. The board of directors, on or before July 1 of each year, shall ascertain the costs of the projects or works of improvement of benefit to land within the local district, and shall ascertain whether any project or works of improvement benefit the land within the local district as a whole, or within any zone, and apportion the costs of those benefits to the land benefitted on an area basis. The amount of benefit apportioned to any one zone may be different from the amount apportioned to any other zone or zones, or to the district as a whole. For the purpose of this section, fractional acres may be treated as whole acres.

SEC. 453. On or before July 1 of each year, the board of directors shall, after noticed public hearing, adopt an ordinance setting the amount of the assessment. Such ordinance shall be subject to referendum.

SEC. 454. After the ordinance has become effective, and prior to August 1 of each year, the board of directors shall transmit the ordinance to the county auditor, and such assessment shall be collected by way of the tax bills of the county. The 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 procedures and sale in case of delinquency as provided for such taxes.

SEC. 455. In the sole discretion of the board of directors, it may, by ordinance adopted in any one year, fix the assessment for that year, and up to four subsequent years. In the event an assessment in any given year is fixed by ordinance adopted in a previous year, no new ordinance need be adopted after that given year, except that the assessment may be increased to the maximum provided in the formation election.

SEC. 456. The maximum assessment set for the district as a whole or for any zone or zones therein may be increased by a vote of the electors in the district, or in the zone or zones affected, at which the proposed increase receives two-thirds of the votes cast.

SEC. 457. Notwithstanding any other provision of this act, the board of directors may waive all or a portion of the assessments on any parcel of land if the owner thereof grants to the local district land, easements, rights-of-way, or temporary usage of the land. The amount of assessments waived shall be set in the sole discretion of the

board, and any such waiver shall be communicated to the county auditor.

Article 5. Municipal Improvement Acts

SEC. 460. A local district, in the construction of any work to be done or improvement made by it, and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done, may use the Improvement Act of 1911 (Division 7 (commmencing with Section 5000) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of that code), or the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of that code). These acts are hereafter referred to in this article as the "improvement acts."

SEC. 461. Notwithstanding the provisions or limitations of any of the improvement acts relating to the work authorized to be done or the improvements authorized to be made thereunder, a local district may acquire or construct, by the procedure permitted by this article, any improvements authorized by this act and the improvements authorized to be constructed or acquired by the procedure permitted by this article, are restricted to those permitted by this act.

SEC. 462. In the application of the improvement acts to proceedings under this article, the terms used in those acts shall have the following meanings:

(a) "City council" or "council" means the board of directors.

(b) "City" or "municipality" means the local district.

(c) "Clerk" or "city clerk" means the secretary of the local district.

(d) "Superintendent of streets," "street superintendent" or "city engineer" means the chief engineer of the district or any other person appointed to perform those duties.

(e) "Tax collector" means the county tax collector.

(f) "Treasurer" or "city treasurer" means the treasurer.

(g) "Right-of-way" means any right-of-way owned or held by the district for the purpose of constructing or maintaining any work or improvements which the local district is authorized to do.

SEC. 463. The powers and duties conferred by the improvement acts upon boards, officers, and agents of cities shall be exercised by the board of directors, officers, and agents of the local district, respectively.

SEC. 464. No assessment or bond levied or issued pursuant to proceedings under any of the improvement acts as authorized by this article, shall become a lien, and no person shall be deemed to have notice thereof, until a certified copy of the assessment in the proceedings under the improvement act being utilized, and the diagram attached to the assessment, are recorded in the office of the county recorder.

SEC. 501. No appropriation is made and no reimbursement is

required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 422

An act to add Section 2867.6 to the Business and Professions Code, relating to vocational nursing.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 2867.6 is added to the Business and Professions Code, to read:

2867.6. After receiving the results of having passed the examination and upon receipt of the initial license fee required by subdivision (e) of Section 2895, the board shall issue a receipt or temporary certificate which will serve as a valid permit for the licensee to practice under this chapter.

CHAPTER 423

An act to amend Sections 22050, 22053, 22409, 22467, 22468, 22473, 22474, and 24409 of, and to add Section 22450.1 to, the Financial Code, relating to personal property brokers.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981.]

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

SECTION 1. Section 22050 of the Financial Code is amended to read:

22050. This division does not apply to any person 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, credit unions, small business investment companies, or licensed pawnbrokers.

SEC. 1.5. Section 22050 of the Financial Code is amended to read:

22050. This division does not apply to any person 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, credit unions, consumer finance lenders, small business

investment companies, or licensed pawnbrokers.

SEC. 2. Section 22053 of the Financial Code is amended to read:

22053. The following sections of this division do not apply to any loan of a bona fide principal amount of ten thousand dollars ($10,000) or more, or to any commercial loan of a bona fide principal amount of five thousand dollars ($5,000) or more, or to any commercial loan made to a person engaged in the business of selling goods for the purpose of financing the purchase of goods for resale, or to any commercial loan made in accordance with applicable provisions of the Corporate Securities Law of 1968, the Securities Act of 1933, the Securities Exchange Act of 1934 and Regulation T of the Federal Reserve Board, or to a duly licensed personal property broker in connection with any such loan or loans, if the provisions of this section are not used for the purpose of evading this division: Sections 22004, 22005, 22404, 22405, 22450, 22451, 22451.1, 22452, 22453, 22454, 22455, 22456, 22457, 22458, 22458.1, 22458.2, 22458.3, 22458.4, 22458.5, 22459, 22460, 22461, 22462, 22463, 22464, 22467, 22468, 22469, 22470, 22472, 22473, 22474, 22480, 22651, and 22652.

SEC. 3. Section 22409 of the Financial Code is amended to read:

22409. The commissioner shall require that information pertaining to loans be stated separately in the annual report as follows:

(a) For noncommercial loans of a principal amount of less than ten thousand dollars ($10,000) and commercial loans of a principal amount of less than five thousand dollars ($5,000).

(b) For commercial loans of five thousand dollars ($5,000) or more and noncommercial loans of ten thousand dollars ($10,000) or more and any other business.

(c) The commissioner may permit information pertaining to expenses in the annual report to be reported in totals by categories without separation as to types of loans, and may make such other rules from time to time as may be necessary to obtain adequate information pertaining to the licensee.

The report shall be made under oath and in the form prescribed by the commissioner.

SEC. 4. Section 22450.1 is added to the Financial Code, to read:

22450.1. (a) No licensee shall directly or indirectly charge, contract for, or receive any interest or charge of any nature with respect to a noncommercial loan of ten thousand dollars ($10,000) or more unless the loan is made.

(b) Notwithstanding subdivision (a), whenever a noncommercial loan of ten thousand dollars ($10,000) or more is not consummated because of the borrower's failure to disclose outstanding liens or other information essential to making the loan or solely because of the borrower's failure to complete the loan in accordance with the loan application, a licensee may charge, contract for, and receive an amount equal to the actual expenses incurred by the licensee in connection with the preparation for the loan.

(c) The provisions of this section shall not apply to a commercial

loan as defined in Section 22011.

SEC. 5. Section 22467 of the Financial Code is amended to read:

22467. No licensee shall take any confession of judgment or any power of attorney, except a power of attorney taken to effectuate the transfer of the ownership of any motor vehicle or mobilehome at the time of making the loan.

SEC. 6. Section 22468 of the Financial Code is amended to read:

22468. No licensee shall take any note or promise to pay that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge or the annual percentage rate pursuant to Regulation Z promulgated by the Board of Governors of the Federal Reserve System.

SEC. 7. Section 22473 of the Financial Code, as amended by Chapter 144 of the Statutes of 1981, is amended to read:

22473. Each licensed personal property broker shall:

(a) Deliver or cause to be delivered to the borrower, or any one thereof, at the time the loan is made, a statement showing in clear and distinct terms the name, address, and license number of the personal property broker and the broker, if any. The statement shall show the date, amount, and maturity of the loan contract, how and when repayable, the nature of the security for the loan, and the agreed rate of charge or the annual percentage rate pursuant to Regulation Z promulgated by the Board of Governors of the Federal Reserve System.

(b) Obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan. If the statement discloses that a broker or other person has participated, then the personal property broker shall obtain a full statement of all sums paid or payable to the broker or other person. The personal property broker shall keep these statements for a period of two years from and after the date the loan has been paid in full, or has matured according to its terms, or has been charged off.

(c) Permit payment to be made in advance in any amount on any contract of loan at any time. The licensee may apply the payment first to all charges due at the agreed rate up to the date of payment, not to exceed the maximum rate permitted by this article.

(d) Deliver or cause to be delivered to the person making any cash payment, or to the person who requests a receipt at the time of making any payment, at the time payment is made on account of any loan, a plain and complete receipt showing the total amount received, and identifying the loan contract upon which the payment is applied.

(e) Upon repayment of any loan in full, release all security for the loan, endorse and return any certificate of ownership, cancel or plainly mark "paid" and return to the borrower or person making final payment, any note, mortgage, security agreement, trust deed, assignment, or order signed by the borrower, except such as are a part of the court record in any action, or such as have been delivered

to a third person for the purpose of carrying out their terms, or a security agreement which secures any other indebtedness of a borrower to the licensee. When a trust deed on real property has been taken, as security for a loan that has been subsequently paid in full, a duly executed request for reconveyance shall be delivered to the trustor or trustee for the purpose of recording a reconveyance. A termination statement, furnished to the borrower as provided for in Section 9404 of the Commercial Code, shall be deemed a release of the security when a financing statement has been filed pursuant to Section 9401 of the Commercial Code.

SEC. 8. Section 22474 of the Financial Code, as amended by Chapter 144 of the Statutes of 1981, is amended to read:

22474. Each licensed broker shall:

(a) Deliver to the borrower, or any one thereof, at the time the final negotiation or arrangement is made, a statement showing in clear and distinct terms the name, address, and license number of the broker and the personal property broker. The statement shall show the date, amount, and terms of the agreement with the broker, and all amounts paid or to be paid to the broker and to any person other than the personal property broker.

(b) Deliver to the personal property broker making the loan a copy of the statement referred to and described in subdivision (a).

(c) Deliver to the person making any payment to the broker to be retained by the broker, a plain and complete receipt for each payment made, at the time it is made, showing the total amount received, and identifying the brokerage agreement and the loan contract upon which the payment is applied. If the payment is made by a person other than the personal property broker, a copy of the receipt shall be delivered to the personal property broker.

(d) When the borrower pays the loan in full, see that the personal property broker fully complies with subdivision (e) of Section 22473.

SEC. 9. Section 24409 of the Financial Code, as added by Senate Bill No. 140 of the 1981–82 Regular Session, is amended to read:

24409. The commissioner shall require that information pertaining to loans be stated separately in the annual reports as follows:

(a) For loans of a principal amount of less than ten thousand dollars ($10,000).

(b) For loans of ten thousand dollars ($10,000) or more and any other business.

(c) The commissioner may permit information pertaining to expenses in the annual report to be reported in totals by categories without separation as to types of loans, and may make such other rules from time to time as may be necessary to obtain adequate information pertaining to the licensee

The report shall be made under oath and in the form prescribed by the commissioner.

SEC. 10. It is the intent of the Legislature, if this bill and Senate Bill 140 are both chaptered and become effective January 1, 1982,

both bills amend Section 22050 of the Financial Code, and this bill is chaptered after Senate Bill 140, that the amendments to Section 22050 proposed by both bills be given effect and incorporated in Section 22050 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill 140 are both chaptered and become effective January 1, 1982, both amend Section 22050, and this bill is chaptered after Senate Bill 140, in which case Section 1 of this act shall not become operative.

SEC. 11. Section 9 of this bill which further amends Section 24409 of the Financial Code, as added by Senate Bill 140 of the 1981-82 Regular Session, shall become operative only if Senate Bill 140 is chaptered and in that case shall become operative without regard to whether Senate Bill 140 is chaptered before or after this bill.

CHAPTER 424

An act to amend Sections 5412.5 and 5421 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981.]

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

SECTION 1. Section 5412.5 of the Business and Professions Code is amended to read:

5412.5. Notwithstanding any other provision of this chapter, no advertising display which was lawfully erected within this state shall be compelled to be removed by any city, county, city and county, or any other local entity, whether or not the advertising display is removed pursuant to, or because of, this chapter or any other statute, ordinance, or regulation of any governmental entity.

This section applies to all displays which were lawfully erected in compliance with state and local laws in effect when the displays were erected, if the displays were still in existence on November 6, 1978, regardless of whether the displays have become nonconforming or have been provided an amortization period. Notwithstanding the foregoing sentence, this section shall not apply to displays which were erected pursuant to a written agreement with a governmental entity providing for the removal of the displays after a fixed period of time.

This section does not apply to advertising displays compelled to be removed by the Department of Transportation to comply with Section 131 of Title 23 of the United States Code or to any advertising display acquired for a public use by any governmental entity pursuant to Title 7 (commencing with Section 1230.010) or Part 3 of the Code of Civil Procedure.

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 that date.

SEC. 2. Section 5421 of the Business and Professions Code is amended to read:

5421. A special advisory committee, to be called the Governor's Outdoor Advertising Advisory Committee, is hereby created.

The Governor shall appoint the following members of the committee: three representatives of the outdoor advertising industry, three representatives of local government, and three public members.

The Senate Rules Committee shall appoint a Senator as an ex officio member, and the Speaker of the Assembly shall appoint one Assemblyman as an ex officio member. The Chief of the Outdoor Advertising Section of the Department of Transportation shall be a nonvoting coordinator of the committee.

The committee shall study and make a written report on the current status of all laws, ordinances, and regulations affecting outdoor advertising, the impact of these laws, ordinances, and regulations on the state, the public, owners of outdoor advertising displays, advertisers, cities, and counties. The committee shall make recommendations for legislation that would insure:

(a) The state's compliance with all existing federal requirements.

(b) Local entities' ability to regulate outdoor advertising.

(c) Equal treatment for all persons affected by such laws, ordinances, and regulations.

(d) That the ability of the citizens of this state to communicate is not unreasonably impaired.

The committee shall be in existence until October 1, 1982, with a written report with legislative proposals submitted to the Governor and Legislature on or before February 1, 1982.

SEC. 3. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 425

An act to amend Sections 9901, 9902, and 9908 of the Unemployment Insurance Code, relating to employment.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 9901 of the Unemployment Insurance Code is amended to read:

9901. (a) The Legislature finds and declares that existing classroom and worksite training programs are not sufficient to solve the employment problems of Vietnam era veterans, urban and rural economically disadvantaged, youths, displaced workers, and other persons with obsolete or inadequate job skills in that:

(1) Current linkages between on-the-job training and vocational/technical education need to be improved to assure that individuals are properly trained for the thousands of jobs which remain unfilled even during periods of high unemployment among youth, disadvantaged persons, displaced workers, and persons with obsolete or inadequate job skills.

(2) Job training programs need to reallocate sufficient resources to career-oriented upgrading of skills.

(3) Current programs for upgrading skills and career advancement need to involve employers in complimentary worksite training to a greater extent.

(4) Workers with obsolete or inadequate skills are often required to quit a job or accept part-time employment to participate in upgrading training.

(b) To remedy the problems specified in subdivision (a), the Legislature hereby declares it the policy of the State of California to provide job training programs which integrate classroom instruction with entry level and career worksite training in order to provide effective opportunities for youth and the economically disadvantaged to enter into career employment and advancement. To develop such integrated programs, this chapter is intended to encourage local educational and training agencies, employee organizations, and employers to coordinate their efforts under the administration of the Employment Development Department working in concert with the Department of Industrial Relations, the Department of Education, and the chancellor's office of the community colleges.

It is further the intention of the Legislature that programs developed pursuant to this chapter shall not replace, parallel, supplant, compete with or duplicate in any way already existing approved apprenticeship programs.

SEC. 2. Section 9902 of the Unemployment Insurance Code is amended to read:

9902. As used in this chapter:

(a) "Career worksite training" means the progressive development of skills associated with a defined set of work processes to be covered sequentially in the course of employment in an

occupation, trade, or industry. Such training shall be upgrading in nature, shall be integrated with and supplemented by classroom instruction as deemed necessary and appropriate, and shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progression of earnings and related benefits that is recognized with the occupation, trade, or industry. Career worksite training includes apprenticeship and on-the-job training programs developed in accordance with the provisions of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(b) "Entry level training" means instruction conducted in the classroom, worksite, or in any combination thereof which is short-term in nature and is either preparatory for employment or an integral part of employment in an entry classification in a particular occupation or industry, when such entry level training is directly linked to a specific career worksite training program or when the entry classification is the source of entry into a career worksite training program.

(c) "Classroom instruction" means job-related instruction on or off the job site, the provision of which is normally outside of scheduled working hours and is neither in the course of production nor in the course of rendering a service. When used in the context of being "integrated" with or "supplemental" to worksite training it means classroom instruction that is specifically linked to training on the job and phased with the work process covered, so that the skills acquired both in the classroom and on the job are mutually reinforced in a manner that enhances the career education and the productivity of the trainee. An individual involved in classroom instruction, as defined in this section, shall be exempt from the requirements of any interdistrict agreement.

(d) "Covered costs of classroom instruction" means costs incurred in the provision of classroom instruction for both entry level and career worksite training, and may include specifically identified costs incurred for instructors, classroom space and facilities, liability insurance, administrative support services, and related costs, which together, do not exceed the amount normally allowed for the support of vocational and technical classes as determined on the basis of criteria developed pursuant to Section 9903. To the extent possible, funds allocated from other sources shall be utilized in the provision of classroom training. Costs such as those for specialized equipment and materials not appropriately attributable to classroom training shall not be allowed.

(e) "Department" means the Employment Development Department.

(f) "Director" means the Director of the Employment Development Department.

(g) "Eligible applicant" means an applicant who may apply for funds that are made available through this chapter for the support of classroom and worksite components of both "entry level training" and "career worksite training" as those terms are defined in this

section. Eligible applicants shall include local education agencies, employers, employee organizations, Comprehensive Employment and Training Act prime sponsors, community based organizations, and other providers of training of demonstrated effectiveness, or any combination thereof, when programs supported by funds available to them or through them are integrated with programs supported under the provisions of this chapter. No party to a collective-bargaining agreement shall be an eligible applicant unless all parties to the agreement agree in writing.

(h) "Added costs to employers" means, as specified by regulations or guidelines established pursuant to this chapter, the actual increased costs incurred by employers when they assume the responsibility for career worksite training. Such increased costs must be specifically identified, and may include such costs as those incurred for training supervision, for maintaining training records, for monitoring the progress of training and implementing performance standards, for the additional costs of production time allocated for training on the job, and for similar functions essential to career worksite training programs.

(i) "Participant stipend" means, when provided under this chapter, a form of financial support to trainees that is limited to covering lost earnings when, for reasons related to the nature of a particular program, the classroom instruction that is integrated with a career worksite training program cannot be provided outside of regular working hours, or in the case of economically disadvantaged participants, limited payments for entry level training that is directly linked to career worksite training programs. Participant stipends, as specified by regulations or guidelines established pursuant to this chapter, may be augmented to provide transportation costs and relocation assistance only where other federal and state resources are not available. Relocation assistance may be provided in the form of loans, grants, or both, and shall only be available to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside or secure bona fide offers of employment, other than temporary or seasonal employment. Nothing in this chapter shall limit stipends provided through a program supported pursuant to the Comprehensive Employment and Training Act which is coordinated with a program supported under this chapter, or which are provided by other funds.

(j) "Local education agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision of the state, or any other public or private educational institution or agency having administrative control and direction of a vocational education program.

(k) "Vietnam era veteran" means any person who served on active duty in the United States military service during the period

from August 5, 1964, to December 31, 1972, or who received a Vietnam service medal, if either of the following apply:

(1) The person was discharged or released from the service under conditions other than bad conduct or dishonorable as determined by the United States Veterans Administration under the standards specified in subdivision (d) of Section 3.12 of Title 38 of the Code of Federal Regulations, and served at least 18 months of active duty during such period.

(2) The person was discharged or released because of a service-connected disability rated at 30 percent or more by the Veterans Administration, and served at least one day of active duty during the period.

SEC. 3. Section 9908 of the Unemployment Insurance Code is amended to read:

9908. In order to receive financial assistance under this chapter, eligible applicants shall submit a locally developed California Work-site Education and Training Plan. Such plans shall be sufficiently detailed to provide an understanding of local labor market conditions and the programmatic, administrative, and financial arrangements necessary to ensure that training programs are conducted in accord with this chapter. The formulation of the plan shall, to the extent practicable, involve the participation of local education agencies, employers, employee organizations, representatives of appropriate state agencies, including the Employment Development Department, the Department of Industrial Relations, the chancellor's office of the community colleges, the Department of Education, Comprehensive Employment and Training Act prime sponsors, and other appropriate local employment and training providers. Program plans shall:

(a) Describe local labor market conditions, including the potential for job growth in private sector business and industry including identification of specific job openings utilizing California Occupational Information System as appropriate.

(b) Describe classroom and worksite training components, including the length of time to be spent in classroom and worksite training. Classroom training should be based on the minimum feasible time necessary for occupational preparedness as described by employers.

(c) Describe the institutional arrangements between participating training deliverers.

(d) Describe arrangements with employers for worksite training including employer commitments to hire as a result of entry level or upgrading training and the potential for promotion or career advancement.

(e) Identify local resources, including, but not limited to, funds, equipment, tools, and laboratories, which will be used to support the training as well as the resources of other federal or state employment and training agencies or the Department of Industrial Relations.

(f) Describe a process for evaluation which may include the use of independent contractors for the development or conduct of such evaluation.

(g) Describe arrangements to ensure that training be provided on a priority basis to Vietnam era veterans, the economically disadvantaged, youths, displaced workers, and persons with obsolete or inadequate job skills, including, but not limited to, those lacking high school diplomas and those needing basic or upgraded skills training.

(h) Describe, where appropriate, the arrangements for upgrading the skills of classroom instructors who will be providing training under this chapter.

CHAPTER 426

An act to amend Section 69603 of the Government Code, relating to courts.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981.]

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

SECTION 1. Section 69603 of the Government Code is amended to read:

69603. In the County of Sonoma there shall be seven judges of the superior court.

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. This act shall become operative July 1, 1982.

CHAPTER 427

An act to amend Sections 2924, 2924c, and 2924h of the Civil Code, relating to real property.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 2924 of the Civil Code is amended to read:

2924. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge. Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a security, such power shall not be exercised except where such mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record, or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or is made by a public utility subject to the provisions of the Public Utilities Act, until (a) the trustee, mortgagee, or beneficiary, shall first file for record, in the office of the recorder of each county wherein the mortgaged or trust property or some part or parcel thereof is situated, a notice of default, identifying the mortgage or deed of trust by stating the name or names of the trustor or trustors and giving the book and page where the same is recorded or a description of the mortgaged or trust property and containing a statement that a breach of the obligation for which such mortgage or transfer in trust is security has occurred, and setting forth the nature of such breach and of his election to sell or cause to be sold such property to satisfy the obligation, and where the default is curable pursuant to Section 2924c, containing the statement specified in paragraph (1) of subdivision (b) of Section 2924c; (b) not less than three months shall thereafter elapse; and (c) after the lapse of the three months the mortgagee, trustee or other person authorized to take the sale shall give notice of sale, stating the time and place thereof, in the manner and for a time not less than that set forth in Section 2924f. A recital in the deed executed pursuant to the power of sale of compliance with all requirements of law regarding the mailing of copies of notices or the publication of a copy of the notice of default or the personal delivery of the copy of the notice of default or the posting of copies of the notice of sale or the publication of a copy thereof shall constitute prima facie evidence of compliance with such requirements and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value and without notice.

SEC. 2. 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 not exceeding one hundred fifty dollars ($150) in case of a mortgage or 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.

After three months from the date of recordation of this document (which date of recordation appears hereon), unless the obligation being foreclosed upon permits a longer period, you have only the legal right to stop the foreclosure by paying the entire amount demanded by your creditor.

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. 3. Section 2924h of the Civil Code is amended to read:

2924h. (a) Each and every bid made by a bidder at a trustee's sale under a power of sale contained in a deed of trust or mortgage shall be deemed to be an irrevocable offer by that bidder to purchase the property being sold by the trustee under such power of sale for the amount of the bid. Any second or subsequent bid by the same bidder or any other bidder for a higher amount shall be a cancellation of the prior bid.

(b) At the trustee's sale the trustee shall have the right (1) to require every bidder to show evidence of his ability to deposit with the trustee the full amount of his final bid in cash, a cashier's check drawn on a state or national bank, a state or federal credit union, or a state or federal savings and loan association domiciled in this state, or a cash equivalent which has been designated in the notice of sale as acceptable to the trustee prior to and as a condition to the recognizing of such bid, and to conditionally accept and hold these amounts for the duration of the sale, and (2) to require the last and highest bidder to deposit, if not deposited previously, the full amount of his final bid in cash, a cashier's check drawn on a state or national bank, a state or federal credit union, or a state or federal savings and loan association domiciled in this state, or a cash equivalent which has been designated in the notice of sale as acceptable to the trustee, immediately prior to the completion of the sale, the completion of the sale being so announced by the fall of the hammer or in other customary manner. The present beneficiary of the deed of trust under foreclosure shall have the right to offset his bid(s) only to the extent of the total amount due him including the trustee's fees and expenses.

(c) If the trustee has not required the last and highest bidder to deposit the cash, a cashier's check drawn on a state or national bank, a state or federal credit union, or a state or federal savings and loan association domiciled in this state, or a cash equivalent which has been designated in the notice of sale as acceptable to the trustee in the manner set forth in paragraph 2 of subdivision (b), the trustee shall complete the sale. If the last and highest bidder then fails to deliver to the trustee, when demanded, the amount of his final bid in cash, a cashier's check drawn on a state or national bank, a state or federal credit union, or a state or federal savings and loan association domiciled in this state, or a cash equivalent which has been designated in the notice of sale as acceptable to the trustee, such bidder shall be liable to the trustee for all damages which the trustee may sustain by the refusal to deliver to the trustee the amount of the final bid, including any court costs and reasonable attorneys' fees.

If the last and highest bidder willfully fails to deliver to the trustee the amount of his final bid in cash, a cashier's check drawn on a state or national bank, a state or federal credit union, or a state or federal

savings and loan association domiciled in this state, or a cash equivalent which has been designated in the notice of sale as acceptable to the trustee, such bidder shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars ($2,500).

(d) Any postponement or discontinuance of the sale proceedings shall be a cancellation of the last bid.

(e) In the event that this section conflicts with any other statutory provision of the law, then this section shall prevail.

(f) It shall be unlawful for any person, acting alone or in concert with others, to offer to or accept from another any consideration of any type not to bid or to fix or restrain bidding in any manner at a sale of property conducted pursuant to a power of sale in a deed of trust or mortgage. In addition to any other remedies, any person committing any act declared unlawful by this subdivision or any act which would operate as a fraud or deceit upon any beneficiary, trustor, or junior lienor shall, upon conviction, be fined not more than ten thousand dollars ($10,000) or imprisoned in the county jail for not more than one year, or be punished by both such fine and imprisonment.

CHAPTER 428

An act to amend Section 69590 of the Government Code, relating to courts.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 69590 of the Government Code is amended to read:

69590. In the County of Monterey there shall be eight judges of the superior court.

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. This act shall become operative on July 1, 1982.

CHAPTER 429

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

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Notwithstanding Section 42239 of the Education Code, an elementary school district which had an average daily attendance of between 3,200 and 3,250 in the 1979–80 fiscal year may add in the computation of revenue limits for the 1980–81 and 1981–82 fiscal years, pursuant to Sections 42237, 42238, and 42239 of the Education Code, any loss of average daily attendance due to the transfer of a portion of the territory of the district to another district if the transfer was approved during the 1979–80 fiscal year and became effective on July 1, 1980.

SEC. 2. The additional revenue limit amounts represented by the loss of average daily attendance authorized pursuant to Section 1 of this act shall be reduced by one hundred thousand dollars ($100,000) for each of the 1980–81 and 1981–82 fiscal years.

SEC. 3. Due to the unique circumstances involving the need for funds to comply with health and safety requirements and instructional program mandates in the school district described under Section 1 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. 4. This act shall be deemed operative for the entire 1980–81 and 1981–82 fiscal years as though it had been enacted into law and become operative on July 1, 1980. The Superintendent of Public Instruction and other public officers may, for such purposes, take all necessary steps to effect the midfiscal year transition involved, including adjusting allowance computations, apportionments, and disbursements ordered from Section A of the State School 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 the necessity are:

In order for the provisions of this act to apply for as much of the 1980–81 and 1981–82 fiscal years as possible, it is necessary that this act take effect immediately.

CHAPTER 430

An act relating to parks and recreation.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Pursuant to Section 5096.96 of the Public Resources Code, the City of Sacramento is hereby authorized to retain and convert to a recreation center the school buildings described in the Department of Parks and Recreation project #34-0043 under the grant of state funds appropriated by Item 504(30) of the Budget Act of 1979 (Chapter 259, Statutes of 1979); provided, that the city shall apply an amount equal to the purchase price of the land occupied by the buildings for outdoor recreation improvements on the site.

SEC. 2. Pursuant to Section 5096.96 of the Public Resources Code, the City of Los Angeles is hereby authorized to convert to an enclosed swimming pool the outdoor swimming pool described in the Department of Parks and Recreation project #19-0035 under the grant of state funds appropriated by Item 412A(86) of the Budget Act of 1974 (Chapter 1522, Statutes of 1974).

CHAPTER 431

An act to amend Section 14613 of the Government Code, and to amend Sections 488.5, 557.5, and 669.5 of the Insurance Code, relating to California State Police.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 14613 of the Government Code is amended to read:

14613. There is in the Department of General Services the California State Police Division.

The director shall appoint members and employees of the California State Police Division as may be necessary to protect and provide police services for the state buildings and grounds and occupants thereof. Members and security officers of the California State Police Division have the powers of peace officers as defined in the Penal Code.

Members of the California State Police Division consist of the following: the chief, inspectors, captains, lieutenants, sergeants, and officers. All other persons in the California State Police Division are

considered employees.

The California State Police Division may provide for the physical security of the constitutional officers of the state and the legislators of the state.

SEC. 2. 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 and subdivision (b) of Section 830.2 of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 3. 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 and subdivision (b) of Section 830.2 of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 4. 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 and subdivision (b) of Section 830.2 of the Penal Code.

CHAPTER 432

An act to amend Section 4 of Chapter 1216 of the Statutes of 1980, relating to jury trials.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 4 of Chapter 1216 of the Statutes of 1980 is amended to read:

Sec. 4. This act shall remain in effect only until January 1, 1983, and as of that date is repealed.

Santa Clara County shall provide information as needed and requested by the Judicial Council to assist the Judicial Council in making a recommendation to the Legislature on or before June 30, 1982, as to whether the provisions of this act should be repealed or extended.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 433

An act to amend Sections 52872, 52874, 52875, 52876, 52878, 52901, 52941, and 52945 of, and to add Section 52903 to, the Food and Agricultural Code, relating to cotton, and making an appropriation therefor.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 52872 of the Food and Agricultural Code is amended to read:

52872. The director shall establish a list of growers and other persons and organizations subject to the provisions of this chapter. Each person or organization on the list shall have one vote in any election conducted pursuant to Sections 52871 and 52873 in which such person or organization is authorized to vote.

SEC. 2. Section 52874 of the Food and Agricultural Code is amended to read:

52874. Each member of the board, except the ex officio members,

shall have an alternate member, who shall be a candidate for election in the same manner as the member. The candidate receiving the greatest number of votes in the election for the vacant position shall be the member. The candidate with the next highest number of votes in the election for the vacant position shall be the alternate. In the event of a tie vote in electing members or alternates, the director, by lot, shall determine the member and alternate.

SEC. 3. Section 52875 of the Food and Agricultural Code is amended to read:

52875. An alternate member shall, in the absence of the member for whom he is alternate, sit in place of the member on the board, and shall have, and be able to exercise, all the rights, privileges, and powers of the member when sitting on the board. In the event of death, removal, resignation, or the disqualification of a member, the alternate shall act as a member on the board for the remainder of the term.

If an alternate member is unable to continue serving in that position because he or she has replaced a member on the board or is unable to continue serving for any other reason, a new alternate shall be selected, by majority vote of the board; provided, however, that such person shall fulfill all the qualifications set forth in this article as required for the alternate member whose office he is to fill. Qualification of any person to fill vacancies on the board shall be certified, in writing, by the director.

SEC. 4. Section 52876 of the Food and Agricultural Code is amended to read:

52876. Grower members and their alternates on the board shall have a financial interest in producing, or causing to be produced, cotton for market.

Cotton industry members or their alternates shall have a financial interest in, or be employed by, any person or organization handling cotton for markets.

The public member or his alternate on the board shall have all the powers, rights, and privileges of any other member on the board, but shall not have any direct financial interest in the cotton industry.

SEC. 5. Section 52878 of the Food and Agricultural Code is amended to read:

52878. The term of office for each member, alternate, and ex officio member of the board is four years.

SEC. 6. Section 52901 of the Food and Agricultural Code is amended to read:

52901. The planting, possessing for planting, growing, picking, harvesting, ginning of cotton, delinting of cottonseed, or sale of lint by anyone conducting research on nonapproved varieties shall be in compliance with regulations adopted by the department. The department shall also adopt regulations to accomplish the following purposes:

(a) To maintain the integrity of approved one-variety cotton and prevent contamination of such cotton.

(b) To require that growers notify the department regarding the location of test sites and of the dates and procedures for planting, harvesting, and ginning of cotton.

(c) To establish a procedure for importing cottonseed into the district.

SEC. 7. Section 52903 is added to the Food and Agricultural Code, to read:

52903. The director, by permit, may allow seedcotton produced outside the district to be ginned within the district provided the planting seed has met the requirements of subdivision (c) of Section 52901. Cottonseed and lint resulting from these ginnings shall be disposed of as directed by the permit.

SEC. 8. Section 52941 of the Food and Agricultural Code is amended to read:

52941. Any person who or organization which engages in the reproduction, sale, and distribution of Acala cottonseed for planting purposes under this chapter, shall annually pay to the director an assessment fee in an amount not to exceed two dollars ($2) per hundredweight of undelinted seed on all planting seed sold within the one-variety cotton district.

SEC. 9. Section 52945 of the Food and Agricultural Code is amended to read:

52945. All moneys which are received by the director pursuant to this chapter shall be deposited in an Acala Cotton Fund which is hereby created as a special fund and shall be expended only for the purposes of this chapter.

All money deposited in the fund is hereby continuously appropriated to the department without regard to fiscal years for expenditure in carrying out the purposes for which the money was deposited and for making refunds authorized by Section 302.

All money deposited in the fund under the provisions of this chapter are hereby exempted from the provisions of Sections 13320 to 13324, inclusive, and 13335 to 13342, inclusive, of the Government Code.

CHAPTER 434

An act to add Article 3 (commencing with Section 447.10) to Part 1.95 of Division 1 of the Health and Safety Code, relating to health.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981.]

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

SECTION 1. Article 3 (commencing with Section 447.10) is added to Part 1.95 of Division 1 of the Health and Safety Code, to read:

Article 3. Health Professions Careers Opportunity Program

447.10. The Legislature finds and declares that California has an insufficient number of minority health professionals to meet the health care needs in the state. Greater numbers of minority health professionals are required to meet the special needs of population groups who face cultural and linguistic barriers to adequate health care, and to meet the state's needs for a more equitable geographic distribution of professional health personnel resources.

447.12. It is the intent of the Legislature to maintain a Health Professions Career Opportunity Program which is designed to:

(a) Increase the number of ethnic minorities in health professional training.

(b) Increase the number of minority health professionals practicing in health manpower shortage areas in this area.

447.14. The Office of Statewide Health Planning and Development shall maintain a Health Professions Career Opportunity Program which shall include, but not be limited to, the following:

(a) Producing and disseminating a series of publications aimed at informing and motivating minority and disadvantaged students to pursue health professional careers.

(b) Conducting a conference series aimed at informing such students of opportunities in health professional training and mechanisms of successfully preparing to enter such training.

(c) Providing support and technical assistance to health professional schools and colleges as well as student and community organizations active in minority health professional development.

(d) Conducting relevant manpower information and data analysis in the field of minority and disadvantaged health professional development.

(e) Providing necessary consultation, recruitment and counseling through other means.

(f) Supporting and encouraging minority health professionals in training to ractice in health professional shortage areas of California.

447.16. The office shall submit an annual report on or before November 1 of each year to the Joint Legislative Budget Committee, the University of California, and the California Postsecondary Education Commission which shall detail the yearly accomplishments of the program and the work program for the next fiscal year.

CHAPTER 435

An act to amend Sections 11165, 11166, 11167, 11169, 11170, 11172, and 11174 of the Penal Code, relating to child abuse, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 11165 of the Penal Code is amended to read:

11165. As used in this article:

(a) "Child" means a person under the age of 18 years.

(b) "Sexual assault" means conduct in violation of the following sections of the Penal Code: Sections 261 (rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivisions (a) and (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age), and Sections 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), and 647a (child molestation).

(c) "Neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

(1) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by subdivision (d), including the intentional failure to provide adequate food, clothing, or shelter.

(2) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred.

For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16508 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child.

(d) "Willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation

such that his or her person or health is endangered.

(e) "Corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.

(f) "Abuse in out-of-home care" means situations of physical injury on a child which is inflicted by other than accidental means, or of sexual assault or neglect or the willful cruelty or unjustifiable punishment of a child, as defined in this article, where the person responsible for the child's welfare is a foster parent or the administrator or an employee of a public or private residential home, school, or other institution or agency.

(g) "Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child abuse" also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). "Child abuse" also means the neglect of a child or abuse in out-of-home care, as defined in this article.

(h) "Child care custodian" means a teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp, a licensed day care worker; an administrator of a community care facility licensed to care for children; headstart teacher; a licensing worker or licensing evaluator; public assistance worker; employee of a child care institution including, but not limited to, foster parents, group home personnel and personnel of residential care facilities; a social worker or a probation officer.

(i) "Medical practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(j) "Nonmedical practitioner" means a state or county public health employee who treats a minor for venereal disease or any other condition; a coroner; a paramedic; a marriage, family, or child counselor; or a religious practitioner who diagnoses, examines, or treats children.

(k) "Child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department.

SEC. 2. Section 11166 of the Penal Code is amended to read:

11166. (a) Except as provided in subdivision (b), any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency

immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.

(c) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.

(d) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.

(e) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.

(f) A county probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case, and to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department and the agency given responsibility for investigation of

cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

SEC. 3. Section 11167 of the Penal Code is amended to read:

11167. (a) A telephone report of a known or suspected instance of child abuse shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury, and any other information, including information that led such person to suspect child abuse, requested by the child protective agency.

(b) Information relevant to the incident of child abuse may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse.

(c) Persons who may report pursuant to subdivision (c) of Section 11166 are not required to include their names. The identity of all persons who report under this article shall be confidential and disclosed only when needed for court action initiated under Section 232 of the Civil Code, or Section 300 of the Welfare and Institutions Code, or in a criminal prosecution arising from alleged child abuse, or by court order or between child protective agencies.

SEC. 4. Section 11169 of the Penal Code is amended to read:

11169. A child protective agency shall forward to the Department of Justice a preliminary report in writing of every case of known or suspected child abuse which it investigates, other than cases coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, whether or not any formal action is taken in the case. However, if after investigation the case proves to be unfounded no report shall be retained by the Department of Justice. If a report has previously been filed which has proved unfounded the Department of Justice shall be notified of that fact. The report shall be in a form approved by the Department of Justice. A child protective agency receiving a written report from another child protective agency shall not send such report to the Department of Justice.

SEC. 5. Section 11170 of the Penal Code is amended to read:

11170. The Department of Justice shall immediately notify a child protective agency which submits a report pursuant to Section 11169 of any information maintained pursuant to Section 11110 which is relevant to the known or suspected instance of child abuse reported by the agency. The indexed reports retained by the Department of Justice shall be continually updated and shall not contain any unfounded reports. A child protective agency shall make such information available to the reporting medical practitioner, child custodian, or guardian ad litem appointed under Section 318 of the

Welfare and Institutions Code, if he or she is treating or investigating a case of known or suspected child abuse.

When a report is made pursuant to subdivision (a) of Section 11166, the investigating agency shall, upon completion of the investigation or after there has been a final disposition in the matter, inform the person required to report of the results of the investigation and of any action the agency is taking with regard to the child or family.

SEC. 6. Section 11172 of the Penal Code is amended to read:

11172. (a) No child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse, or causing photographs to be taken of a suspected victim of child abuse, without parental consent, or for disseminating the photographs with the reports required by this article. However, the provisions of this section shall not be construed to grant immunity from such liability with respect to any other use of the photographs.

(b) Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than five hundred dollars ($500) or by both.

SEC. 7 Section 11174 of the Penal Code is amended to read:

11174. The Department of Justice, in cooperation with the State Department of Social Services, shall prescribe by regulation guidelines for the investigation of child abuse, as defined in subdivision (f) of Section 11165, in group homes or institutions and shall ensure that every investigation of alleged child abuse coming within that definition is conducted in accordance with the regulations and guidelines.

SEC 8. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

SEC. 9. This act is an urgency statute necessary for the

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

In order that the provisions of this act shall achieve maximum implementation, it is necessary that this act take effect at the earliest possible date.

CHAPTER 436

An act to amend Section 12403 of the Penal Code, relating to tear gas weapons, declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 12403 of the Penal Code is amended to read:

12403. Nothing in this chapter shall prohibit any person who is a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 from purchasing, possessing, transporting, or using any tear gas weapon, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

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:

Permitting peace officers presently in training to receive immediate instruction in off-duty use of tear gas and tear gas weapons will avoid the need for later additional training and to facilitate such training as soon as possible it is necessary that this act go into immediate effect.

CHAPTER 437

An act to amend Sections 2741, 2815, and 2815.5 of the Business and Professions Code, relating to registered nurses, and making an appropriation therefor.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 2741 of the Business and Professions Code is amended to read:

2741. An applicant who fails to pass the examination may be reexamined within such period of time as the board, by regulation, deems appropriate in the subjects in which he or she failed upon payment of the fees prescribed by this chapter.

SEC. 2. Section 2815 of the Business and Professions Code is amended to read:

2815. Subject to the provisions of Section 128.5, the amount of the fees prescribed by this chapter in connection with the issuance of licenses for registered nurses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a license shall be fixed by the board at not more than fifty dollars ($50).

(b) The fee to be paid for taking each examination shall be fixed by the board at not more than sixty-five dollars ($65).

(c) The biennial fee to be paid upon the filing of an application for renewal of the license shall be not more than fifty dollars ($50).

(d) The penalty fee for failure to renew a license within the prescribed time shall be fixed by the board at not more than 50 percent of the regular renewal fee, but not more than twenty-five dollars ($25).

(e) The fee to be paid for approval of a continuing education provider shall be fixed by the board at not more than one hundred fifty dollars ($150).

(f) The biennial fee to be paid upon the filing of an application for renewal of provider approval shall be fixed by the board at not more than one hundred fifty dollars ($150).

(g) The fee to be paid upon the filing of an application for the examination taken in lieu of a continuing education program shall be fixed by the board to compensate for the cost of preparation and administration of the examination, but in no case shall exceed fifty dollars ($50).

(h) The penalty for submitting insufficient funds or fictitious check, draft or order on any bank or depository for payment of any fee to the board shall be ten dollars ($10).

(i) The fee to be paid for an interim permit shall be fixed by the board at not more than twenty dollars ($20).

(j) The fee to be paid for a temporary license shall be fixed by the board at not more than twenty dollars ($20).

(k) The fee to be paid for rescoring each section of an examination shall be fixed by the board at not more than twenty dollars ($20).

(*l*) The fee to be paid for processing endorsement papers to other states shall be fixed by the board at not more than fifty dollars ($50).

(m) The fee to be paid for a certified copy of a school transcript shall be fixed by the board at not more than twenty dollars ($20).

(n) The fee to be paid for a duplicate license shall be fixed by the

board at not more than twenty dollars ($20).

(o) The fee to be paid upon the request by a registered nurse for an evaluation of his or her qualifications to use the title "nurse practitioner" shall be fixed by the board at not more than fifty dollars ($50).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

SEC. 3. Section 2815.5 of the Business and Professions Code is amended to read:

2815.5. The amount of the fees prescribed by this chapter in connection with the issuance of certificates as nurse-midwives is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a certificate shall be fixed by the board at not more than fifty dollars ($50).

(b) The biennial fee to be paid upon the application for a renewal of a certificate shall be fixed by the board at no more than thirty-five dollars ($35).

(c) The penalty fee for failure to renew a certificate within the prescribed time shall be 50 percent of the renewal fee in effect on the date of the renewal of the license, but no more than twenty-five dollars ($25).

(d) The fee to be paid upon the filing of an application for the nurse-midwife equivalency examination shall be fixed by the board at not more than fifty dollars ($50).

SEC. 4. The Board of Registered Nursing shall report to the Legislature on the condition of the Board of Registered Nursing Fund on or before July 1, 1982. The report shall include the fees increased by this act, the fund surplus created by the fee increases authorized by this act and a projection of when fees will be required to be increased again.

CHAPTER 438

An act to add Section 1782 to the Government Code, relating to state boards and commissions.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 1782 is added to the Government Code, to read:

1782. Notwithstanding any other provision of the law, whenever a vacancy occurs on a state board or commission, or a seat on a board or commission is abolished by statute, the board or commission shall notify the appropriate appointing authority of this occurrence and

the appropriate appointing authority shall notify the person occupying the vacated or abolished seat that the person may no longer serve on the board or commission. Except as provided in Section 1774, the person occupying the vacated or abolished seat on the board or commission shall continue to serve until notified by the appropriate appointing authority.

CHAPTER 439

An act to add Chapter 10 (commencing with Section 21700) to Division 8 of the Business and Professions Code, relating to self-service storage facilities.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981.]

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

SECTION 1. Chapter 10 (commencing with Section 21700) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 10. SELF-SERVICE STORAGE FACILITIES

21700. This act shall be known as the "California Self-Service Storage Facility Act."

21701. For the purposes of this chapter, the following terms shall have the following meanings:

(a) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property, but does not include a garage or other storage area in a private residence. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse, nor a public utility, as defined in Section 216 of the Public Utilities Code. If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of Division 7 (commencing with Section 7101) of the Commercial Code, and the provisions of this chapter do not apply.

(b) "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his or her agent, or any other person authorized by him or her to manage the facility, or to receive rent from an occupant under a rental agreement, and no real estate license is required.

(c) "Occupant" means a person, or his or her sublessee, successor, or assign, who is entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the

exclusion of others.

(d) "Rental agreement" means any written agreement or lease which establishes or modifies the terms, conditions, rules, or any other provision concerning the use and occupancy of a self-service storage facility.

(e) "Personal property" means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, furniture, and household items.

(f) "Last known address" means that address provided by the occupant in the latest rental agreement, or the address provided by the occupant in a subsequent written notice of a change of address.

21702. The owner of a self-service storage facility and his or her heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, incurred pursuant to the rental agreement, and for expenses necessary for the preservation, sale, or disposition of personal property subject to the provisions of this chapter. The lien may be enforced consistent with the provisions in this chapter. However, any lien on a motor vehicle or boat which has attached and is set forth in the documents of title to the motor vehicle or boat shall have priority over any lien created pursuant to this chapter.

21703. When any part of the rent or other charges due from an occupant remain unpaid for 14 consecutive days, an owner may terminate the right of the occupant to the use of the storage space at a self-service storage facility by sending a notice to the occupant's last known address, and to the alternative address specified in subdivision (b) of Section 21712, by certified mail, postage prepaid, containing all of the following:

(a) An itemized statement of the owner's claim showing the sums due at the time of the notice and the date when the sums became due.

(b) A statement that the occupant's right to use the storage space will terminate on a specified date (not less than 14 days after the mailing of the notice) unless all sums due are paid by the occupant prior to the specified date.

(c) A notice that the occupant may be denied access to the storage space after the termination date if the sums are not paid, and that an owner's lien, as provided for in Section 21702, may be imposed thereafter.

(d) The name, street address, and telephone number of the owner, or his or her designated agent, whom the occupant may contact to respond to the notice.

21704. A notice in substantially the following form shall satisfy the requirements of Section 21703:

PRELIMINARY LIEN NOTICE

TO _____
(occupant)
_____
(address)
_____
(state)

You owe and have not paid rent and/or other charges for the use of storage _____
(space number)
at _____ .
(name and address of storage facility)
These charges total $ _____
(amount)
and have been due for more than 14 days. They are itemized as follows:

Due Date	Description	Amount

TOTAL: $_____

If this sum is not paid in full before
_____
(date at least 14 days from mailing)
your right to use the storage space will terminate, you will be denied access, and an owner's lien on any stored property will be imposed.

You may pay this sum and may contact the owner at:

_____
(name)
_____
(address)
_____
(state)
_____
(telephone)

_____
(date)

(owner's signature)

21705. If a notice has been sent, as required by Section 21703, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the owner may deny an occupant access to the space, enter the space, and remove any property found therein to a place of safe keeping. The owner shall then send to the occupant, addressed to the occupant's last known address, and to the alternative address specified in subdivision (b) of Section 21712, by certified mail, postage prepaid, all of the following:

(a) A notice of lien sale which shall state all of the following:

(1) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(2) That the stored property is subject to a lien, and the amount of the lien.

(3) That the property will be sold to satisfy the lien after a specified date which is not less than 14 days from the date of mailing the notice unless the amount of the lien is paid or the occupant executes and returns by certified mail a declaration under penalty of perjury in opposition to the lien sale in the form set forth in subdivision (b).

(4) That any excess proceeds of the sale over the lien amount and costs of sale will be retained by the owner and may be reclaimed by the occupant, or claimed by another person, at any time for a period of one year from the sale and that thereafter the proceeds will escheat to the county.

(b) A blank declaration in opposition to the lien sale which shall be in substantially the following form:

DECLARATION IN OPPOSITION TO LIEN SALE

I, _____ ,
(occupant's name)
have received the notice of lien sale of the property stored at
_____ .
(location and space #)
I oppose the lien sale of the property My address is:
_____
(address)
_____
(city) (state) (zip)
I understand that the lienholder may file an action in court against me, and if a judgment is given in his or her favor, I may be liable for the court costs. I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was signed by me on
_____ at _____.
(date) (place)

(signature of occupant)

21706. If a declaration in opposition to the lien sale, executed under penalty of perjury, is not received prior to the date of sale set forth in the notice of lien sale, the owner may subject to the provisions of Sections 21708 and 21709 sell the property upon complying with the requirements set forth in Section 21707.

21707. (a) After the expiration of the time given in the notice of lien sale, pursuant to subdivision (a) of Section 21705, an advertisement of the sale shall be published once a week for two weeks consecutively in a newspaper of general circulation published in the judicial district where the sale is to be held. The advertisement shall include a general description of the goods, the name of the person on whose account they are being stored, the space number of the occupant, and the name and location of the storage facility. If there is no newspaper of general circulation published in the judicial district where the sale is to be held, the advertisement shall be posted at least 10 days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale.

(b) The sale shall be conducted in a commercially reasonable manner, and, after deducting the amount of the lien and costs of sale, the owner shall retain any excess proceeds of the sale on the occupant's behalf. The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within one year of the date of sale. Thereafter, the owner shall pay any remaining excess proceeds to the treasury of the county in which the sale was held.

21708. Any person who has a perfected security interest under Division 9 (commencing with Section 9101) of the Commercial Code may claim any personal property subject to the security interest and subject to a lien pursuant to this chapter by paying the total amount due, as specified in the preliminary lien notice, for the storage of the property, if no declaration of opposition to the lien sale is executed and returned by the occupant. Upon payment of the total amount due, the owner shall deliver possession of the particular property subject to the security interest to the person who paid the total amount due. The owner shall not be liable to any person for any action taken pursuant to this section if the owner has fully complied with the requirements of Sections 21704 and 21705.

21709. Prior to any sale pursuant to Section 21706, any person claiming a right to the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred for particular actions taken pursuant to this chapter. In that event, the goods shall not be sold, but shall be retained by the owner subject to the terms of this chapter pending a court order directing a particular disposition of the property.

21710. If a declaration in opposition to the lien sale is received

prior to the date set forth in the notice of lien sale, the owner may enforce the lien as follows:

(a) An action to enforce the owner's lien shall be commenced by the filing of a verified complaint setting forth the facts upon which the claim of lien is based. The summons and complaint may be served by certified mail, postage prepaid, addressed to the occupant at his or her last known address, in which case service shall be deemed completed on the fifth day after the mailing, or in any other manner authorized by Chapter 4 (commencing with Section 413.10) of Title 2 of Part 2 of the Code of Civil Procedure.

(b) The occupant shall have 10 days in which to respond to the complaint after service of the summons is completed, which time may be extended for good cause shown.

(c) If the occupant has not responded to the complaint by answer or demurrer within the time allowed after service is completed, the clerk, or the judge if there is no clerk, upon application of the owner, shall enter the default of the occupant, and thereafter, the owner may apply to the court for judgment in the amount of the lien, including costs.

(d) Any judgment entered on the action on the lien in favor of the owner may be enforced by sale of the property by the owner. The sale shall be conducted in a commercially reasonable manner, and shall take place 10 days or more from the entry of judgment, unless within that time period, or at any time prior to the sale, the occupant pays to the owner the full amount of the judgment.

(e) Enforcement of the judgment may be stayed, pending appeal, by the posting of a bond by the occupant in an amount one and one-half times the amount of the judgment, in which case the property may be released to the occupant.

21711. A purchaser in good faith of goods sold to enforce a lien or a judgment entered on the lien in favor of the owner on goods stored at a self-service storage facility takes the goods free of any rights of persons against whom the lien was claimed, despite noncompliance by the owner of the storage facility with the requirements of this chapter.

21712. (a) Each contract for the rental or lease of individual storage space in a self-service storage facility shall be in writing and shall contain, in addition to the provisions otherwise required or permitted by law to be included, a statement that the occupant's property will be subject to a claim of lien and may even be sold to satisfy the lien if the rent or other charges due remain unpaid for 14 consecutive days and that such actions are authorized by this chapter.

(b) The provisions of this chapter shall not apply, and the lien authorized by this chapter shall not attach, unless the rental agreement requests, and provides space for, the occupant to give the name and address of another person to whom the preliminary lien notice and subsequent notices required to be given under this chapter may be sent. Notices sent pursuant to Section 21703 or

Section 21705 shall be sent to the occupant's address and the alternative address, if both addresses are provided by the occupant. Failure of an occupant to provide an alternative address shall not affect an owner's remedies under this chapter or under any other provision of law.

21713. Nothing in this chapter shall be construed to impair or affect the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by this chapter shall be in addition to all other rights provided by law to a creditor against his or her debtor.

21714. The provisions of this chapter shall only apply to rental agreements entered into, or extended, or renewed after the effective date of this chapter.

21715. All rental agreements entered into before the effective date of this chapter, and not extended or renewed after that date, and the rights, duties, and interests flowing from them, shall remain valid, and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state.

21716. 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 declared to be severable.

CHAPTER 440

An act to amend Section 1502 of the Corporations Code, relating to corporations.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 1502 of the Corporations Code is amended to read:

1502. (a) Every corporation shall file, within 90 days after the filing of its original articles and annually thereafter during the applicable filing period in each year, on a form prescribed by the Secretary of State, a statement containing: (1) the names and complete business or residence addresses of its incumbent directors; (2) the number of vacancies on the board, if any; (3) the names and complete business or residence addresses of its chief executive officer, secretary and chief financial officer; (4) the street address of its principal executive office; (5) if the address of its principal executive office is not in this state, the street address of its principal business office in this state, if any; and (6) a statement of the general type of business which constitutes the principal business activity of

the corporation (for example, manufacturer of aircraft; wholesale liquor distributor; retail department store).

(b) The statement required by subdivision (a) shall also designate, as the agent of such corporation for the purpose of service of process, a natural person residing in this state or a corporation which has complied with Section 1505 and whose capacity to act as such agent has not terminated. If a natural person is designated, the statement shall set forth such person's complete business or residence address. If a corporate agent is designated, no address for it shall be set forth.

(c) If there has been no change in the information in the last filed statement of the corporation on file in the Secretary of State's office, the corporation may, in lieu of filing the statement required by subdivisions (a) and (b), advise the Secretary of State, on a form prescribed by the Secretary of State, that no changes in the required information have occurred during the applicable filing period.

(d) For the purposes of this section, the applicable filing period for a corporation 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 corporation 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 corporation according to the records of the Secretary of State. The failure of the corporation to receive the form is not an excuse for failure to comply with this section.

(e) Whenever any of the information required by subdivision (a) is changed, the corporation may file a current statement containing all the information required by subdivisions (a) and (b). 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 subdivisions (a) and (b). 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.

(f) 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.

(g) This section shall not be construed to place any person dealing with the corporation on notice of, or under any duty to inquire about, the existence or content of a statement filed pursuant to this section.

SEC. 2. This act shall become operative on July 1, 1983.

CHAPTER 441

An act to amend Section 777 of the Public Utilities Code, relating to public utilities.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 777 of the Public Utilities Code is amended to read:

777. (a) Where utility service is provided by a public utility subject to Section 779 or 780 to residential occupants through a master meter or where individually metered residential service is furnished in a multiunit residential structure, mobilehome park, or farm labor camp where the owner or manager of the multiunit residential structure, mobilehome park, or the farm labor employer is listed by the utility as the subscriber of record of the utility service, the public utility shall make every good faith effort to inform the occupants that service will be terminated at least 10 days prior to termination. The notice shall further inform the occupants that they have the right to become utility customers, to whom the service will then be billed, without being required to pay any amount which may be due on the account.

(b) The public utility shall not be obligated to make service available, unless and until each and every occupant then residing on the premises agrees to the terms and conditions of service and meets the requirements of the public utility's rules and tariffs. However, if one or more occupants are willing and able to assume responsibility for the entire account to the satisfaction of the public utility, or if there is a physical means, legally available to the public utility, of selectively terminating service to those occupants who have not met the requirements of the public utility's rules and tariffs, the public utility shall make service available to the occupants who have met those requirements.

(c) Where prior service for a period of time is a condition for establishing credit by the serving utility, residency and proof of prompt payment of rent for that period of time shall be a satisfactory equivalent.

(d) Any occupant who becomes a utility customer pursuant to this section whose periodic payments, such as rental payments, include the costs of utility services, where those costs are not separately stated, may deduct from his payment each payment period all reasonable charges paid to the utility for utility services during the preceding payment period.

CHAPTER 442

An act to add Chapter 5 (commencing with Section 13230) to Part 2 of Division 12 of the Health and Safety Code, relating to high rise structures.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Chapter 5 (commencing with Section 13230) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 5. BUILDING CERTIFICATION

13230. As used in this chapter, "high rise structure" has the same meaning as defined in Section 13210.

13231. Any licensed architect who submits final plans for a privately owned high rise structure shall send a letter to the local fire agency within whose jurisdiction the structure is to be built, acknowledging that, to the best of his or her information, knowledge, and belief, the plans take into consideration applicable high rise fire safety regulations.

13232. Any general contractor who constructs a privately owned high rise structure shall certify that the construction conforms to final plans for the structure acknowledged pursuant to Section 13231. This certification shall be submitted by a letter to the State Fire Marshal and the local fire agency within whose jurisdiction the structure is constructed.

13233. The owner or operator of any privately owned high rise structure shall annually certify that he or she has requested the appropriate local fire enforcing agency to conduct an inspection of the building to determine its conformance with all applicable high rise structure fire safety standards. The certification shall be submitted by letter to the State Fire Marshal.

13234. The State Fire Marshal may establish regulations for certification according to Sections 13232 and 13233, including the general form and contents of letters certifying conformance with high rise fire codes

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CHAPTER 443

An act to amend Section 13215 of the Health and Safety Code, relating to highrise structures.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981.]

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

SECTION 1. Section 13215 of the Health and Safety Code is amended to read:

13215. It is unlawful for any person to construct or maintain any highrise structure in violation of the provisions of this chapter, building standards published in the State Building Standards Code relating to fire or panic safety, or other regulations adopted pursuant to the provisions of this chapter. Any person who violates these provisions, standards, or regulations is guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not to exceed six months in the county jail or by a fine not to exceed ten thousand dollars ($10,000), or both.

A person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision, standard, or regulation within this section is continued or permitted to continue by that person after the person has been notified of the violation by the appropriate enforcing agency. In addition, any condition existing in violation of any provision, standard, or regulation within this section is a public nuisance and may be summarily abated.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 444

An act to amend Sections 360, 400, 420, 507, 542, 545, 546, 602, 692.1, 702, 752, 759, 771, 776, 1500.1, 1501, 1702, 1800, 1801, 1802, 1901, 2053, 2071, 2094, and 3539 of the Financial Code, relating to banks.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 360 of the Financial Code is amended to read:

360. The request for authority to organize and establish a corporation to engage in the banking or trust business shall be set forth in an application in such form and containing such information

as the superintendent may require and shall be accompanied by a fee of five thousand dollars ($5,000).

SEC. 2. Section 400 of the Financial Code is amended to read:

400. The articles of incorporation of the proposed bank or trust company shall be submitted to the superintendent for his approval before they are filed with the Secretary of State pursuant to the Corporations Code. After the articles have been filed with the Secretary of State the proposed bank or trust company shall:

(a) File with the superintendent a copy of its articles of incorporation, certified by the Secretary of State, and a copy of its bylaws certified by its secretary.

(b) File with the superintendent a statement in such form and with such supporting data as he may require showing that the entire contributed capital has been fully paid in lawful money, unconditionally, and that the funds representing such contributed capital, less sums spent as authorized by this article for preopening expenditures are on deposit in a state or national bank in this state, subject to withdrawal on demand.

(c) Pay to the superintendent a fee of two thousand five hundred dollars ($2,500).

SEC. 3. Section 420 of the Financial Code is amended to read:

420. A bank or trust company may change the location of its head office with the written approval of the superintendent. An application for such approval shall be in such form and contain such information as the superintendent may require and be accompanied by a fee of two hundred fifty dollars ($250).

SEC. 4. Section 507 of the Financial Code is amended to read:

507. When authorized by the superintendent a bank or trust company may change the location of a branch office from one location to another in the same vicinity. An application for such authorization shall be in such form and contain such information as the superintendent may require and be accompanied by a fee of two hundred fifty dollars ($250).

SEC. 5. Section 542 of the Financial Code is amended to read:

542. An application for authority to establish and maintain a place of business shall be in such form and contain such information as the superintendent may prescribe, and shall be accompanied by a fee of two hundred fifty dollars ($250).

SEC. 6. Section 545 of the Financial Code is amended to read:

545. The approval of an application to establish and maintain a place of business shall be revoked by operation of law if the applicant bank does not establish and maintain such place of business within one year after the date of such approval. However, for good cause on written application made before such approval is revoked and accompanied by a fee of one hundred dollars ($100), the superintendent may extend for additional periods not in excess of one year each the time within which such place of business may be established and maintained.

SEC. 7. Section 546 of the Financial Code is amended to read:

546. With the prior written approval of the superintendent, a bank may change the location of a place of business from one location to another in the same vicinity. An application for such approval shall be accompanied by a fee of one hundred dollars ($100).

SEC. 8. Section 602 of the Financial Code is amended to read:

602. A bank or trust company organized under the laws of or doing business in this state shall not change its name without first obtaining the written consent of the superintendent to the change and to the adoption of the new name. An application for consent shall be in such form and contain such information as the superintendent may by order or regulation require and shall be accompanied by a fee of five hundred dollars ($500). The superintendent shall not approve the new name if it resembles so closely as to be likely to cause confusion the name of any other bank or trust company transacting or which has previously transacted business in this state.

SEC. 9. Section 692.1 of the Financial Code is amended to read:

692.1. The superintendent shall charge and collect fees for applications filed under this article as fixed in this section.

(a) The fee for a negotiating permit shall be fifty dollars ($50).

(b) The fee for a permit to exchange a security or to make any change in the rights, preferences, privileges, or restrictions of or on outstanding securities shall be fifty dollars ($50).

(c) The fee for any permit to sell securities other than as specified in subdivision (b) shall be one hundred dollars ($100) plus one-tenth of one percent (0.1%) of the aggregate value of the securities sought to be sold, up to a maximum aggregate fee of one thousand seven hundred fifty dollars ($1,750).

SEC. 10. Section 702 of the Financial Code is amended to read:

702. An application for approval to acquire control of a bank or a controlling person shall be in such form and contain such information as the superintendent may require by regulation or order and shall be accompanied by the following fee:

(a) In case the applicant has been a director or officer of the bank for not less than two years (or, if the bank has been in business for less than two years, for such lesser period), a fee of five hundred dollars ($500); and

(b) In any other case, a fee of one thousand five hundred dollars ($1,500).

SEC. 11. Section 752 of the Financial Code is amended to read:

752. A bank or trust company may purchase, acquire, and hold not less than 75 percent of the outstanding shares of a corporation engaged exclusively in holding real property of the character described in subdivsion (a) of Section 750 for the purposes therein set forth or in holding, separately or in addition to such real property, tangible personal property necessary or convenient for the use of the bank or trust company in the conduct of its business or for future expansion of its business. The purchase or acquisition of stock of any such corporation shall be approved by two-thirds of all the directors of such bank or trust company and be approved in writing by the

superintendent. An application for approval shall be in such form and contain such information as the superintendent may by order or regulation require and shall be accompanied by a fee of five hundred dollars ($500).

SEC. 12. Section 759 of the Financial Code is amended to read:

759. With the prior written consent of the superintendent, a bank may purchase and hold the whole or any part of the stock of not more than one corporation authorized to conduct a trust business, organized and existing under the laws of this state and transacting a trust business in the same county in which the head office of such bank is situated. An application for consent shall be in such form and contain such information as the superintendent may by order or regulation require and shall be accompanied by a fee of five hundred dollars ($500). No bank's investment in any such corporation at any one time shall exceed 25 percent of the bank's shareholders' equity. No such trust company shall engage in or combine the business of a commercial bank or a title insurance company.

SEC. 13. Section 771 of the Financial Code is amended to read:

771. With the prior written consent of the superintendent, two or more banks may invest in the stock of a corporation engaged exclusively in the business of performing for one or more banks such bank services as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a bank; provided that the aggregate investment of any bank in such corporation at any one time shall not exceed 10 percent of the shareholders' equity of the bank; and provided, further, that the corporation shall furnish to the superintendent satisfactory assurances that the performance of services by such corporation will be subject to regulation and examination by the superintendent to the same extent as if such services were being performed by the bank itself on its own premises. An application for consent shall be in such form and contain such information as the superintendent may by order or regulation require and shall be accompanied by a fee of five hundred dollars ($500).

SEC. 14. Section 776 of the Financial Code is amended to read:

776. Every bank and branch shall conduct all of its business in one building or in adjoining buildings except that under special circumstances and with the written consent of the superintendent a bank or branch may conduct a portion of its business elsewhere in the same vicinity. An application for consent shall be in such form and contain such information as the superintendent may by order or regulation require and shall be accompanied by a fee of five hundred dollars ($500).

SEC. 15. Section 1500.1 of the Financial Code is amended to read:

1500.1. Any commercial bank, with the prior authorization of the superintendent, may engage in the trust business, if its articles

comply with the requirements of subdivision (b) of Section 600. Any bank so authorized shall, in the conduct of its trust business, comply with and be governed by all of the provisions of this chapter, except the provisions of Section 1560. An application for such authorization shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000).

SEC. 16. Section 1501 of the Financial Code is amended to read:

1501. A corporation authorized to transact a title insurance business under the Insurance Code may engage in the trust business and maintain a trust department as well as a title insurance department if it complies with the following requirements:

(a) It shall first obtain the consent of both the superintendent and the Commissioner of Insurance. The application for such consent of the superintendent shall be in such form and contain such information as the superintendent may require and be accompanied by a fee of one thousand dollars ($1,000).

(b) In its application for such consent it shall include a statement making a segregation of its shareholders' equity for each department. When such apportionment is approved by the superintendent and the Commissioner of Insurance the part of such shareholders' equity apportioned to each department shall be segregated and shall be treated as the separate shareholders' equity of each such department as if each such department was a separate business.

(c) (1) It shall amend its articles to comply with the requirements of subdivision (d) of Section 600. (2) It shall amend its articles to comply with the requirements of subdivision (b) of Section 600.2. Section 904 of the Corporations Code shall not apply to such amendment; however, the amendment must be approved by not less than two-thirds of each class of its outstanding shares which would become assessable under the amendment.

(d) It shall make the deposits of money or securities with the State Treasurer pursuant to Article 3 of this chapter.

(e) As to its trust department it shall be subject to and shall comply with all the requirements of this division applicable to trust companies and the rules and regulations of the superintendent.

SEC. 17. Section 1702 of the Financial Code, as added by Chapter 67 of the Statutes of 1981, is amended to read:

1702. Fees shall be paid to, and collected by, the superintendent, as follows:

(a) The fee for filing with the superintendent an application by a foreign (other nation) bank which is not licensed to transact business in this state for approval to establish a branch office shall be two thousand dollars ($2,000).

(b) The fee for filing with the superintendent an application by a foreign (other nation) bank which is not licensed to transact business in this state for approval to establish an agency shall be one thousand five hundred dollars ($1,500).

(c) The fee for filing with the superintendent an application by a

foreign (other nation) bank which is licensed to transact business in this state for approval to establish a branch office shall be one thousand dollars ($1,000).

(d) The fee for filing with the superintendent an application by a foreign (other nation) bank which is licensed to transact business in this state for approval to establish an agency shall be seven hundred fifty dollars ($750).

(e) The fee for filing with the superintendent an application by a foreign bank for approval to establish a representative office shall be two hundred fifty dollars ($250).

(f) The fee for filing with the superintendent an application by a foreign (other nation) bank which is licensed to maintain an agency or branch office for approval to relocate or to close such office shall be two hundred fifty dollars ($250).

(g) The fee for filing with the superintendent an application by a foreign bank which is licensed to maintain a representative office for approval to relocate or to close such representative office shall be one hundred dollars ($100).

(h) The fee for issuing a license shall be twenty-five dollars ($25).

(i) Each foreign bank which on June 1st of any year is licensed to maintain a representative office but is not licensed to transact business in this state shall pay, on or before the following July 1st, a fee of two hundred fifty dollars ($250) for each such representative office.

SEC. 18. Section 1800 of the Financial Code, as amended by Chapter 67 of the Statutes of 1981, is amended to read:

1800. No person shall engage in the business of receiving money for the purpose of transmitting the same or its equivalent to foreign countries without first obtaining a license from the superintendent. For the purposes of this chapter "licensee" means any person licensed pursuant to this chapter. The provisions of this chapter shall not apply to (a) a bank or trust company or a foreign bank which is licensed under Article 3 (commencing with Section 1750) of Chapter 13.5 or which is authorized under federal law to maintain a federal agency or federal branch office in this state, or (b) the receipt of money by an agent of an incorporated telegraph company at any regular office of such company for immediate transmission by telegraph. A licensee engaged in the business of receiving money for transmission to a foreign country shall pay to the superintendent annually on or before July 1st, one hundred dollars ($100) for each branch office and five dollars ($5) for each agency at which money is received for transmission to a foreign country.

SEC. 19. Section 1801 of the Financial Code is amended to read:

1801. Every licensee shall pay annually on or before July 1st a license fee of five hundred dollars ($500).

SEC. 20. Section 1802 of the Financial Code is amended to read:

1802. An application for a license shall be in writing, under oath, and in a form prescribed by the Superintendent of Banks. It shall contain the name and address of the applicant, and, if a corporation,

of every officer and director thereof. The application shall also contain such other information as the superintendent may require. Upon the filing of the application for a license the applicant shall pay to the superintendent a filing fee of one thousand dollars ($1,000).

SEC. 21. Section 1901 of the Financial Code is amended to read:

1901. Whenever, in the judgment of the superintendent, the condition of any bank, trust company, or foreign banking corporation renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, he has authority to make any necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs and to charge for such extra sevices an amount not exceeding two hundred dollars ($200) a day for each examiner engaged in the examination of such bank.

SEC. 22. Section 2053 of the Financial Code is amended to read:

2053. When the agreement has been executed by the appropriate officers of each of the banks and when the same has been approved by each of the banks in accordance with Section 2052, the original or a duplicate original thereof shall be filed with the superintendent. There shall be attached to the agreement filed with the superintendent certificates executed by the secretary of each of the banks respectively, certifying that the agreement has been approved by the bank of which he is secretary in accordance with Section 2052. Such agreement shall not become effective until it has been approved in writing by the superintendent. An application for such approval shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of two thousand five hundred dollars ($2,500). When the agreement has been executed and approved by each of such banks in accordance with Section 2052 and has been approved by the superintendent notice of such agreement shall be published once a week for four successive weeks in a newspaper published in the county in which the selling bank has its principal place of business, or if a branch or a branch business is sold then in a newspaper published in the county in which such branch office is located, and in the county in which the purchasing bank has its principal place of business. Within 10 days after the last publication of such notice an affidavit showing publication in compliance herewith shall be filed in the office of the superintendent.

SEC. 23. Section 2071 of the Financial Code is amended to read:

2071. Any agreement for the merger of two or more banks or trust companies and any certifiate of ownership executed pursuant to Section 1110 of the Corporations Code pertaining to such a merger shall have the approval of the superintendent endorsed thereon before the same is filed with the Secretary of State. An application for such approval shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of two thousand five hundred dollars ($2,500).

SEC. 24. Section 2094 of the Financial Code is amended to read:

2094. Whenever a state bank survives the merger of one or more national banking associations with a state bank and the agreement for merger has been filed with the Secretary of State with the approval of the superintendent endorsed thereon (An application for such approval of the superintendent shall be filed in such form and contain such information as the superintendent may require, and be accompanied by a fee of two thousand five hundred dollars ($2,500).), a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not until, such filing the merger shall be and become effective for all purposes. If the surviving corporation acquires additional powers by such merger, the superintendent shall issue to it his certificate authorizing it to engage in the commercial banking or trust business or both of such businesses, as the case may be.

SEC. 25. Section 3539 of the Financial Code is amended to read:

3539. The foreign corporation shall pay a license fee of five hundred dollars ($500).

CHAPTER 445

An act to amend Section 10473 of, and to repeal and add Section 10473.1 of, the Business and Professions Code, relating to real estate.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 10473 of the Business and Professions Code is amended to read:

10473. Whenever the court proceeds upon an application as set forth in Section 10471, it shall order payment out of the separate account in the Real Estate Fund for education, research, and recovery purposes only upon a determination that the aggrieved party has a valid cause of action within the purview of Section 10471 and has complied with the provisions of Section 10472.

The commissioner may defend any such action on behalf of the separate account in the Real Estate Fund for education, research, and recovery purposes and shall have recourse to all appropriate means of defense and review, including examination of witnesses and the right to relitigate any issues, material and relevant in the proceeding against the separate account, which were determined in the underlying action on which the judgment in favor of the applicant was based. If the judgment in favor of the applicant was by default, stipulation, or consent, or whenever the action against the licensee was defended by a trustee in bankruptcy, the applicant shall have the burden of proving that the cause of action against the licensee was for fraud, misrepresentation, deceit, or conversion of

trust funds. Otherwise, the judgment shall create a rebuttable presumption of the fraud, misrepresentation, deceit, or conversion of trust funds by the licensee, which presumption shall affect the burden of producing evidence.

The commissioner may move the court at any time to dismiss the application when it appears there are no triable issues and the petition is without merit. The motion may be supported by affidavit of any person or persons having knowledge of the facts, and may be made on the basis that the petition, and the judgment referred to therein, does not form the basis for a meritorious recovery claim within the purview of Section 10471; provided, however, the commissioner shall give written notice at least 10 days before such motion.

The commissioner may, subject to court approval, compromise a claim based upon the application of an aggrieved party He shall not be bound by any prior compromise or stipulation of the judgment debtor.

SEC. 2. Section 10473.1 of the Business and Professions Code is repealed.

SEC. 3. Section 10473.1 is added to the Business and Professions Code, to read:

10473.1. The judgment debtor may defend an action against the separate account in the Real Estate Fund for education, research, and recovery purposes on his or her own behalf and shall have recourse to all appropriate means of defense and review, including examination of witnesses. All matters, including, but not limited to, the issues of fraud, misrepresentation, deceit, or conversion of trust funds, finally adjudicated in the underlying action are conclusive as to the judgment debtor and the applicant in the proceeding against the separate account.

CHAPTER 446

An act relating to parks and recreation.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Notwithstanding Section 14670 of the Government Code, the Director of General Services shall transfer to the Department of Parks and Recreation, without consideration, approximately 80 acres of property presently leased to the East Bay Regional Park District.

SEC. 2. The Department of Parks and Recreation shall lease the property described in Section 1 to the East Bay Regional Park District for a period not exceeding 20 years in order that the district

may manage and develop the property on a long-range basis in conjunction with other property in the regional park system.

CHAPTER 447

An act to amend Section 742 of the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 742 of the Welfare and Institutions Code is amended to read:

742. Upon the request of an alleged victim of a crime, the probation officer shall, within 60 days of the final disposition of a case within which a petition has been filed pursuant to Section 602, inform that person by letter of the final disposition of the case. "Final disposition" means dismissal, acquittal, or findings made pursuant to this article If the court orders that restitution shall be made to the victim of a crime, the amount, terms, and conditions thereof shall be included in the information provided pursuant to this section.

CHAPTER 448

An act to amend Section 8392 of the Fish and Game Code, relating to fish.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 8392 of the Fish and Game Code is amended to read:

8392. (a) No California halibut may be taken, possessed, or sold which measures less than 22 inches in total length, unless it weighs four pounds or more in the round, three and one-half pounds or more dressed with the head on, or three pounds or more dressed with the head off. Total length means the shortest distance between the top of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force.

(b) The holder of a commercial fishing license may possess during one day for noncommercial use not more than a total of 30 pounds of California halibut of less than 22 inches in total length or less than

the minimum weights specified in subdivision (a) if taken incidentally in commercial fishing.

CHAPTER 449

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

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

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

1771. Except for public works projects of one thousand dollars ($1,000) or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works.

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

CHAPTER 450

An act to amend Section 23390 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 23390 of the Business and Professions Code is amended to read:

23390. A licensed winegrower or brandy manufacturer, in addition to exercising all the privileges of his license at his licensed premises, may exercise all his license privileges at or from branch offices or warehouses, or United States bonded wine cellars located away from his place of production or manufacture, other than production or manufacture, the sale of wine or brandy to consumers for consumption on the premises in a bona fide eating place, and the sale or delivery of wine to consumers in containers supplied, furnished, or sold by the consumer. The department shall upon

request issue to a winegrower or brandy manufacturer a duplicate of his original license for a location or locations other than his wine production or brandy manufacture premises. The duplicate license authorizes the maintenance and operation of each branch or warehouse or United States bonded wine cellar declared and designated by the winegrower or brandy manufacturer at the location for which the duplicate license is issued. The fee for each duplicate winegrower's license is an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for each duplicate brandy manufacturer's license an amount equal to the fee paid for the original license.

Notwithstanding the provisions of any other section of this division, a duplicate winegrower's license or duplicate brandy manufacturer's license shall be issued forthwith upon the application therefor. In the event any protest is received by the department concerning the issuance of such duplicate license, the protest shall be considered as an accusation against the licensee and a hearing had thereon as if an accusation had been filed.

For 30 days from the date of the issuance of such duplicate license, no retail sales of wine or brandy shall be made at any branch office for which a duplicate winegrower's license or duplicate brandy manufacturer's license is issued pursuant to this section.

Notwithstanding any other provision of law, the department may allow any person who held more than one original winegrower's license, on or before January 1, 1981, to transfer any duplicate license which has been issued, on or before January 1, 1981, on any of the original winegrower's licenses to any other original winegrower's license held by that person, on or before January 1, 1981 provided that the licensee cancels the original winegrower's license from which any duplicate license is transferred. This subdivision shall not authorize any person to acquire any additional duplicate licenses other than those held by that licensee on or before January 1, 1981.

CHAPTER 451

An act to amend Section 41403 of the Education Code, relating to school employees.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 41403 of the Education Code is amended to read:

41403. The Superintendent of Public Instruction shall, for each current fiscal year, determine for each school district in the state, to two decimal points, the following:

(a) The total number of administrative employees, except those serving in positions which are supported by categorical grants from any source and are in programs which require specific teacher-administrator ratios, or which are supported by federal funds. As to those serving in positions which are not supported completely by such categorical grants from any source or completely by federal funds, the number of employees reported shall include the full-time equivalent of all fractional time attributable to that time not supported by categorical grants or federal funds.

(b) The total number of teachers except those serving in positions which are supported by federal funds or by categorical grants from any source and are in programs which require specific teacher-administrator ratios. As to those serving in positions which are not supported completely by such categorical grants from any source or completely by federal funds, the number of employees reported shall include the full-time equivalent of all fractional time attributable to that time not supported by categorical grants or federal funds Substitute teachers may be counted as teachers only if the employee for whom they are substituting is not counted. In no event shall the number of full-time equivalent teachers reported be greater than the number of full-time equivalent teaching positions in the district.

(c) The total maximum number of administrative employees which should be employed by the district based upon the application of the appropriate ratio prescribed by Section 41402 to the number of teachers determined pursuant to subdivision (b).

(d) The number of administrative employees in excess of the number allowable without penalty as determined by subtracting the number determined pursuant to subdivision (c) from the number determined pursuant to subdivision (a).

The number of employees reported pursuant to subdivisions (a), (b), (c), and (d) shall include the full-time equivalent of all fractional time of such employees.

For purposes of determining the allowable ratio of administrative employees to teachers for the San Diego City School District, the Superintendent of Public Instruction shall exclude from the numbers reported pursuant to subdivisions (a), (b), (c), and (d), the number of employees and the full-time equivalent of all of the fractional time of employees serving the district in positions mandated as the result of the district's court-ordered integration plan

No individual may be counted as more than one full-time equivalent employee.

SEC 2. Due to the unique circumstances concerning the ability of the San Diego City School District to meet the required ratio of administrative employees to teachers because of court-mandated ordered integration programs and services, 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.

CHAPTER 452

An act to amend Section 1810.3 of the Civil Code, relating to retail installment accounts.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 1810.3 of the Civil Code is amended to read:

1810.3. (a) Except in the case of an account which the seller deems to be uncollectible or with respect to which delinquency collection procedures have been instituted, the seller of any retail installment account shall mail or deliver to the buyer for each billing cycle at the end of which there is an outstanding debit balance in excess of one dollar ($1) in that account or with respect to which a finance charge is imposed, a statement or statements which the buyer may retain, setting forth in accordance with subdivision (c) each of the following items to the extent applicable:

(1) The outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance."

(2) The amount and date of each extension of credit or the date the extension of credit is debited to the account during the billing cycle and, unless previously furnished, a brief identification of any goods or services purchased or other extension of credit.

(3) The total amounts credited to the account during the billing cycle for payments, using the term "payment," and for other credits, including returns, rebates of finance charges, and adjustments, using the term "credits," and unless previously furnished, a brief identification of each of the items included in the other credits.

(4) The amount of any finance charge, using the term "finance charge," debited to the account during the billing cycle, itemized and identified to show the amounts, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge, such as a minimum charge, using appropriate descriptive terminology.

(5) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), and the range of balances to which it is applicable.

(6) The balance on which the finance charge was computed, and a statement of how that balance was determined. If any balance is determined without first deducting all credits during the billing cycle, that fact and the amount of such credits shall also be disclosed.

(7) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which, payment must be made to avoid additional

finance charges.

(b) The seller shall mail or deliver the statements required by subdivision (a) at least 14 days prior to any date or the end of any time period required to be disclosed under paragraph (7) of subdivision (a) in order for the consumer to avoid an additional finance or other charge. A seller that fails to meet this requirement shall not collect any finance or other charges imposed as a result of such failure.

(c) The disclosures required by subdivision (a) shall be made on the face of the periodic statement, on its reverse side, or on the periodic statement supplemented by separate statement forms provided they are enclosed together and delivered to the customer at the same time, and further provided that:

(1) The disclosures required by paragraph (1) of subdivision (a) shall appear on the face of the periodic statement. If the amounts and dates of the charges and credits required to be disclosed under paragraphs (2) and (3) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement or separate slips which shall accompany the periodic statement and identify each charge and credit and show the date and amount thereof. Identification of goods or services purchased may be made on an accompanying slip or by symbol relating to an identification list printed on the statement. If the disclosures required under paragraph (4) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement which shall accompany the periodic statement.

(2) The disclosures required by paragraph (5) of subdivision (a) and a reference to the amounts required to be disclosed under paragraphs (4) and (6) of subdivision (a), if not disclosed together on the face or the reverse side of the periodic statement, shall appear together on the face of a single supplemental statement which shall accompany the periodic statement.

(3) The face of the periodic statement shall contain one of the following notices, as applicable: "NOTICE: See reverse side for important information" or "NOTICE: See accompanying statement(s) for important information" or "NOTICE: See reverse side and accompanying statement(s) for important information"; and

(4) The disclosures shall not be separated so as to confuse or mislead the customer or obscure or detract attention from the information required to be disclosed

(d) If any change is to be made in terms of a retail installment account previously disclosed to the buyer, the seller shall mail or deliver to the buyer written disclosure of such proposed change not less than 30 days prior to the effective date of such change or 30 days prior to the beginning of the billing cycle within which such change will become effective, whichever is the earlier date.

(e) If any outstanding credit balance in excess of one dollar ($1)

exists in a retail installment account, the seller shall mail or deliver to the buyer at the end of the billing cycle in which the credit balance is created either: (i) a cash refund in the amount of such outstanding credit; or (ii) a statement setting forth the credit balance, and thereafter shall mail or deliver to the buyer a statement setting forth the credit balance no fewer than two additional times during the six-month period following creation of the credit balance. If the credit balance exists for a period of 90 days, the seller shall, at his option, do either of the following:

(1) Notify the buyer of his right to request and receive a cash refund in the amount of such outstanding credit balance in two successive statements covering, respectively, each of the two successive billing cycles immediately following the 90-day period. Such notice is to be accomplished by a clear and conspicuous disclosure on or enclosed with each of the two successive statements, each of which shall be accompanied by a self-addressed return envelope. Such disclosure shall contain the following information and may be in the following form:

"We owe you _____. Your credit balance will be refunded on request If you don't request a refund, six months from the first appearance of a ' credit balance' on your bill, your credit balance will be refunded automatically.

"If your credit balance is $1.00 or less, it will not be refunded unless requested, and after 6 months, it will not be credited against future purchases.

"You may obtain a refund of your credit balance by mail by presenting your statement at our store or by returning the top half of your statement in the enclosed envelope."

If between the sending of the first notice and the sending of the second notice required by this paragraph, the outstanding credit balance is refunded to the buyer or otherwise disposed of, the sending of the second notice shall not be required.

(2) Refund to the buyer the outstanding credit balance at any time after such credit balance is created in the buyer's account and prior to the date by which the first notice of the outstanding balance would have been sent had the seller elected to proceed under paragraph (1).

(f) (1) If a retail installment account with an outstanding credit balance in excess of one dollar ($1) which has been determined to be correct by the seller is dormant for a period of 180 days after such credit balance is created in the buyer's account, the seller shall mail or deliver a refund in the amount of the outstanding credit balance to the buyer at the buyer's last known address

(2) If any refund is returned to the seller with a notification to the effect that the addressee is not located at the address to which it was sent, the seller shall make one remailing of the refund with an address correction request, and shall mail such refund to such

corrected address, if it is obtained.

(3) If such refund reflecting an outstanding credit balance in excess of twenty-five dollars ($25) is again returned, the seller shall reinstate the full amount of the outstanding credit balance on the buyer's account to be retained and credited against future purchases for one year from the date on which the remailed refund was returned. The seller may continue to attempt to obtain a current mailing address for the buyer by whatever means the seller deems appropriate. Except as provided in subdivision (g), the seller shall not be required to take any further action with respect to sending any statement of the credit balance or otherwise with respect to the credit balance, unless the buyer of such an account thereafter requests a refund of such credit balance, in which event the seller shall either make such refund or provide a written explanation as provided in paragraph (5) of this subdivision.

(4) If a remailed refund reflecting an outstanding credit balance of twenty-five dollars ($25) or less is again returned, the seller, except as provided in subdivision (g), shall not be required to take any further action with respect to sending any statement of the credit balance to the buyer or otherwise with respect to such credit balance, unless the buyer of such an account thereafter requests a refund of such credit balance, in which event the seller shall either make such refund or provide a written explanation as provided in paragraph (5) of this subdivision.

(5) If a buyer requests, in person or by mail, a refund of a credit balance in any amount which has been reflected at any time on such buyer's account, the seller shall, within 30 days of receipt of such request, either refund the amount requested, or furnish the customer with a written explanation, with supporting documentation when available, of the reasons for refusing to refund the amount requested.

(6) If a buyer, in writing, requests a seller to retain an outstanding credit balance on his account, the seller shall not be required to give notification as otherwise required by subdivisions (e) and (f).

(g) If an outstanding credit balance remains unrefundable for seven years from the date it was created in the buyer's account, then the amount of the buyer's outstanding credit balance shall escheat to the state as property included within Section 1520 of the Code of Civil Procedure. Such funds shall be paid or delivered to the State Controller, and may thereafter be claimed, as specified in Chapter 7 (commencing with Section 1500) of Title 10 of Part 4 of the Code of Civil Procedure.

(h) For the purposes of this section, an outstanding credit balance is created at the end of the billing cycle in which the credit balance is first recorded on a buyer's account and is created anew at the end of the billing cycle in which the recorded amount of an existing credit balance is changed because of the buyer's use of his account.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the

California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 453

An act to amend Section 854 of the Fish and Game Code, to amend Sections 14613.1, 15005, and 18932 of the Government Code, to amend Section 6053 of the Penal Code, and to amend Section 1752 of the Welfare and Institutions Code, relating to state government.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 854 of the Fish and Game Code is amended to read:

854. Notwithstanding Section 18932 of the Government Code, the minimum age limit for appointment to the positon of fish and game warden of the California Department of Fish and Game shall be 18 years. Any examination for the position of warden shall require a demonstration of the physical ability to effectively carry out the duties and responsibilities of the position in a manner which would not inordinately endanger the health or safety of any warden or the health and safety of others.

SEC. 2. Section 14613.1 of the Government Code is amended to read:

14613.1. Entrance examinations for the position of state police officer of the California State Police Division shall require a demonstration of the physical ability to effectively carry out the duties and responsibilities of the position in a manner which would not inordinately endanger the health or safety of any officer or the health and safety of others.

SEC. 3. Section 15005 of the Government Code is amended to read:

15005. Notwithstanding Section 18932, the minimum age limit for appointment to the position of special or narcotic agent shall be 18 years. Any examination for the position of special or narcotic agent shall require a demonstration of the physical ability to effectively carry out the duties and responsibilities of the position in a manner which would not inordinately endanger his or her health or safety or the health and safety of others.

SEC. 4. Section 18932 of the Government Code is amended to read:

18932. The board shall not establish any minimum or maximum age limits for any civil service examination, except in the cases of positions involving public health or safety or having the powers and duties of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, and for trainee positions the board may establish minimum and maximum age limits.

The board, for positions involving public safety or having the powers and duties of a peace officer, shall adopt maximum age limitations for any civil service examination where it can be demonstrated that the age limitation in question is a "bona fide occupational qualification" as provided by the Federal Age Discrimination in Employment Act of 1967 (29 U.S.C. Secs. 621 et seq.). The board shall waive such age limits for persons competing in examinations on a promotional basis. The board may refuse to examine or after examination to declare or certify as eligible any one who is within one year of the compulsory retirement age provided by law for the class of positions to which the person seeks appointment

Any person possessing all the minimum qualifications for any state position is eligible, regardless of his age, to take any civil service examination given for that position, except as provided in this section

SEC. 5 Section 6053 of the Penal Code is amended to read:

6053. (a) All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law the administration of which is transferred to the department shall remain in the state civil service and are hereby transferred to the department on the effective date of this section; and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority. Positions not heretofore established which are exclusively for the California Institution for Women or exclusively for the Youth Authority shall be filled pursuant to the State Civil Service Act.

(b) Any open examination for the position of correctional officer, correctional program supervisor, and other custodial positions which normally afford entry into the Department of Corrections service shall require a demonstration of the physical ability to effectively carry out the duties and responsibilities of the position in a manner which would not inordinately endanger the health or safety of a custodial person or the health and safety of others.

SEC. 7. Section 1752 of the Welfare and Institutions Code is amended to read:

1752. To the extent that necessary funds are available for the purposes the director may.

(a) Establish and operate a treatment and training service and such other services as are proper for the discharge of his duties;

(b) Create administrative districts suitable to the performance of his duties;

(c) Employ and discharge all such persons as may be needed for the proper execution of the duties of the authority. Such employment and discharge shall be in accord with the civil service laws of this state.

Any open examination for the position of parole agent I, group supervisor, youth counselor, and other custodial and parole positions which normally afford entry into the Youth Authority service shall require the demonstration of the physical ability to effectively carry out the duties and responsibilities of the position in a manner which would not inordinately endanger the health or safety of a custodial person or a parolee or the health and safety of others.

SEC. 8. The provisions of this act shall be operative only if a study or studies to develop physical ability tests for the specified job classes consistent with the Federal Uniform Guidelines on Employee Selection Procedures are completed and implemented by the State Personnel Board. In that event, this act shall become operative on the implementation date of the study or studies as designated by the State Personnel Board. However, if this act becomes operative, any affected maximum age limit shall be retained if the employing department provides empirical evidence to the State Personnel Board substantiating the use of the age limit as a bona fide occupational qualification.

CHAPTER 454

An act to add Section 44807.5 to the Education Code, relating to schools.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 44807 5 is added to the Education Code, to read:

44807 5. The governing board of a school district may adopt reasonable rules and regulations to authorize a teacher to restrict for disciplinary purposes the time a pupil under his or her supervision is allowed for recess.

CHAPTER 455

An act to amend Section 690 of the Code of Civil Procedure, relating to bankruptcy.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 690 of the Code of Civil Procedure is amended to read:

690. (a) Except as otherwise specifically provided, the property mentioned in Sections 690.1 to 690.31, inclusive, is exempt from execution when claim for exemption is made to the same by the judgment debtor or defendant as provided in Section 690.50.

(b) Pursuant to the authority of paragraph (1) of subsection (b) of Section 522 of Title 11 of the United States Code, the exemptions set forth in subsection (d) of Section 522 of Title 11 of the United States Code are authorized in this state as follows:

(1) When a husband and wife are joined in a petition filed under Title 11 of the United States Code, they jointly may elect to utilize the applicable exemption provisions under this chapter or under subsection (b) of Section 522 of Title 11 of the United State Code, but not both.

(2) When a petition under Title 11 of the United States Code is filed individually, and not jointly, for a husband or a wife, one spouse shall not claim any exemption under this chapter if the other spouse has claimed any exemption under subsection (b) of Section 522 of Title 11 of the United States Code, and one spouse shall not claim any exemption under Title 11 of the United States Code if the other spouse claimed any exemption under this chapter.

(c) Whenever it is specifically provided in Sections 690.1 to 690.31, inclusive, that the filing of a claim of exemption is not required, the property so mentioned in each such section shall not be subject to levy of attachment or execution in any manner.

(d) As used in Sections 690 1 to 690.31, inclusive, "debtor" means debtor, claimant, defendant, cross-defendant, or judgment debtor.

(e) As used in Sections 690.1 to 690.31, inclusive, "creditor" means the plaintiff or the person in whose favor the writ runs.

CHAPTER 456

An act to amend Section 5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981.]

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

SECTION 1. Section 5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 5. Any authority incorporated as herein provided shall have power:

(1) To have perpetual succession.

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

(3) To adopt a corporate seal and alter it at pleasure.

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the authority and within and without the state necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without the authority, and within and without the state, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted

(5) To exercise the power of eminent domain to take any property necessary to the exercise of the powers herein granted.

(6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any vacant public lands which are now, or may become the property of the State of California; provided, however, that the authority shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. The grant of the right to use such vacant state lands shall be effective upon the filing by such authority with the Division of State Lands of the Department of Finance, of an application showing the boundaries, extent and locations of the lands, rights-of-way, or easements desired for such purposes. If the land, rights-of-way or easement for which application shall be made is for the construction of any aqueduct, ditch, pipeline, conduit, tunnel or other works for the conveyance of water, or for roads, or for poles, or towers and wires for the conveyance of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the authority therefor, unless, in the opinion of the Chief of such Division of State Lands the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the authority shall pay for the lands to be taken and for such portion of any legal subdivision which, in the opinion of said Chief of the Division of State Lands, are rendered valueless or unsalable. If the

lands for which application is made are for purposes other than the construction of roads or for works for the conveyance of water, or electricity or telephonic or telegraphic communication, such authority shall pay to the state for such lands at the reasonable rate determined by the Division of State Lands. Upon filing such application, accompanied by map or plat showing the location or proposed location of such works and/or facilities, the fee title to so much of such state lands as shall be found by the Chief of the Division of State Lands of the Department of Finance to be necessary or convenient to enable such authority to construct or maintain its works and/or to establish or maintain its facililties, shall be conveyed to such authority by patent executed by the Governor of the State of California, attested by the Secretary of State with the Great Seal of said state affixed, and countersigned by the Registrar of State Lands; if an easement or right-of-way only over such lands be sought by such authority, such easement or right-of-way shall be evidenced by permit or grant executed by such Chief of the Division of State Lands. The Chief of the Division of State Lands may reserve in such patents, grants or permits, easements and rights-of-way across any lands therein described for the construction of streets, roads and highways Before any such patent, grant or permit shall be executed any compensation due to the state under the provisions hereof, must be paid. In the event that the duties or titles of any of the officers herein mentioned shall be changed by lawful authority, the functions herein required to be performed shall be performed by the appropriate officer or officers of the State of California. No fee shall be exacted from such authority for any patent, permit or grant so issued or for any service rendered hereunder. In the use of streets or highways the authority shall be subject to the reasonable rules and regulations of the governmental agency in charge thereof, concerning excavations and the refilling of excavations, the relaying of pavements and the protection of the public during periods of construction; provided, that the authority shall not be required to pay any license or permit fees, or file any bonds. The authority may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; provided, however, that no authority incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) percent of the taxable property of the authority as shown by the last equalized assessment roll of the county in which the authority is located.

(8) To levy and collect taxes for the purpose of carrying on the operations and paying the obligations of the authority; provided, however, that such taxes levied under this section exclusive of any tax levied to meet the bonded indebtedness of such authority and the interest thereon and exclusive of any tax levied to meet any obligation to the United States of America or to any board, department or agency thereof, shall not exceed five cents ($0.05) on each such one hundred dollars ($100) of assessed valuation.

(9) To enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the authority, and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient for the transaction of the business of the authority.

(10) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom. Such contracts may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any public agency thereof or this or any other state or any political district, subdivision or public agency thereof.

(11) To acquire water and water rights within or without the state; to develop, store and transport such water; to provide, sell and deliver water for beneficial uses and purposes; provided, each public agency, the area of which shall be a part of any authority incorporated hereunder, shall have a preferential right to purchase from the authority for distribution by such public agency, or any public utility therein empowered by said public agency for the purpose, for beneficial uses within such public agency, a portion of the water served by the authority which shall, from time to time, bear the same ratio to all of the water supply of the authority as the total accumulation of amounts paid by such public agency to the authority on tax assessments and otherwise, towards the capital cost of the authority's works as defined from time to time by order of the board of directors shall bear to the total payments received by the authority on account of tax assessments and otherwise, towards such capital cost as defined from time to time by order of the board of directors; also to provide, sell and deliver water of the authority not needed or required for beneficial purposes by the public agencies, the corporate area of which is included in such authority, to areas outside the boundaries of the authority; provided, that the supplying of such water shall, in every case, be subject to the paramount right of the authority to discontinue the same, in whole or in part, whenever it shall so determine by resolution adopted by said board of directors

(12) To acquire, store, treat, reclaim, reuse, distribute, and sell sewage, waste, and sea waters for beneficial uses and purposes.

(13) To fix, revise, and collect rates or other charges for the delivery of water, use of any facilities or property, or provision of

services In fixing rates the board may establish reasonable classifications among different classes and conditions of service, but rates shall be the same for similar classes and conditions of service.

(14) To cooperate and contract with United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation, for the purposes of construction of works, necessary or proper for carrying out the purposes of said authority, or for the acquisition, purchase, extension, operation or maintenance of constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States; also to borrow or procure money from the United States, or any agency thereof for the purpose of financing any of the operations of the authority.

CHAPTER 457

An act to add Section 30956 to the Food and Agricultural Code, relating to livestock.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 30956 is added to the Food and Agricultural Code, to read:

30956. In an action for violation of Section 30955, the court may stay imposition of a sentence and order the defendant to compensate the owner of the farm in an amount equal to the cost of the damage done by the defendant's dog. If the defendant refuses to compensate the owner under this section, the court shall impose the appropriate sentence.

Acceptance by the owner of compensation under this section precludes that person from bringing an action under any other law for damages caused by the defendant's dog.

CHAPTER 458

An act to amend Section 798.56 of the Civil Code, relating to mobilehome parks.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 798.56 of the Civil Code is amended to read:

798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the tenant to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the tenant receives a notice of noncompliance from the appropriate governmental agency.

(b) Conduct by the tenant, upon the park premises, which constitutes a substantial annoyance to other tenants.

(c) Failure of the tenant to comply with a reasonable rule or regulation of the park as set forth in the rental agreement or any amendment thereto.

No act or omission of the tenant shall constitute such a failure to comply unless and until the management has given the tenant written notice of the alleged rule or regulation violation and the tenant has failed to adhere to the rule or regulation within seven days.

(d) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided, that the tenant shall be given a three-day written notice to pay the amount due or to vacate the tenancy. The three-day written notice shall be given to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure. Such notice may be given at the same time as the 60 days' notice required for termination of the tenancy. Payment by the tenant prior to the expiration of the three-day notice period, or payment by the legal owner, as defined in Section 18007 of the Health and Safety Code, or registered owner, as defined in Section 18010.2 of the Health and Safety Code, if other than the tenant, on behalf of the tenant prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner or registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to such payment. The tenant shall remain liable for all payments due up until the time the tenancy is vacated. Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner or registered owner, if other than the tenant, as provided by this subdivision, may not be exercised more than twice during the term of the tenancy.

(e) Condemnation of the park.

(f) Change of use of the park or any portion thereof, provided:

(1) The management gives the tenants at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.

(2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the tenants six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed tenant written notice thereof prior to the inception of his tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.56 and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, which conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

CHAPTER 459

An act to amend Section 71631.5 of the Water Code, relating to municipal water districts.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 71631.5 of the Water Code is amended to read:

71631.5. Notwithstanding the provisions of Section 71631, in any improvement district situated within the Eastern Municipal Water District, the Western Municipal Water District of Riverside County, the Elsinore Valley Municipal Water District, the Rincon Del Diablo Municipal Water District, the Ramona Municipal Water District, or the Rainbow Municipal Water District, the standby assessment or availability charge shall not exceed thirty dollars ($30) per acre per year for land on which the charge is levied or thirty dollars ($30) per year for a parcel less than one acre. In any such improvement district, the proceeds from any standby assessment or availability charge in excess of ten dollars ($10) per acre per year or ten dollars ($10) per year for a parcel less than one acre shall only be used for the purposes of such improvement district.

This section, applicable only to the Eastern Municipal Water District, the Western Municipal Water District of Riverside County, the Elsinore Valley Municipal Water District , the Rincon Del Diablo Municipal Water District, the Ramona Municipal Water District, and the Rainbow Municipal Water District, is necessary because of the

unique and special water management problems of those areas included within such districts.

CHAPTER 460

An act to amend Section 29334 of the Government Code, relating to county revolving funds.

[Approved by Governor September 11, 1981. Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 29334 of the Government Code is amended to read:

29334. The board of supervisors in any county having a population of over 1,400,000, as determined by the 1970 federal census, may, in addition to any other revolving fund, establish a revolving fund to be used by the director of the county department established for the administration of aid and services provided pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code. Such revolving fund shall be for the purpose of administering payments to meet the immediate or emergent needs of persons entitled to aid or services under the provisions of Division 9 of the Welfare and Institutions Code, and may be fixed by the board of supervisors in an amount sufficient to enable the director of the county department to meet the immediate and emergent needs of the persons entitled thereto. In all other respects, the provisions of this article shall apply to the revolving fund provided for in this section.

CHAPTER 461

An act to amend Section 23302.5 of the Elections Code, relating to elections.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 23302.5 of the Elections Code is amended to read:

23302.5. Notwithstanding any other provision of the law, whenever other elections are consolidated with the statewide general election, the period for the filing of nomination documents by candidates in elections consolidated with the general election

shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than 5 p.m. on the 88th day prior to the general election in the office of the appropriate officer during regular office hours.

CHAPTER 462

An act to amend Section 534 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 11, 1981 Filed with Secretary of State September 12, 1981]

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

SECTION 1. Section 534 of the Revenue and Taxation Code is amended to read:

534. Assessments made pursuant to Article 3 (commencing with Section 501) of this chapter or pursuant to this article shall be treated like, and taxed at the same rate applicable to, property regularly assessed on the roll on which it is entered, unless the assessment relates to a prior year and then the tax rate of the prior year shall be applied, except that the tax rate for years prior to the 1981–82 fiscal year shall be divided by four.

No such assessment shall be effective for any purpose, including its review, equalization and adjustment by the Board of Equalization, until the assessee has been notified thereof personally or by United States mail at his address as contained in the official records of the county assessor. For purposes of Section 532, such assessment shall be deemed made on the date on which it is entered on the roll pursuant to Section 533 if the assessee is notified of the assessment within 60 days after the statute of limitations or the placing of the escape assessment on the assessment roll; otherwise, such assessment shall be deemed made only on the date the assessee is so notified. Receipt of the assessee of a tax bill based on such assessment shall suffice as such notice.

CHAPTER 463

An act to amend Section 71812 of the Water Code, relating to municipal water districts.

[Became law without Governor's signature. Filed with Secretary of State September 13, 1981.]

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

SECTION 1. Section 71812 of the Water Code is amended to read:

71812. A district may issue negotiable promissory notes pursuant to this section for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar district purposes and for the acquisition of land for district purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to fifty thousand dollars ($50,000) in any district, but shall not exceed the lesser of either three million dollars ($3,000,000) or 1 percent of the assessed valuation of the taxable property in the district, or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate. Promissory notes issued pursuant to Section 71811 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

CHAPTER 464

An act to amend Section 71811 of the Water Code, relating to municipal water districts.

[Became law without Governor's signature. Filed with Secretary of State September 13, 1981]

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

SECTION 1. Section 71811 of the Water Code is amended to read:

71811. A district may issue negotiable promissory notes pursuant to this section to acquire funds for any district purposes. The maturity of the promissory notes shall not be later than five years from the date thereof. The total aggregate amount of the notes outstanding, at any one time, may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not exceed the lesser of either five million dollars ($5,000,000) or 3 percent of the assessed valuation of the taxable property in the district or, if the assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate . Promissory notes issued pursuant to Section 71812 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

CHAPTER 465

An act to amend Sections 74954, 74954.5, 74955, and 74956 of the Government Code, relating to courts.

[Became law without Governor's signature Filed with Secretary of State September 13, 1981]

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

SECTION 1. Section 74954 of the Government Code is amended to read:

74954. (a) Whenever a reference is made to a numbered salary range according to the standard salary schedule in any section of this article, the schedule found in the Napa County Departmental Allocation List in effect on October 1, 1980, shall apply.

(b) In the event the Board of Supervisors of the County of Napa amends the resolution establishing salary ranges and monthly salary rates on the standard salary schedule for the County of Napa, effective on the date of this act, or adopts a new resolution which provides for a change in compensation for ranges or steps, such changes shall be effective for the municipal court employees under this article on the effective date of the action of the board of supervisors and shall remain effective only until January 1 of the second year following the year in which such change is made.

SEC. 2. Section 74954.5 of the Government Code is amended to read:

74954.5. (a) Whenever a reference is made to a numbered salary range according to the management and nonclassified personnel salary schedule in any section of this article, the schedule found in the Napa County Departmental Allocation List in effect on October 1, 1980, shall apply.

(b) In the event the Board of Supervisors of the County of Napa amends the resolution establishing salary ranges and monthly salary rates for the management and nonclassified personnel of the County of Napa, or adopts a new resolution which provides for a change in compensation for ranges or steps, such changes shall be effective for the municipal court management and nonclassified personnel under this article on the effective date of the action of the board of supervisors and shall remain effective only until January 1 of the second year following the year in which such change is made.

SEC. 3. Section 74955 of the Government Code is amended to read:

74955. There shall be one clerk who shall also be the court administrator, and who shall receive the monthly salary provided for salary range No. DO 98 in the salary schedule for management and nonclassified personnel. In addition to any other duties imposed by law, the clerk shall, at the direction of the presiding judge, perform the following duties:

(a) To direct and coordinate the nonjudicial activities of the court;

(b) To prepare and administer the budget of the court;

(c) To coordinate with other appropriate county agencies the acquisition, utilization, maintenance and disposition of county facilities, equipment and supplies necessary for the operation of the court;

(d) To collect, compare and analyze statistical data on a continuing basis concerning the status of judicial and nonjudicial business of the court and to prepare periodic reports and recommendations based on such data;

(e) To serve as liaison for the court with other persons, committees, boards, groups and associations as directed by the presiding judge.

SEC. 4. Section 74956 of the Government Code is amended to read:

74956. (a) There shall also be the following court employee positions, whose numbers and salary range on the standard salary schedule of the County of Napa shall be as specified:

Position title	Number of positions	Salary range
Assistant clerk of the court	1	B082
Supervising court clerk	3	B041
Senior municipal court clerk	2	A122
Municipal court clerk	1	A102
Deputy clerk III	5	A082
Deputy clerk II	4	A062

(b) Each such person employed on the effective date of this article in the office of the clerk of the municipal court shall receive credit for prior continuous service in office, including service in a court superseded upon the establishment of the municipal court.

SEC. 5. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 466

An act to amend Section 71810 of the Water Code, relating to municipal water districts.

[Became law without Governor's signature. Filed with Secretary of State September 13, 1981.]

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

SECTION 1. Section 71810 of the Water Code is amended to read:

71810. A district may issue negotiable promissory notes pursuant to Sections 71811 and 71812. Such promissory notes shall bear interest at a rate not to exceed 12 percent per year. They shall be payable from revenues and taxes levied for purposes of the district other than the payment of principal and interest on any bonded debt of the district or of an improvement district therein.

CHAPTER 467

An act to amend, repeal, and add Section 35551 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature Filed with Secretary of State September 13, 1981]

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

SECTION 1. Section 35551 of the Vehicle Code is amended to read:

35551. (a) Except as otherwise provided in this section or Section 35551.5, the total gross weight in pounds imposed on the highway by any group of two or more consecutive axles shall not exceed that given for the respective distance in the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000	34,000	34,000	34,000	34,000
5	34,000	34,000	34,000	34,000	34,000
6	34,000	34,000	34,000	34,000	34,000
7	34,000	34,000	34,000	34,000	34,000
8	34,000	34,000	34,000	34,000	34,000
9	39,000	42,500	42,500	42,500	42,500
10	40,000	43,500	43,500	43,500	43,500
11	40,000	44,000	44,000	44,000	44,000
12	40,000	45,000	50,000	50,000	50,000
13	40,000	45,500	50,500	50,500	50,500
14	40,000	46,500	51,500	51,500	51,500
15	40,000	47,000	52,000	52,000	52,000
16	40,000	48,000	52,500	52,500	52,500
17	40,000	48,500	53,500	53,500	53,500

18	40,000	49,500	54,000	54,000	54,000
19	40,000	50,000	54,500	54,500	54,500
20	40,000	51,000	55,500	55,500	55,500
21	40,000	51,500	56,000	56,000	56,000
22	40,000	52,500	56,500	56,500	56,500
23	40,000	53,000	57,500	57,500	57,500
24	40,000	54,000	58,000	58,000	58,000
25	40,000	54,500	58,500	58,500	58,500
26	40,000	55,500	59,500	59,500	59,500
27	40,000	56,000	60,000	60,000	60,000
28	40,000	57,000	60,500	60,500	60,500
29	40,000	57,500	61,500	61,500	61,500
30	40,000	58,500	62,000	62,000	62,000
31	40,000	59,000	62,500	62,500	62,500
32	40,000	60,000	63,500	63,500	63,500
33	40,000	60,000	64,000	64,000	64,000
34	40,000	60,000	64,500	64,500	64,500
35	40,000	60,000	65,500	65,500	65,500
36	40,000	60,000	66,000	66,000	66,000
37	40,000	60,000	66,500	66,500	66,500
38	40,000	60,000	67,500	67,500	67,500
39	40,000	60,000	68,000	68,000	68,000
40	40,000	60,000	68,500	70,000	70,000
41	40,000	60,000	69,500	72,000	72,000
42	40,000	60,000	70,000	73,280	73,280
43	40,000	60,000	70,500	73,280	73,280
44	40,000	60,000	71,500	73,280	73,280
45	40,000	60,000	72,000	76,000	80,000
46	40,000	60,000	72,500	76,500	80,000
47	40,000	60,000	73,500	77,500	80,000
48	40,000	60,000	74,000	78,000	80,000
49	40,000	60,000	74,500	78,500	80,000
50	40,000	60,000	75,500	79,000	80,000
51	40,000	60,000	76,000	80,000	80,000
52	40,000	60,000	76,500	80,000	80,000
53	40,000	60,000	77,500	80,000	80,000
54	40,000	60,000	78,000	80,000	80,000
55	40,000	60,000	78,500	80,000	80,000
56	40,000	60,000	79,500	80,000	80,000
57	40,000	60,000	80,000	80,000	80,000
58	40,000	60,000	80,000	80,000	80,000
59	40,000	60,000	80,000	80,000	80,000
60	40,000	60,000	80,000	80,000	80,000

(b) In addition to the weights specified in subdivision (a), two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more. The gross weight of each set of tandem axles shall not exceed 34,000 pounds and

the gross weight of the two consecutive sets of tandem axles shall not exceed 68,000 pounds.

(c) In addition to the weights specified in subdivision (a), a combination of vehicles consisting of a truck tractor and semitrailer first registered in this state between January 1, 1980, and December 31, 1980, may, on two consecutive sets of tandem axles on the combination of vehicles, carry a gross weight of 64,000 pounds if the overall distance between the first and last axles of the consecutive sets of tandem axles is not less than 25 feet nor more than 33 feet, and if the gross weight carried by each set of axles does not exceed 32,000 pounds.

(d) The distance between axles shall be measured to the nearest whole foot. When a fraction is exactly six inches, the next larger whole foot shall be used.

(e) Nothing contained in this section shall affect the right to prohibit the use of any highway or any bridge or other structure thereon in the manner and to the extent specified in Article 4 (commencing with Section 35700) and Article 5 (commencing with Section 35750) of this chapter.

(f) The gross weight limits expressed by this section and Section 35550 shall include all enforcement tolerances.

(g) This section shall remain in effect only until December 31, 1984, and as of that date is repealed, unless a later enacted statute, which is chaptered before December 31, 1984, deletes or extends that date.

SEC. 2. Section 35551 is added to the Vehicle Code, to read:

35551. (a) Except as otherwise provided in this section or Section 35551.5, the total gross weight in pounds imposed on the highway by any group of two or more consecutive axles shall not exceed that given for the respective distance in the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000	34,000	34,000	34,000	34,000
5	34,000	34,000	34,000	34,000	34,000
6	34,000	34,000	34,000	34,000	34,000
7	34,000	34,000	34,000	34,000	34,000
8	34,000	34,000	34,000	34,000	34,000
9	39,000	42,500	42,500	42,500	42,500
10	40,000	43,500	43,500	43,500	43,500
11	40,000	44,000	44,000	44,000	44,000
12	40,000	45,000	50,000	50,000	50,000
13	40,000	45,500	50,500	50,500	50,500
14	40,000	46,500	51,500	51,500	51,500
15	40,000	47,000	52,000	52,000	52,000
16	40,000	48,000	52,500	52,500	52,500

17	40,000	48,500	53,500	53,500	53,500
18	40,000	49,500	54,000	54,000	54,000
19	40,000	50,000	54,500	54,500	54,500
20	40,000	51,000	55,500	55,500	55,500
21	40,000	51,500	56,000	56,000	56,000
22	40,000	52,500	56,500	56,500	56,500
23	40,000	53,000	57,500	57,500	57,500
24	40,000	54,000	58,000	58,000	58,000
25	40,000	54,500	58,500	58,500	58,500
26	40,000	55,500	59,500	59,500	59,500
27	40,000	56,000	60,000	60,000	60,000
28	40,000	57,000	60,500	60,500	60,500
29	40,000	57,500	61,500	61,500	61,500
30	40,000	58,500	62,000	62,000	62,000
31	40,000	59,000	62,500	62,500	62,500
32	40,000	60,000	63,500	63,500	63,500
33	40,000	60,000	64,000	64,000	64,000
34	40,000	60,000	64,500	64,500	64,500
35	40,000	60,000	65,500	65,500	65,500
36	40,000	60,000	66,000	66,000	66,000
37	40,000	60,000	66,500	66,500	66,500
38	40,000	60,000	67,500	67,500	67,500
39	40,000	60,000	68,000	68,000	68,000
40	40,000	60,000	68,500	70,000	70,000
41	40,000	60,000	69,500	72,000	72,000
42	40,000	60,000	70,000	73,280	73,280
43	40,000	60,000	70,500	73,280	73,280
44	40,000	60,000	71,500	73,280	73,280
45	40,000	60,000	72,000	76,000	80,000
46	40,000	60,000	72,500	76,500	80,000
47	40,000	60,000	73,500	77,500	80,000
48	40,000	60,000	74,000	78,000	80,000
49	40,000	60,000	74,500	78,500	80,000
50	40,000	60,000	75,500	79,000	80,000
51	40,000	60,000	76,000	80,000	80,000
52	40,000	60,000	76,500	80,000	80,000
53	40,000	60,000	77,500	80,000	80,000
54	40,000	60,000	78,000	80,000	80,000
55	40,000	60,000	78,500	80,000	80,000
56	40,000	60,000	79,500	80,000	80,000
57	40,000	60,000	80,000	80,000	80,000
58	40,000	60,000	80,000	80,000	80,000
59	40,000	60,000	80,000	80,000	80,000
60	40,000	60,000	80,000	80,000	80,000

(b) In addition to the weights specified in subdivision (a), two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more. The gross

weight of each set of tandem axles shall not exceed 34,000 pounds and the gross weight of the two consecutive sets of tandem axles shall not exceed 68,000 pounds.

(c) The distance between axles shall be measured to the nearest whole foot. When a fraction is exactly six inches, the next larger whole foot shall be used.

(d) Nothing contained in this section shall affect the right to prohibit the use of any highway or any bridge or other structure thereon in the manner and to the extent specified in Article 4 (commencing with Section 35700) and Article 5 (commencing with Section 35750) of this chapter.

(e) The gross weight limits expressed by this section and Section 35550 shall include all enforcement tolerances.

(f) This section shall become operative on December 31, 1984.

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 avoid extreme hardship on persons who had purchased vehicles in compliance with the law at the end of 1979, it is necessary that this act take effect immediately.

CHAPTER 468

An act to amend Sections 70045.6, 70046.2, 73433, 73434, 73435, 73436, 73682, 73683, 73691, and 73692 of, and to add Section 73433.1 to, the Government Code, relating to courts.

[Became law without Governor's signature Filed with Secretary of State September 14, 1981]

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

SECTION 1. Section 70045.6 of the Government Code is amended to read:

70045.6. (a) In Kern County each regular reporter shall be paid a biweekly salary of nine hundred forty-one dollars and forty-two cents ($941.42). The court reporter shall be paid biweekly pursuant to the payroll procedures in effect in the County of Kern.

(b) Beginning January 1, 1980, the board of supervisors may adjust the salary of each regular official reporter as part of its county employee compensation plan. Any adjustment to reporter salaries shall be effective on the same date as the effective date of the board's action to adjust compensation of other county employees. Any adjustment shall be effective only until January 1 of the second year following the year in which the adjustment is made, unless ratified by the Legislature.

(c) In addition to the compensation provided for in this section,

each regular official reporter shall be entitled to and shall receive, on the same basis as other county employees, the same benefits and privileges with respect to retirement, group insurance, sick leave, and vacations. Court reporters shall observe the same holidays as other court employees For the purposes of determining participation in the county retirement system, the salary provided for such reporters in this section shall be deemed their entire compensation.

(d) Each pro tempore official reporter shall be paid seventy-five dollars ($75) a day for the days he or she is actually on duty under order of the court.

SEC. 1.5. Section 70046.2 of the Government Code is amended to read:

70046.2. In Fresno County, each reporter shall be paid an annual salary established according to the following salary schedule:

Step 1 $22,464
Step 2. $23,582
Step 3. $24,752
Step 4. $26,000

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 advance one step annually upon the anniversary date of the 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 pro tempore reporter shall be paid eighty-six dollars and forty cents ($86.40) for each of the days the reporter actually is on duty under order of the court.

In addition to the salary herein provided, each regularly employed reporter shall accrue and be entitled to receive sick leave benefits 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.

In such county the fee required by Section 70053 shall be eleven dollars and fifty cents ($11.50).

SEC. 2. Section 73433 of the Government Code is amended to read:

73433. There shall be one clerk-administrator in each municipal court who shall be appointed by and serve at the pleasure of a majority of the judges of the court to which the clerk-administrator is appointed. In a court with less than three judges, the presiding judge shall appoint the clerk-administrator of the court. The clerk-administrator of the East Kern Municipal Court shall receive

the biweekly salary specified in range 41.2 of the salary schedule. The clerk-administrator of the West Kern Municipal Court shall receive the biweekly salary specified in range 46.4 of the salary schedule. The salary of the West Kern Municipal Court clerk-administrator shall be not less than 12 full range steps higher than the salary range in which the position of chief deputy court clerk is compensated.

SEC. 3. Section 73433.1 is added to the Government Code, to read:

73433.1. There shall be one assistant clerk-administrator in the West Kern Municipal Court who shall be appointed by and serve at the pleasure of the majority of the judges of the court. The assistant clerk-administrator shall receive the biweekly salary specified in range 43.0 of the salary schedule.

SEC. 4. Section 73434 of the Government Code is amended to read:

73434. There shall be one judicial secretary in the West Kern Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The judicial secretary shall receive a biweekly salary specified in range 33.0 of the salary schedule.

SEC. 5. Section 73435 of the Government Code is amended to read:

73435. The clerk-administrator of the West Kern Municipal Court may appoint:

(a) Four chief deputy court clerks who shall act as the supervisors of the civil, criminal, traffic, and accounting divisions of the court and each of whom shall receive the biweekly salary specified in range 34.4 of the salary schedule.

(b) Thirteen deputy court clerks III, each of whom shall receive the biweekly salary specified in range 32.5 of the salary schedule.

(c) Eleven municipal courtroom clerks or junior municipal courtroom clerks, each of whom shall receive the biweekly salary specified in ranges 32.5 and 29.7, respectively, of the salary schedule.

Junior municipal courtroom clerk shall be the entrance position to courtroom clerk. The clerk-administrator, with the concurrence of the presiding judge, may advance any junior municipal courtroom clerk to the position of municipal courtroom clerk without further examination, if the junior municipal courtroom clerk has served for six months and otherwise meets the qualifications for municipal courtroom clerk and if the presiding judge is satisfied with the junior municipal courtroom clerk's performance during the six-month period.

(d) One data entry operator III who shall receive the biweekly salary specified in range 28.8 of the salary schedule.

(e) Four data entry operators II or I, each of whom shall receive the biweekly salary specified in ranges 27.0 and 25.2, respectively, of the salary schedule. Data entry operator I shall be the entrance position to the data entry operator series. The clerk-administrator may advance any data entry operator I to the position of data entry

operator II without further examination if the data entry operator I has served for one year and otherwise meets the qualifications for data entry operator II.

(f) One account clerk IV who shall receive the biweekly salary specified in range 32.0 of the salary schedule.

(g) One account clerk III who shall receive the biweekly salary specified in range 29.2 of the salary schedule.

(h) Four account clerks II or I each of whom shall receive the biweekly salary specified in ranges 26.5 and 23.7, respectively, of the salary schedule. Account clerk I shall be the entrance position to the account clerk series. The clerk-administrator may advance any account clerk I to the position of account clerk II without further examination if the account clerk I has served for one year and otherwise meets the qualifications for account clerk II.

(i) Forty-one full-time and three part-time deputy court clerks II, I, or junior deputy court clerks, each of whom shall receive the biweekly salary specified in ranges 29.7, 25.7, and 22.9, respectively, of the salary schedule.

Junior deputy court clerk shall be the entrance position to the clerk's staff. The clerk-administrator may advance any junior deputy court clerk to the position of deputy court clerk I without further examination, if the junior deputy has served for six months and otherwise meets the qualifications for deputy court clerk I. The clerk-administrator may advance any deputy court clerk I to the position of deputy court clerk II without further examination if the deputy clerk I has served for six months and otherwise meets the qualifications for deputy court clerk II.

(j) One secretary who shall receive the biweekly salary specified in range 29.7 of the salary schedule.

(k) One legal clerk I who shall receive the biweekly salary specified in range 31.1 of the salary schedule.

(*l*) One records clerk who shall receive the biweekly salary specified in range 32.9 of the salary schedule.

SEC. 6. Section 73436 of the Government Code is amended to read:

73436. The clerk-administrator of the East Kern Municipal Court may appoint:

(a) Two deputy court clerks III, each of whom shall receive the biweekly salary specified in range 32.5 of the salary schedule.

(b) Six full-time and one part-time deputy court clerks II, I, or, junior deputy court clerks, each of whom shall receive the biweekly salary specified in ranges 29.7, 25.2, and 22.4, respectively, of the salary schedule.

Junior deputy court clerk shall be the entrance position to the clerk's staff. The clerk-administrator may advance any junior deputy court clerk to the position of deputy court clerk I without further examination, if the junior deputy has served for six months and otherwise meets the qualifications for deputy court clerk I. The clerk-administrator may advance any deputy court clerk I to the

position of deputy court clerk II without further examination if the deputy court clerk I has served for six months and otherwise meets the qualifications for deputy court clerk II.

SEC. 7. 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 or she shall receive a salary at range 1045 of the Fresno County Salary Resolution effective July 4, 1980.

SEC. 8. Section 73683 of the Government Code is amended to read:

73683. (a) The clerk may appoint the following court personnel who shall receive a salary at the range indicated in the Fresno County Salary Resolution effective July 4, 1980:

(1) Three chief deputy clerks at salary range 646.
(2) Ten court clerks at salary range 546.
(3) Seven deputy clerks II at salary range 546.
(4) One deputy clerk II-Conf. at salary range 546.
(5) Five deputy clerks I at salary range 437.
(6) One secretary-Conf. at salary range 546.
(7) One stenographer-secretary-Conf. at salary range 495.
(8) Two stenographers II-Conf. at salary range 393.
(9) Two stenographers I-Conf. at salary range 322.
(10) One supervising data entry operator at salary range 462.
(11) Four data entry operators II at salary range 368.
(12) Four data entry operators I at salary range 287.
(13) Twenty-five typist-clerks II at salary range 341.
(14) Twenty-five typist-clerks I at salary range 287.

(b) The clerk may appoint any combination of stenographers and secretaries described in paragraphs (6), (7), (8), and (9) of subdivision (a) not to exceed a total of two, may appoint any combination of typists described in paragraphs (13) and (14) of subdivision (a) not to exceed a total of 25 and may appoint any combination of data entry operators described in paragraphs (11) and (12) of subdivision (a) not to exceed a total of four.

(c) The clerk may appoint the following court personnel in the Clovis Branch who shall receive a salary at the range indicated in the Fresno County Salary Resolution effective July 4, 1980:

(1) One court clerk at salary range 546.
(2) One deputy clerk II at salary range 546.
(3) Four typist-clerks II at salary range 341.
(4) Four typist-clerks I at salary range 289.

The clerk may appoint any combination of typists described in paragraphs (3) and (4) of subdivision (c) not to exceed a total of four.

SEC. 9. 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. $22,464
Step 2. $23,582
Step 3. $24,752
Step 4. $26,000

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. 10. Section 73692 of the Government Code is amended to read:

73692. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They 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 the section for reporting testimony and proceedings the official reporters pro tempore shall in all cases receive eighty-six dollars and forty cents ($86.40) for each of the days the reporter actually is on duty under order of the court, which shall upon order of the court be a charge against the general fund of the county.

SEC. 11. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 469

An act to amend Section 58501 of, and to add and repeal Article 10 (commencing with Section 33430) of Chapter 3 of Part 20, and Article 16 (commencing with Section 35360) of Chapter 2 of Part 21 of, the Education Code, relating to schools.

[Approved by Governor September 12, 1981 Filed with Secretary of State September 14, 1981]

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

SECTION 1. Article 10 (commencing with Section 33430) is added to Chapter 3 of Part 20 of the Education Code, to read:

Article 10. Standardized Forms

33430. It is the intent of the Legislature in enacting this article to minimize the amount of time employees with teaching credentials or services credentials authorizing pupil personnel, health, or librarian services spend doing administrative paperwork, thereby maximizing the time available to prepare for and provide actual educational services to children.

33432. The State Department of Education shall design a single form or a set of alternative brief, nonredundant standardized forms for use by employees with teaching credentials and services credentials authorizing pupil personnel, health, or librarian services. The term "standardized form" only refers to forms which must be completed by the above-mentioned employees.

33433. The standardized forms shall incorporate only state and federal data collecting and reporting requirements, and shall include, but not be limited to, forms for all of the following:

(1) Individualized education programs for children with exceptional needs, including, but not limited to, data required by Part 30 (commencing with Section 56000) and Public Law 94–142.

(2) Attendance reporting, including, but not limited to, data required by Part 26 (commencing with Section 46000) and Part 27 (commencing with Section 48000).

(3) Pupil records, except those pupil records containing information recorded pursuant to Article 2.5 (commencing with Section 51215) of Chapter 2 of Part 28. For the purposes of this section, pupil records shall include, but shall not be limited to, data required by Chapter 6.5 (commencing with Section 49060) of Part 27. The standardized form for pupil records shall clearly distinguish among mandatory, interim, and permitted pupil records for any pupil.

(4) Information which is required to be gathered by employees with teaching credentials or services credentials authorizing pupil personnel, health, or librarian services in order to establish and maintain a school improvement program pursuant to Chapter 6 (commencing with Section 52000) of Part 28.

(5) Information which is required to be gathered by employees with teaching credentials or services credentials authorizing pupil personnel, health, or librarian services in order to establish and maintain programs of compensatory education pursuant to Chapter 4 (commencing with Section 54400) of Part 29.

(6) Information which is required to be gathered by employees with teaching credentials and services credentials authorizing pupil personnel, health, or librarian services in order to establish and maintain bilingual education programs pursuant to Article 3 (commencing with Section 52160) of Chapter 7 of Part 28.

33434. The standardized forms designed by the State Department of Education shall be approved by the State Board of Education if it finds that the forms meet the intent of the Legislature as set forth in Section 33430.

33435. The State Department of Education shall design, and the State Board of Education shall approve, additional standardized forms for all state or federal laws with new data collecting and reporting requirements which affect employees with teaching credentials and services credentials authorizing pupil personnel, health, or librarian services. The department shall distribute the forms to local governing boards no later than January 1, 1983, for use in the 1983–84 school year. The same procedure shall be used in all subsequent years with any yearly additions or revisions being made available to local governing boards by July 1 of the school year of initial use.

33436. The standardized forms designed pursuant to this article shall be amended when necessary to reflect changes in state and federal data collecting and reporting requirements.

33437. Any costs incurred by the State Department of Education and the State Board of Education pursuant to this article shall be paid from federal funds received by the state under Section 1831 of Title 20 of the United States Code, or from reallocation of other budgeted funds.

33438. This article shall remain in effect until June 30, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before June 30, 1985, deletes or extends that date.

SEC. 2. Article 16 (commencing with Section 35360) is added to Chapter 2 of Part 21 of the Education Code, to read:

Article 16. Teacher Paperwork Advisory Committee

35360. It is the intent of the Legislature to ensure that employees in all school districts who have a teaching credential or services credential authorizing pupil personnel, health, or librarian services spend a minimum amount of time doing administrative paperwork, thereby maximizing the time available to prepare and provide actual educational services to children.

35361. If a school district with an average daily attendance of 5,000 or more does not use standardized forms, or any particular standardized form, pursuant to Article 10 (commencing with Section 33430) of Chapter 3 of Part 20, for use in the district, the district shall adopt an alternative standardized form or forms. The alternative form or forms shall be reviewed by a district teacher paperwork advisory committee prior to adoption and results of the review shall

be made available to the district.

35362. In districts with an average daily attendance of 5,000 or more, any locally proposed districtwide requirements for data collecting and reporting imposed on employees with teaching credentials or services credentials authorizing pupil personnel, health, and librarian services shall be submitted to the district teacher paperwork advisory committee for review and comment by the date or dates specified by the governing board.

This section shall apply only to districtwide requirements for collecting and reporting information. It shall not apply to requirements developed at the school site level which are in addition to state and districtwide requirements.

35363. If a school district with an average daily attendance of 5,000 or more does not use standardized forms pursuant to Article 10 (commencing with Section 33430) of Chapter 3 of Part 20, or wishes to amend these standardized forms, then a district teacher paperwork advisory committee shall be formed The district teacher paperwork advisory committee shall be created by the governing board of a school district and the committee shall consist of at least six members. It shall be composed of the following:

(1) One-half of the members of the committee shall be employees holding a teaching credential or a services credential authorizing pupil personnel, health, or librarian services. These members shall be selected by the employee organization unit pursuant to Section 3573 of the Government Code, where a unit exists. Where no employee organization unit exists, these members shall be appointed by the governing board.

(2) One-half of the members of the committee shall be representatives selected by the governing board.

(3) Activities of the committee shall be conducted at no cost to the district unless the governing board chooses otherwise, and committee members shall serve without compensation.

35364. This article shall remain in effect only until June 30, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before June 30, 1985, deletes or extends that date.

SEC. 3. Section 58501 of the Education Code is amended to read:

58501. The following notice shall be sent along with the notification of parents and guardians required by Section 48980:

"Notice of Alternative Schools

California state law authorizes all school districts to provide for alternative schools Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

(a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy

(b) Recognize that the best learning takes place when the student learns because of his desire to learn.

(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.

(d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.

(e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for your information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district."

Further, a copy shall be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year

SEC 4 No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 470

An act to amend Sections 1256, 1257, 1264, 1265, 1330, 2400, 2509, 10401, 10407, 32020, 32030, 32040, 32044, 32211, 66803, 71060, 72002, 72020, 72030, 72122, 72126, 72129, 72237, 72280, 72300, 72330, 72331, 72332, 72400, 72401, 72408, 72533, 72601, 72602, 72670, 72673, 72682, 76000, 76001, 76002, 76130, 76160, 78005, 78008, 78030, 78031, 78032, 78033, 78204, 78409, 78907, 79000, 79020, 79021, 79022, 79023, 79024, 79025, 79026, 79027.5, 79028, 79030, 79031, 81000, 81006, 81031, 81033, 81033.5, 81035, 81036, 81038, 81144, 81179, 81452, 81457, 81640, 81648, 81657, 81658, 81821, 82530, 82531, 82535, 82536, 82537, 82538, 82541, 82542, 82543, 82544, 84300, 84362, 84370, 84373, 84500, 84520, 84528, 85000, 85003, 85022, 85200, 85201, 85266, 85442, 87032, 87036, 87039, 87212, 87274, 87408.5, 87409, 87422, 87423, 87424, 87428, 87454, 87455, 87456, 87457, 87458, 87484, 87708, 87732, 87733, 87735, 87744, 87745, 87801, 87808, 87828, 88000, 88240, and 88242 of, to amend the heading of Chapter 8 (commencing with Section 79000) of Part 48 of, to add Sections 8085, 71029, 78002, 78200.5, 78270, 78460, 81130.5, 87406.5, 87408.6, 88008, and 88010.5 to, to add Article 2 (commencing with

Section 78220) and Article 8 (commencing with Section 78310) to Chapter 2 of, and Chapter 4 (commencing with Section 78600) to, Part 48 of, to add an article heading to Chapter 3 of Part 51 of, to repeal Sections 2501, 10402, 10404, 10406, 66905, 66920, 68081, 68083, 68132, 71094, 71095, 72034, 72100, 72101.5, 72105, 72124, 72130, 72131, 72205, 72209, 72210, 72234, 72236, 72240, 72240.5, 72252, 72300.5, 72301, 72303, 72333, 72334, 72402, 72403, 72414, 72416, 72417, 72418, 72504, 72507, 72509, 72511, 72539, 72604, 72642, 74011.5, 74032, 74103, 76003, 76004, 76005, 76006, 76131, 76141, 76406, 76423, 76424, 76425, 76456, 76482, 78009, 78013, 78014, 78034, 78209, 78273, 78404, 78410, 78411, 78464, 78465, 78931, 78932, 78933, 79002, 79003, 79011, 81003, 81007, 81032, 81034, 81037, 81043, 81131.4, 81178, 81180.5, 81182, 81184, 81333, 81337, 81338, 81339, 81340, 81341, 81342, 81342.5, 81343, 81352, 81353, 81354, 81360.5, 81383, 81610, 81612, 81614, 81615, 81616, 81650, 81652, 81654, 82302, 82303, 82306, 82307, 82502, 82503, 82504, 82505, 82506, 82507, 82545, 82546, 82547, 84006, 84007, 84009, 84070, 84071, 84202, 84203, 84204, 84205, 84301, 84302, 84303, 84374, 84501, 84529, 85001, 85002, 87030, 87045, 87065, 87210, 87211, 87212.5, 87213, 87215, 87337, 87338, 87343, 87344, 87345, 87346, 87347, 87403, 87404, 87407, 87426, 87427, 87429, 87430, 87431, 87435, 87437, 87439, 87450, 87452, 87465, 87703, 87704, 87705, 87707, 87709, 87711, 87712, 87738, 87800, 87805, 87811, 87826, 87827, and 87830 of, to repeal Chapter 8 (commencing with Section 2100) of Part 2 of, Article 1 (commencing with Section 7000) of Chapter 1 of Part 5 of, Article 1 (commencing with Section 14200) of Chapter 2 of Part 9 of, Article 5 (commencing with Section 76100) of Chapter 1, Article 3 (commencing with Section 76440) of Chapter 3, and Article 7 (commencing with Section 76490) of Chapter 6, of Part 47 of, Article 4 (commencing with Section 78451) of Chapter 3, Article 2 (commencing with Section 79130), and Article 5 (commencing with Section 79160), of Chapter 9, of Part 48 of, Article 4 (commencing with Section 81060), Article 5 (commencing with Section 81080), and Article 6 (commencing with Section 81100), of Chapter 1 of, Article 2 (commencing with Section 81630) of Chapter 3 of, Chapter 5 (commencing with Section 81900) of, Article 2 (commencing with Section 82320) of Chapter 7 of, Part 49 of, and Article 4 (commencing with Section 84340) of Chapter 3 of, and Chapter 7 (commencing with Section 85100) of, Part 50 of, to repeal the article heading of Article 2 of Chapter 2 of Part 48 of, to amend and repeal Section 72035 of, to repeal and add Sections 72422, 72506, 76400, 76401, 78930, 79001, 81160, 87401, and 87714 of, and to repeal and add Article 2 (commencing with Section 72010) of Chapter 1 of Part 45 of, Article 3 (commencing with Section 76030) of Chapter 1 of, Chapter 2 (commencing with Section 76300) of, and Article 4 (commencing with Section 76450) of Chapter 3 of, Part 47 of, the Education Code, relating to education.

[Approved by Governor September 14, 1981 Filed with Secretary of State September 14, 1981]

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

SECTION 1. It is the intent of the Legislature in enacting this act to update and streamline the Education Code as it pertains to community colleges.

The Legislature finds and declares that government rulemaking which is unnecessary, overburdensome or confusing wastes resources which the state cannot afford to waste The Legislature further finds that the Education Code, as it pertains to community colleges, continues to regulate closely community college districts in a manner similar to school districts, rather than as higher education entities.

This act repeals or amends provisions which are unnecessarily burdensome, repeals outdated provisions, repeals redundant provisions, and harmonizes conflicting provisions so as to make the Education Code more realistic, clear, up-to-date, and concise as it relates to community colleges. By making these changes, the Legislature intends to promote a more efficient utilization of resources within the community colleges. In addition, the Legislature also intends to increase local control and flexibility in the administration and governance of community colleges by reducing the number of statutes which unnecessarily dictate the specifics of college operations.

It is not the intent of the Legislature in enacting this act to divest any community college employee of any previously accrued rights which may have been obtained pursuant to any statutes which have been amended or repealed by this act

SEC. 2. Section 1256 of the Education Code is amended to read:

1256. The county superintendent of schools shall, when there is sufficient money in the fund of any school district to maintain a free school in the district for 175 days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep the school The county superintendent of schools may draw a requisition upon the county auditor, who shall draw a warrant upon the fund of the district for the expense incurred

SEC. 3. Section 1257 of the Education Code is amended to read:

1257. In case of the failure of the governing board of any school district to employ a janitor as provided elsewhere in this code, the county superintendent shall appoint a janitor who shall be paid out of the school fund of the district

If the governing board of any school district fails or refuses to issue an order for the compensation for services provided for in this section, the county superintendent shall issue a requisition upon the county fund apportioned to the district

SEC. 4. Section 1264 of the Education Code is amended to read:

1264. The superintendent of schools of each county may require the governing board of any school district, except a district governed by a city or city and county board of education, to repair the school buildings or property or to abate any nuisance in or about the

premises if the cost of the repairs or abatement does not exceed fifty dollars ($50) and there is a sufficient amount of money in the treasury to the credit of the district.

SEC. 5. Section 1265 of the Education Code is amended to read:

1265. The county superintendent of schools may also require the school district governing board, where practicable, to adorn the school grounds with fruit and ornamental trees and shrubbery. If the governing board neglects to do so, the county superintendent of schools may cause it to be done and pay for it on a requisition upon the county auditor, who shall draw a warrant payable out of any money to the credit of the district.

SEC. 6. Section 1330 of the Education Code is amended to read:

1330. (a) The Superintendent of Public Instruction or the Chancellor of the California Community Colleges, as appropriate, shall represent, and exercise rights of appeal to the Unemployment Insurance Appeals Board under this part on behalf of school employers held under Section 1336 of the Unemployment Insurance Code

(b) The Superintendent of Public Instruction or Chancellor of the California Community Colleges is hereby authorized to obtain pertinent personnel records and data from any school employer and to act as an agent individually or collectively for school employers in matters pertaining to unemployment insurance.

(c) Each county superintendent of schools, shall have the responsibility of establishing, coordinating, and maintaining, either directly or by contract, an unemployment insurance management system for each school employer participating in the School Employees Fund under Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code. A management system shall include general administration, claims management, appointment of hearing representatives, representation of school employers at hearings, and other duties related to the unemployment insurance program in their jurisdiction. These duties and responsibilities may be delegated to any school district, community college district, another county superintendent of schools, or any combination of these entities, including programs under joint powers agreements for the purpose of consolidation for economy and employment of specialists, including the services of a regional data center operated by a county superintendent of schools or the data-processing services of a school district or a community college district School employers not participating in the School Employees Fund shall be responsible for the development and maintenance of their own unemployment insurance management system required by this subdivision.

(d) Each school employer shall perform pursuant to the type of financing elected, and shall, as required, respond to the Superintendent of Public Instruction or Chancellor of the California Community Colleges and the county superintendent of schools or designated agency as soon as possible, in no case later than 48 hours,

to inquiries made on behalf of such county superintendent or the Superintendent of Public Instruction or Chancellor of the California Community Colleges in reference to any aspect of eligibility, notice of claim or appeal under the unemployment insurance program. Each county superintendent or agent thereof who is responsible for administering the unemployment insurance program shall be responsible for timely responses to any inquiry by the administrator, Superintendent of Public Instruction, State Treasurer, Controller, or other officer or person responsible for disbursements from the School Employees Fund in the State Treasury as established by Section 822 of the Unemployment Insurance Code, or the Unemployment Fund in the State Treasury. Any school employer which fails to pay the contributions, interest, charges or levies within the time required shall be liable for interest on moneys due at the rate of 1 percent per month or fraction thereof from and after the date of delinquency until paid. If the school employer fails, without good cause, to pay any sums required within the time required a penalty of 10 percent of the amount noticed, billed or required shall be made by the administrator. The administrator may for good cause waive all or a portion of interest and penalty.

(e) The administrator of the School Employees Fund shall, from available interest earnings, pursuant to investments authorized by Section 822 of the Unemployment Insurance Code, transfer each year an amount equal to two dollars ($2) per covered employee for all districts participating in the School Employees Fund under Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code, to the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, as appropriate. The Superintendent of Public Instruction or the Chancellor of the California Community Colleges, as appropriate, shall apportion the two dollars ($2) per covered employee amount, less actual state administrative costs not to exceed five cents ($0.05) per covered employee, to the county superintendent of schools to cover costs of administering the unemployment insurance management system specified in subdivision (c).

(f) For the fiscal year 1977–78, such transfer shall be made by the administrator of the School Employees Fund by April 30, 1978, as the result of a report received from the Superintendent of Public Instruction or Chancellor of the California Community Colleges by March 31, 1978. Such report shall be compiled from the number of covered employees as reported by the county superintendent of schools or community colleges, as appropriate, to the Superintendent of Public Instruction or the Chancellor of the California Community Colleges by March 1, 1978, based on the number of covered employees employed in the preceding calendar month. Such funds shall be apportioned by the Superintendent of Public Instruction and the Chancellor of the California Community Colleges prior to May 31, 1978, to the county superintendent of schools, less the actual

administrative costs of the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, which shall not exceed an aggregate amount of five cents ($0.05) per covered employee. Funds for the cost of administering the unemployment insurance management system shall be apportioned to each county superintendent of schools according to the number of covered employees in each district reported by him or her, and shall be used only for the purpose of covering actual administrative costs incurred pursuant to Section 1330.

(g) For the fiscal year 1978–79, and each fiscal year thereafter, the administrator of the School Employees Fund shall transfer such funds by December 31 of each year based on the reports received from the Superintendent of Public Instruction or Chancellor of the California Community Colleges by November 30 of each year. Such reports shall be compiled from the number of covered employees as reported by the county superintendent of schools or community colleges, as appropriate, to the Superintendent of Public Instruction or the Chancellor of the California Community Colleges by November 1 of each year, based on the covered employees employed in the preceding calendar month. Such funds shall be apportioned by the Superintendent of Public Instruction and the Chancellor of the California Community Colleges prior to January 31 of each year to the county superintendent of schools, less the actual administrative costs of the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, which shall not exceed an aggregate amount of five cents ($0.05) per covered employee. Funds for the cost of administering the unemployment insurance management system shall be apportioned to each county superintendent of schools according to the number of covered employees in each district reported by him or her, and shall be used only for the purpose of covering actual administrative costs incurred pursuant to Section 1330.

SEC. 7 Chapter 8 (commencing with Section 2100) of Part 2 of the Education Code is repealed.

SEC. 8. Section 2400 of the Education Code is amended to read:

2400. The county superintendent of schools, or, when so directed by him or her, the county purchasing agent, shall, whenever a school supply revolving fund is established, purchase school supplies and equipment for the school districts of the county which are required or authorized to purchase supplies or equipment through him or her, and upon requisition therefor by the proper authorities of the district shall deliver or cause the supplies to be delivered to the district together with a memorandum of the amount of the cost of the supplies delivered

SEC. 9 Section 2501 of the Education Code is repealed.

SEC. 10. Section 2509 of the Education Code is amended to read:

2509. Whenever a county board of supervisors adopts the provisions of Section 42649 and thereby transfers certain duties of the county auditor to the county superintendent of schools as provided

therein, the maximum tax rate of the county superintendent of schools shall, commencing with the fiscal year following the effective date of such transfer, be increased by an amount sufficient to produce annual revenues equivalent to the expenditures from the county general fund used to provide such services of the county auditor in the fiscal year immediately prior to the date of the transfer of functions to the county superintendent of schools.

SEC. 11. Article 1 (commencing with Section 7000) of Chapter 1 of Part 5 of the Education Code is repealed.

SEC. 21. Section 8085 is added to the Education Code, to read:

8085. In lieu of the procedure specified by this article, a community college district may initiate or expand programs, courses, classes, or instruction in cosmetology by obtaining the approval of such programs, courses, or classes from the board of governors. The board of governors shall make the appropriate determination of need in connection with its course and program approval process.

SEC. 22. Section 10401 of the Education Code is amended to read:

10401 School districts, community college districts, or schools or colleges within districts, may enter into cooperative or contractual arrangements with business, industry, or elements within the community for improvement of the local education program. Such arrangements may include evaluation, planning, cooperation in the operation of educational programs, and use of noncertificated personnel, including the elderly, youth, college students, and other nonprofessionals.

SEC. 23. Section 10402 of the Education Code is repealed.

SEC. 24. Section 10404 of the Education Code is repealed.

SEC. 25. Section 10406 of the Education Code is repealed.

SEC. 26. Section 10407 of the Education Code is amended to read:

10407. The governing board of a school district or community college district may request waiver of the provisions of any section or sections of this code relating to the educational programs or administrative functions described in Section 10400 if such waiver is necessary to establish and operate a program under this chapter. The need for a waiver shall be explained and justified to the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, as the case may be, and the State Board of Education, or the Board of Governors of the Community Colleges, as the case may be, may grant, in whole, or in part, any such request.

SEC. 27. Article 1 (commencing with Section 14200) of Chapter 2 of Part 9 of the Education Code is repealed.

SEC. 28. Section 32020 of the Education Code is amended to read:

32020. The governing board of every school district, and the governing authority of every private school, which maintains any building used for the instruction or housing of school pupils on land entirely enclosed (except for building walls) by fences or walls, shall, through cooperation with the local law enforcement and fire protection agencies having jurisdiction of the area, make provision

for the erection of gates in such fences or walls. The gates shall be of sufficient size to permit the entrance of the ambulances, police equipment, and firefighting apparatus, used by the law enforcement and fire protection agencies. There shall be no less than one such access gate and there shall be as many such gates as needed to assure access to all major building and grounds areas. If such gates are to be equipped with locks, the locking devices shall be designed to permit ready entrance by the use of the chain or bolt cutting devices with which the local law enforcement and fire protection agencies may be equipped.

SEC. 29. Section 32030 of the Education Code is amended to read:

32030. It shall be the duty of the governing board of every school district, and of every county superintendent of schools, and of every person, firm, or organization maintaining any private school, in this state, to equip schools with eye protective devices as defined in Section 32032, for the use of all students, teachers, and visitors when participating in the courses which are included in Section 32031. It shall be the duty of the superintendents, principals, teachers or instructors charged with the supervision of any class in which any such course is conducted, to require such eye protective devices to be worn by students, teachers, or instructors and visitors under the circumstances prescribed in Section 32031

SEC 30 Section 32040 of the Education Code is amended to read.

32040 The governing board of any school district, superintendent of schools, or principal in whom is vested the administration or supervision of any public or private school in the state shall equip the school with a first aid kit, whenever any pupils of the school are conducted or taken on field trips under the supervision or direction of any teacher in, or employee or agent of, the school.

SEC. 31. Section 32044 of the Education Code is amended to read:

32044. Any member of the governing board of any school district, and any superintendent of schools, principal, teacher, instructor, or agent who willfully violates the provisions of this article is guilty of a misdemeanor

SEC. 32. Section 32211 of the Education Code is amended to read:

32211. (a) Any person who is not a student of the public school, a parent or guardian of a student of the public school, or an officer or employee of the school district maintaining the public school, or who is not required by his or her employment to be in a public school building or on the grounds of the public school, and who has entered any public school building or the grounds of any public school, during school hours, and who is requested either by the principal of the public school or by the designee of the principal to leave a public school building or public school grounds, shall promptly depart therefrom and shall not return thereto for at least 48 hours. A request that a person depart from a public school building or public school grounds shall be made by the principal, or the designee of the principal, exclusively on the basis that it appears reasonable to the

principal, or the designee of the principal to conclude that the continued presence of the person requested to depart would be disruptive of, or would interfere with, classes or other activities of the public school program.

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

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

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

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

(f) For the purposes of subdivision (a), a representative of a

school employee organization engaged in activities related to representation, as defined by Section 7104, shall be deemed to be a person required by his or her employment to be in a school building or on the grounds of a school.

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

SEC. 33. Section 66803 of the Education Code is amended to read:

66803. If the governing board of a California community college district elects to participate in an interstate attendance agreement, it may waive, as a condition to such participation, all or part of the nonresident tuition required by Section 76140 in accordance with the terms of that interstate attendance agreement. Such a waiver shall apply only to students attending a community college maintained by that district pursuant to the provisions of that interstate attendance agreement.

SEC. 34. Section 66905 of the Education Code is repealed.

SEC. 35. Section 66920 of the Education Code is repealed.

SEC. 36 Section 68081 of the Education Code is repealed

SEC. 37. Section 68083 of the Education Code is repealed.

SEC. 38. Section 68132 of the Education Code is repealed.

SEC. 40. Section 71029 is added to the Education Code, to read:

71029. It is the intent of the Legislature that the Board of Governors of the California Community Colleges, in cooperation with the Trustees of the California State University and Colleges and the Regents of the University of California, may support existing and additional programs which provide postsecondary educational opportunities and services for prison inmates, wards, and parolees of the Department of Corrections and the Department of the Youth Authority. The board of governors may support programs developed and operated cooperatively by at least one correctional institution and a two- or four-year college. Priority shall be given to programs linking more than two correctional institutions, educational agencies, parolee programs, community agencies, and potential employers. The board of governors may support existing programs and additional demonstration projects which have one or more of the following components.

(a) Academic and vocational instructional programs at the postsecondary educational level offered inside state prisons, county jails, or Department of the Youth Authority institutions.

(b) Information, counseling, and tutoring services for inmates, wards, and ex-offenders presently enrolled or interested in a postsecondary educational program.

(c) Courses for inmates and wards which also serve prison personnel and college students who are not incarcerated.

(d) Cooperative efforts linking postsecondary education programs with potential employers of ex-offenders

(e) Research on alternative methods of assessing academic abilities of inmates and alternative ways of making available education to inmates and ex-offenders.

SEC. 41 Section 71060 of the Education Code is amended to read:

71060. By enacting this article the Legislature declares its intent to more specifically delineate the powers, duties, and functions of the Board of Governors of the California Community Colleges and the powers, duties, and functions of the local district governing boards operating community colleges

SEC. 42. Section 71094 of the Education Code is repealed.

SEC. 43. Section 71095 of the Education Code is repealed.

SEC. 44 Section 72002 of the Education Code is amended to read:

72002. Whenever a petition is presented to the governing board of a community college district, signed by at least 15 qualified electors of any community college district, asking that the name of the district be changed, the governing board shall designate a day upon which it will act upon the petition, which shall not be less than 10 days nor more than 40 days after the receipt of the petition.

The clerk of the governing board shall give notice to all parties interested by sending a notice of the time for the hearing of the petition. Notices shall be mailed at least 10 days before the day set for hearing. At the hearing the board shall by resolution either grant or deny the petition, and, if granted, the clerk shall notify the county superintendent of the change of the name of the district.

SEC. 45. Article 2 (commencing with Section 72010) of Chapter 1 of Part 45 of the Education Code is repealed.

SEC. 46. Article 2 (commencing with Section 72010) is added to Chapter 1 of Part 45 of the Education Code, to read

Article 2. Nondiscrimination

72010. The provisions of this article are supplemental to any provision in the Constitution or laws of the United States or Constitution or laws of the State of California, relating to discrimination.

72011 Every community college district shall provide access to its services, classes, and programs without regard to race, religious creed, color, national origin, ancestry, handicap, or sex.

72012. Every community college shall comply with the provisions of Sections 40, 41, and 66016, relating to sex discrimination.

SEC. 47 Section 72020 of the Education Code is amended to read:

72020. In any community college district coterminous with a unified district, the governing board of the unified district shall, except as provided in this section or in Section 74126, constitute the community college board and after organizing as a community college board shall have the management and control of the community college in the district. If the district is divided into two or more unified districts, or if any territory is included within the boundaries of such community college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such community college district shall be governed by a board of five members who shall be elected in the

same manner, for the same terms, and at the same time as are members of the governing boards of other districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the community college district shall call an election. The election shall be called and conducted in the manner provided by law for an election to choose the first governing board members of a newly formed community college district.

SEC. 48. Section 72030 of the Education Code is amended to read:

72030. The majority of members of the first elected board of any newly formed community college district, the members of which majority received the highest number of votes, shall serve until the last Friday in November of the second succeeding odd-numbered year. The terms of the other members shall expire on the last Friday in November of the first succeeding odd-numbered year. All such members shall continue in office until their successors are elected and qualified.

SEC. 49. Section 72034 of the Education Code is repealed.

SEC. 50. Section 72035 of the Education Code is amended to read:

72035. (a) The members of the governing board of any unified district which has an average daily attendance of 100,000 or more as of October, 1971, and which maintains a community college shall call an election for the purpose of determining whether the members shall continue to serve also as members of the governing board of any unified school district having boundaries which are coterminous with the boundaries of the community college district. The election shall be held at the general election in accordance with the provisions of this code for conducting a regular election of governing board members. The ballots used in the election shall contain the words "Separate Community College Board—Yes" and "Separate Community College Board—No." The governing board of the district maintaining a community college shall prepare an impartial statement explaining the ballot measures and the expected results of continuing a common governing board or establishing two separate boards and this statement shall be distributed to the voters with the sample ballot and "pro" and "con" arguments, if any, as provided by law. Each elector voting at the election shall indicate the answer he or she desires to give in accordance with regular election procedures.

(b) If the proposition for a separate community college governing board receives a majority "yes" vote, those persons who serve as members of the governing boards of both a community college district and any unified school district shall, on or before June 1, 1973, choose on which of the two boards they will continue to serve. Those persons who choose to serve as members of either the governing boards of a community college district or the governing board of any unified school district shall continue to serve also as members of the governing board from which they have chosen to withdraw until their successors on those boards are elected after June 1, 1973, and

have assumed office. If the city charter of the city in which the unified school district is located in whole or in part governs the appointment, nomination, or election of members of the governing board of the unified school district, the new governing board of the community college district also shall be governed by that city charter so that the separate governing boards of both the unified and community college districts after June 1, 1973, shall be appointed or nominated and elected at the same elections, under the same conditions and for the same terms of office set forth in that city charter.

(c) The election of the members of the first community college governing board shall be conducted no later than the next election held for the nomination and election of governing board members of the unified district and under the same conditions and for the same terms of office pursuant to city charter except as set forth below. Prior to those elections, and only for those elections, the governing board of the unified district shall designate three positions on the new community college district governing board for which the initial term of office shall be four years and two positions for which the initial term of office shall be two years. Thereafter, all elections of the governing board members of the community college district shall be held under the same conditions, at the same times, and for the same terms as elections for the unified district governing board pursuant to city charter. The governing board of the unified district shall continue to govern the community college district until members of the new governing board of the community college district are elected and qualified to serve, at which time the governance of the community college district shall pass to the new governing board of the community college district.

(d) The governing board of the unified district may, if it deems such action appropriate, call two special elections within the community college district prior to the dates set forth by law for the primary and general elections of members of the governing board of the unified district, for the purpose of permitting the people of the community college district to nominate and elect governing board members of the community college district at the earliest possible time after the November 7, 1972, election. If these special primary and general elections are called, the governing board of the unified district shall designate for these elections, and only for these elections, (1) three positions on the new community college district governing board for which the initial term of office shall be four years plus the necessary number of days to allow such term to end on the same date as the end of the term of a member of the unified district governing board whose term expires in December, 1977, and (2) two positions on the new community college district governing board for which the initial term of office shall be two years plus the necessary number of days to allow such term to end on the same date as the end of the term of a member of the unified district governing board whose term expires in December, 1975. These elections shall be held,

insofar as possible, under the same conditions as elections for the unified district governing board pursuant to a city charter. Thereafter, all elections of governing board members of the community college district shall be held under the same conditions, at the same times, and for the same terms as elections for the unified district governing board pursuant to a city charter. The governing board of the unified district shall continue to govern the community college district until members of the new governing board of the community college district are elected and qualified to serve, at which time the governance of the community college district shall pass to the new governing board of the community college district.

(e) Each member of the separate governing board of the community college district shall receive the same compensation as received by members of the separate governing board of the unified district under Section 72425, notwithstanding any requirements to the contrary contained in that section.

(f) Notwithstanding subdivisions (c) and (d) of this section, if a person serving on the common governing board chooses, prior to June 1, 1973, to serve on the governing board of the community college district, he shall serve as a member of the community college district governing board until the expiration of the term of the office to which he was last elected as a member of that board.

(g) This section shall remain in effect until January 1, 1984, and as of that date is repealed unless a later enacted statute, which is chaptered before January 1, 1984, deletes or extends that date.

SEC. 51. Section 72100 of the Education Code is repealed.

SEC. 52. Section 72101.5 of the Education Code is repealed.

SEC. 53. Section 72105 of the Education Code is repealed.

SEC. 54. Section 72122 of the Education Code is amended to read:

72122. Notwithstanding the provisions of Section 72121 of this code and Section 54950 of the Government Code, the governing body of a community college district shall, unless a request by the student has been made pursuant to this section, hold closed sessions if the board is considering the suspension of, or disciplinary action or any other action except expulsion in connection with any student of the community college district, if a public hearing upon such question would lead to the giving out of information concerning students which would be in violation of Section 76243 of this code.

Before calling such closed session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the student is a minor, notify the student and his or her parent or guardian, or the student if the student is an adult, of the intent of the governing board of the district to call and hold such closed session. Unless the student, or his or her parent, or guardian shall, in writing, within 48 hours after receipt of such written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider such matters shall be conducted by the governing board in closed session. If such written

request is served upon the clerk or secretary of the governing board, the meeting shall be public except that any discussion at such meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting or on behalf of whom such meeting is requested, shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the governing board of the community college district shall be taken at a public meeting and the result of such action shall be a public record of the community college district.

The governing board of a community college district may hold closed sessions to consider the conferring of honorary degrees or to consider gifts from a donor who wants to remain anonymous.

SEC. 55. Section 72124 of the Education Code is repealed.

SEC. 56. Section 72126 of the Education Code is amended to read:

72126. Every community college board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by it for its own government

SEC. 57. Section 72129 of the Education Code is amended to read:

72129 Special meetings may be held at the call of the president of the board or upon a call issued in writing and signed by a majority of the members of the board.

SEC 58 Section 72130 of the Education Code is repealed.

SEC 59. Section 72131 of the Education Code is repealed.

SEC 62 Section 72205 of the Education Code is repealed.

SEC. 63. Section 72209 of the Education Code is repealed.

SEC. 64. Section 72210 of the Education Code is repealed

SEC. 65. Section 72234 of the Education Code is repealed.

SEC. 66. Section 72236 of the Education Code is repealed.

SEC. 67. Section 72237 of the Education Code is amended to read:

72237. The governing board of a community college district may provide by appropriate rules and regulations that grades, transcripts, diplomas, and registration privileges, or any combination thereof, shall be withheld from any student or former student who has been provided with written notice that he or she has failed to pay a proper financial obligation due to the district or a college. Any item or items witheld shall be released when the student satisfactorily meets the financial obligation.

SEC. 68. Section 72240 of the Education Code is repealed.

SEC. 69. Section 72240.5 of the Education Code is repealed

SEC. 70. Section 72252 of the Education Code is repealed.

SEC 71. Section 72280 of the Education Code is amended to read:

72280. By enacting this article the Legislature declares its intent to more specifically delineate the powers, duties, and functions of the community college district governing boards and the powers, duties, and functions of the Board of Governors of the California Community Colleges

SEC 73. Section 72300 of the Education Code is amended to read·

72300 The governing board of any community college district may

(a) Select and acquire sites within the boundaries of the district, and may acquire or construct thereon school facilities, as provided by law.

(b) Acquire by eminent domain any property necessary to carry out any of the powers or functions of the district.

(c) Acquire property, construct buildings, and maintain classes outside its boundaries on sites immediately adjacent to college sites of the district within its boundaries.

SEC. 74. Section 72300.5 of the Education Code is repealed.

SEC. 75. Section 72301 of the Education Code is repealed.

SEC. 76. Section 72303 of the Education Code is repealed.

SEC. 77. Section 72330 of the Education Code is amended to read:

72330. The governing board of a community college district may establish a community college police department and employ, in accordance with the provisions of Chapter 4 (commencing with Section 88000) of Part 51 such personnel as may be necessary for its needs.

Persons employed and compensated as members of a community college police department, when so appointed and duly sworn, are peace officers as defined by Section 830.31 of the Penal Code, but only for the purpose of carrying out the duties of their employment, and only upon the campus of the community college and in or about other grounds or properties owned, operated, controlled, or administered by the community college, or the state on behalf of the community college.

SEC. 78. Section 72331 of the Education Code is amended to read:

72331. Every member of a community college police department shall be supplied with, and authorized to wear, a badge bearing the words "Community College Police", prefaced by the name of the district, and shall be issued a suitable identification card bearing his or her physical description, photograph, and authority for peace officer status, and such other identification data as may be required by local law enforcement agencies, countersigned by the chief administrative officer of the district. The governing board may direct the wearing of a distinctive uniform and shall prescribe such a uniform. The governing board shall pay for the required uniforms, equipment, identification cards, and badges.

SEC. 79. Section 72332 of the Education Code is amended to read:

72332. Any vehicle, when operated in the performance of his or her duties by any member of the police department, is an authorized emergency vehicle and may be equipped and operated as such as provided by the Vehicle Code.

SEC. 80. Section 72333 of the Education Code is repealed.

SEC. 81. Section 72334 of the Education Code is repealed.

SEC. 82. Section 72400 of the Education Code is amended to read:

72400. The governing board of each community college district shall fix and prescribe the duties to be performed by all persons in community college service in the district.

SEC. 83. Section 72401 of the Education Code is amended to read:

72401. Notwithstanding any other provisions of law, any person may be permitted by the governing board of any community college district to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist such certificated personnel in performance of teaching and administrative responsibilities. Such a nonteaching volunteer aide shall not be an employee of the district and shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 72509 and Section 3364.5 of the Labor Code.

No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position; nor may a district refuse to employ a person in a vacant classified position and use volunteer aides in lieu thereof.

It is the intent of the Legislature to permit community college districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

SEC. 84. Section 72402 of the Education Code is repealed.

SEC. 85. Section 72403 of the Education Code is repealed.

SEC. 86. Section 72408 of the Education Code is amended to read:

72408. No person shall be eligible to hold a position as district superintendent, deputy superintendent, associate superintendent, or assistant superintendent of community colleges unless he or she is the holder of both a valid school administration certificate and a valid instructor's certificate.

SEC. 87. Section 72414 of the Education Code is repealed.

SEC. 88. Section 72416 of the Education Code is repealed.

SEC. 89. Section 72417 of the Education Code is repealed.

SEC. 90. Section 72418 of the Education Code is repealed.

SEC. 91. Section 72422 of the Education Code is repealed.

SEC. 92. Section 72422 is added to the Education Code, to read:

72422. Notwithstanding any provisions of law to the contrary, as an alternative to contracting with private counsel or for the use of an administrative adviser, the governing board of any community college district may elect to supplement the legal services that customarily are being rendered by the office of county counsel or district attorney by contracting with either the office of county counsel or office of district attorney, or both, for additional services. The additional services shall be performed at a fee and in a manner agreed upon by the governing board and the office of county counsel or office of district attorney, or both.

SEC. 93. Section 72504 of the Education Code is repealed.

SEC. 94. Section 72506 of the Education Code is repealed.

SEC. 95. Section 72506 is added to the Education Code, to read:

72506. (a) Action taken by any governing board of a community

college district to procure insurance shall be governed by the authority of Section 72233 and, where applicable, by Sections 989 to 991.2, inclusive, of the Government Code. However, the governing board of any community college district shall ensure against all of the following:

(1) The liability, other than a liability which may be insured against under the provisions of Division 4 (commencing with Section 3200) of the Labor Code, of the district for damages for death, injury to person, or damage or loss of property.

(2) The personal liability of the members of the board and of the officers and employees of the district for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment.

(b) The insurance may be written by any insurance company authorized to transact the business of insurance in the state, or by a nonadmitted insurer to the extent, and subject to the conditions, prescribed by Section 1763 of the Insurance Code.

(c) Notwithstanding paragraph (2) of subdivision (a), the governing board of any community college district may provide for persons authorized by the governing board to perform volunteer services for the district, insurance coverage which is the same as, or comparable to, that provided for employees of the district including coverage under the provisions of Division 4 (commencing with Section 3200) of the Labor Code.

(d) The governing board of a community college district may provide protection from its own funds for the purpose of covering the liability of the district, its officers, agents, and employees, in lieu of carrying insurance in insurance companies, as provided in this section. The governing board may also provide protection against such liability partly by means of its own funds and partly by means of insurance written by insurance companies, as provided in this section.

SEC. 96. Section 72507 of the Education Code is repealed.

SEC. 97. Section 72509 of the Education Code is repealed.

SEC. 98. Section 72511 of the Education Code is repealed.

SEC. 99. Section 72533 of the Education Code is amended to read:

72533. No member of the governing board of any community college district shall be financially interested in any contract made by the board of which he or she is a member. Any contract made in violation of this section is void.

SEC. 100. Section 72539 of the Education Code is repealed.

SEC. 101. Section 72601 of the Education Code is amended to read:

72601. Whenever in any college year the community college register of any instructor, or other records of any district are destroyed by conflagration or public calamity, preventing the instructor and college officers from making their annual reports in the usual manner and with accuracy, affidavits of the instructor, the

president, or other officers of the district, certifying as to the contents of the destroyed register or other records, shall be accepted by all college authorities for all purposes appertaining to the district, except that of average daily attendance.

SEC. 102. Section 72602 of the Education Code is amended to read:

72602. Whenever the average daily attendance of a community college district has been materially affected in any college year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the instructor, the president, or officers of the district, shall be accepted by all college officers for all matters appertaining to the district, except that of average daily attendance.

SEC. 103. Section 72604 of the Education Code is repealed.

SEC. 104. Section 72642 of the Education Code is repealed.

SEC. 105. Section 72670 of the Education Code is amended to read:

72670. The governing board of a community college district may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of its college or colleges. As used in this article, "auxiliary organization" may include, but is not limited to, the following entities:

(a) Any entity in which any official of a community college district participates as a director as part of his or her official position.

(b) Any entity formed or operating pursuant to Article 4 (commencing with Section 76060) of Chapter 1 of Part 47.

(c) Any entity which operates a commercial service for the benefit of a community college or district on a campus or other property of the district.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) Its purpose is to promote or assist a community college or district, or to receive gifts, property and funds to be used for the benefit of the community college or district or any person or organization having an official relationship therewith.

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the governing board of the district, an official of the district, or selected, ex officio, from the membership of the student body or the faculty or the governing board or the administrative staff of the district.

(e) Any entity which is designated as an auxiliary organization by the district governing board.

SEC. 106. Section 72673 of the Education Code is amended to read:

72673. Student body organizations not formed or operating pursuant to Article 4 (commencing with Section 76060) of Chapter 1 of Part 47; student or faculty societies, social clubs, fraternities, and sororities; and alumni associations shall be exempt from the

provisions of this article, unless any such organization, society, club, fraternity, sorority, or association has been established as an auxiliary organization pursuant to the provisions of this article.

This section shall not be construed to alter or limit the powers of the district governing board to establish rules and regulations governing organizations which maintain an official relationship with a college or district or which uses the name or facilities of the college or district.

SEC. 107. Section 72682 of the Education Code is amended to read:

72682. An auxiliary organization which was in existence on August 31, 1980, shall continue to operate under the provisions of Article 6 (commencing with Section 72670) of Chapter 6 of Part 45, as it read immediately prior to August 30, 1980, until such time, if any, as the organization is approved pursuant to this article.

SEC. 108. Section 74011.5 of the Education Code is repealed.

SEC. 109. Section 74032 of the Education Code is repealed.

SEC. 110. Section 74103 of the Education Code is repealed

SEC. 111. Section 76000 of the Education Code is amended to read:

76000. The governing board of a community college district maintaining a two-year community college shall admit to the community college any California resident, and may admit any nonresident, possessing a high school diploma or the equivalent thereof.

The governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the president of the community college if he or she is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

The governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board or of the president of the community college if he or she is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the Board of Governors of the California Community Colleges or the chancellor's office pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. The provisions of this paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Chapter 3 (commencing with Section 78400) of Part 48, or to any persons attending on a part-time basis only.

SEC. 112. Section 76001 of the Education Code is amended to read:

76001. The president of any community college may admit to the

community college as a special part-time student any student whose admission is recommended by his or her principal. A principal of a school may recommend a student as a special part-time student pursuant to rules and regulations which may be adopted by the governing board of the school district.

The attendance of a student at community college as a special part-time student pursuant to this section is authorized attendance. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

Notwithstanding Sections 48801 and 48802, no special part-time student need attend school classes for the minimum schoolday.

SEC. 113. Section 76002 of the Education Code is amended to read:

76002. The president of any community college may admit to the summer session of the community college as a special student any student, with parental consent, whose admission to summer session is recommended by the principal of the school which the student attends. A principal may recommend such a student as a special student pursuant to rules and regulations which may be adopted by the governing board of the school district.

The attendance as a special summer session student, shall be credited to the district maintaining the community college for the purposes of allowances and apportionments from the State School Fund. The student shall receive credit for community college courses which he or she completes, in the same manner as a regularly enrolled community college student.

Sections 76001 and 48800 to 48802, inclusive, do not apply to the special students authorized to be admitted to a community college summer session pursuant to this section.

SEC. 114. Section 76003 of the Education Code is repealed.

SEC. 115. Section 76004 of the Education Code is repealed.

SEC. 116. Section 76005 of the Education Code is repealed.

SEC. 117. Section 76006 of the Education Code is repealed.

SEC. 118. Article 3 (commencing with Section 76030) of Chapter 1 of Part 47 of the Education Code is repealed.

SEC. 119. Article 3 (commencing with Section 76030) is added to Chapter 1 of Part 47 of the Education Code, to read:

Article 3. Suspension or Expulsion

76030. The governing board of each community college district shall adopt regulations concerning the suspension and expulsion of students. The regulations shall be consistent with due process of law, with the provisions of this article, and with Sections 66017 and 66300.

76031. The governing board, chief administrator of a community college, or an instructor may suspend a student pursuant to this article. During the period of suspension, a student shall not be returned to the class from which he or she was suspended without

the concurrence of the instructor of the class. Only the governing board may expel a student.

76032. Suspension or expulsion of any student shall be for good cause only, and shall be accompanied by a hearing conducted pursuant to the requirements of Section 66017

76033. No suspension pursuant to this article shall exceed five days of instruction, unless expressly provided otherwise by regulations of the district governing board. However, no suspension pursuant to the regulations shall exceed 10 days of instruction. The chief administrative officer of the community college shall report all suspensions of students to the governing board.

76034. As used in this article, "good cause" includes, but is not limited to, the following offenses: continued willful disobedience, habitual profanity or vulgarity, open and persistent defiance of the authority of, or persistent abuse of, college personnel; assault, battery, or any threat of force or violence upon a student or college personnel; willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district; use, sale, or possession on campus of, or presence on campus under the influence of, narcotics, other hallucinogenic drugs or substances or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code; willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board; and persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

76035. No student shall be suspended or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

76036. Whenever a minor is suspended from a community college, the parent or guardian shall be notified in writing by the chief administrative officer or his or her designee. When a minor has been suspended by an instructor, the instructor shall ask the parent or guardian to attend a parent conference regarding the suspension as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference.

76037. The chief administrative employee at a community college shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be violative of Section 245 of the Penal Code.

76038. Any violation or violations of any law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the suspension or expulsion of a student from a community college.

SEC. 120. Article 5 (commencing with Section 76100) of Chapter 1 of Part 47 of the Education Code is repealed.

SEC. 121. Section 76130 of the Education Code is amended to read:

76130. The governing board of any community college district shall adopt rules and regulations authorizing instructors, supervisors, and other certificated personnel to administer reasonable punishment to students when such action is deemed an appropriate corrective measure.

SEC. 122. Section 76131 of the Education Code is repealed.

SEC. 123. Section 76141 of the Education Code is repealed

SEC. 124. Section 76160 of the Education Code is amended to read.

76160. Any student under 21 years of age, and any student under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service with the armed forces of the United States, who resides in this state and more than 90 miles from the nearest public community college attendance center where grades 13 and 14 are maintained, measured by the usual vehicular route between his or her home and such attendance center, may at his or her request attend grades 13 and 14 at any public community college in the state, whether or not his or her residence is in a district maintaining a community college. The governing board of the district maintaining such community college designated by the student shall admit the student provided he or she otherwise qualifies for admission

The provisions of the preceding paragraph of this section shall be inapplicable to any student residing in a district maintaining a community college if such district maintains adequate dormitories or housing facilities or provides adequate transportation for such student between his or her home and the community college attendance center

For the purpose of this section, a person shall be deemed to be honorably discharged from the armed forces (a) if he or she was honorably discharged from the armed forces of the United States or (b) if he or she was inducted into the armed forces of the United States under the "Universal Military Training and Service Act," and (1) satisfactorily completes his or her period of training and service under such act and is issued a certificate to that effect pursuant to such act, or (2) having served honorably on active duty was transferred to a reserve component of the armed forces of the United States pursuant to such act, or (3) was otherwise released pursuant to such act under honorable conditions.

For the purposes of this section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy, and Air Force, and all components of the Coast Guard.

SEC. 125. Chapter 2 (commencing with Section 76300) of Part 47 of the Education Code is repealed.

SEC 126. Chapter 2 (commencing with Section 76300) is added to Part 47 of the Education Code, to read:

CHAPTER 2. ATTENDANCE

76300. Attendance shall be recorded and kept according to rules and regulations prescribed by the board of governors, subject to the provisions of this chapter.

SEC. 127. Section 76400 of the Education Code is repealed.

SEC. 128. Section 76400 is added to the Education Code, to read:

76400. The governing board of any community college district may provide for the health and physical development of students and may employ properly certified persons for the work.

The governing board may purchase, or provide, such accident or health insurance, or such medical or hospital service, through nonprofit membership corporations as will be appropriate for the students of the district in light of the purposes of this article.

Such insurance shall only be purchased, or such membership only taken, in companies or corporations authorized to do business in this state.

SEC. 129. Section 76401 of the Education Code is repealed.

SEC. 130. Section 76401 is added to the Education Code, to read:

76401. The governing board of any community college district shall make such rules for the examination of the students in the community colleges under its jurisdiction as will ensure proper care of the students and proper secrecy in connection with any defect noted by the supervisor of health, or his or her assistant, and may tend to the correction of the physical defect.

SEC. 131. Section 76406 of the Education Code is repealed.

SEC. 133. Section 76423 of the Education Code is repealed.

SEC. 134. Section 76424 of the Education Code is repealed.

SEC. 135. Section 76425 of the Education Code is repealed.

SEC. 136. Article 3 (commencing with Section 76440) of Chapter 3 of Part 47 of the Education Code is repealed.

SEC. 137. Article 4 (commencing with Section 76450) of Chapter 3 of Part 47 of the Education Code is repealed.

SEC. 138. Article 4 (commencing with Section 76450) is added to Chapter 3 of Part 47 of the Education Code, to read:

Article 4. Physical Examinations

76450. A parent or guardian having control or charge of any minor enrolled in the community college may file annually with the president of the college in which the minor is enrolled a statement in writing, signed by the parent or guardian, stating that he or she will not consent to a physical examination of his or her child. Thereupon, the minor shall be exempt from any physical examination, but whenever there is a good reason to believe that the minor is suffering from a recognized contagious or infectious disease, he or she shall be sent home and shall not be permitted to return until the college authorities are satisfied that any contagious or infectious disease does not exist.

SEC. 139. Section 76456 of the Education Code is repealed.

SEC. 140. Section 76482 of the Education Code is repealed.

SEC. 141. Article 7 (commencing with Section 76490) of Chapter 6 of Part 47 of the Education Code is repealed.

SEC. 142. Section 78002 is added to the Education Code, to read:

78002. At the request of a community college district, the chancellor may approve a program of studies on a quarter system or trimester basis in accordance with rules and regulations prescribed by the board of governors.

SEC. 143. Section 78005 of the Education Code is amended to read:

78005. The governing board of a community college district may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district or another community college district, requests that community college classes be offered in the high school district or community college district.

(b) The community college district annually reports to the board of governors, in advance of their offering, on the classes to be established or continued pursuant to this authorization.

SEC. 144. Section 78008 of the Education Code is amended to read:

78008. (a) The governing board of a community college district may maintain an intersession school during the period between the close of any academic semester or quarter and the beginning of the succeeding academic semester or quarter in accordance with rules and regulations of the board of governors and with the prior written approval of the board of governors.

SEC. 145. Section 78009 of the Education Code is repealed.

SEC. 146. Section 78013 of the Education Code is repealed.

SEC. 147. Section 78014 of the Education Code is repealed.

SEC. 148. Section 78030 of the Education Code is amended to read:

78030. (a) Subject to the provisions of Sections 76000 to 76003, inclusive, a district resident, as defined for purposes of Part 41 (commencing with Section 68000), shall be admitted to a community college in another district unless the admission would be contrary to the terms of an interdistrict attendance agreement or a notice of restriction.

(b) A district resident may be entitled to enroll and may be admitted to a community college in another district; provided, that the governing board of the receiving community college district has approved the admission and has determined that space is available at that community college. The admission of the person shall not be subject to an interdistrict attendance agreement or a notice of restriction, if the student pays the district of attendance the amount of nonresident tuition it would have received pursuant to Section 76140 if the student were a nonresident, less one hundred

twenty-five dollars ($125).

(c) Attendance of these students shall be separately recorded and reported to the Chancellor's office of the California Community Colleges.

(d) The governing board of each community college district shall prescribe rules and regulations for the implementation of this section.

SEC. 149. Section 78031 of the Education Code is amended to read:

78031. An interdistrict attendance agreement may be entered into between two districts specifying the terms and conditions under which district residents of one district may attend a community college in the other district. The agreement may be for any period agreed upon but for not less than one year.

SEC. 150. Section 78032 of the Education Code is amended to read:

78032. A district may restrict admission of its residents in a community college of another district or it may restrict admission of residents of another district into its community college or colleges by means of a notice of restriction. The notice of restriction shall be sent to the district to which it applies, to the county superintendent of each county containing all or part of both districts, and shall be published in the catalog of the district issuing the notice and of the district to which the notice applies. A notice of restriction shall be effective with that term or session which begins at least 125 days after receipt of the notice by the district to which it is directed. It shall continue in effect until withdrawn. A district receiving a notice of restriction shall not permit attendance contrary to the notice.

SEC. 151. Section 78033 of the Education Code is amended to read:

78033. If within 30 days after having requested permission to enroll in a community college of another district, a resident student is not permitted to attend because of the terms of an interdistrict attendance agreement or a notice of restriction, an appeal may be made to the county board of education in the county of the student's residence. The appeal may be made by the student, his or her parent, or his or her guardian.

Within 30 days after the filing of the appeal the county board of education or its delegated respresentative shall grant or deny the appeal.

If the appeal is granted and attendance is allowed, the district of residence shall pay tuition to the district of attendance in accordance with an interdistrict attendance agreement which is in effect between the districts. In the absence of an interdistrict attendance agreement the rate of tuition shall be the same as that charged to nonresidents by the district of attendance, less one hundred twenty-five dollars ($125).

SEC. 152. Section 78034 of the Education Code is repealed.

SEC. 154. Section 78200.5 is added to the Education Code, to

read:

78200.5. (a) The Chancellor's office of the California Community Colleges shall prepare, distribute, and maintain a detailed handbook for use by the local educational agencies and regional councils established pursuant to Section 8020. The handbook shall contain course approval criteria, implementation plans for administrative regulations, and procedures for securing course and program approvals.

(b) The Chancellor's office of the California Community Colleges shall monitor and review courses and programs which were approved under the provisions of Section 78200 for compliance with applicable statutes and regulations on a periodic basis.

SEC. 157. Section 78204 of the Education Code is amended to read:

78204. The governing board of each community college district shall prescribe requirements for graduation from community college courses, which requirements shall not be inconsistent with minimum standards adopted by the board of governors.

SEC. 158. Section 78209 of the Education Code is repealed.

SEC. 159. The heading of Article 2, immediately preceding Article 3 (commencing with Section 78230) of Chapter 2 of Part 48 of the Education Code is repealed.

SEC. 160. Article 2 (commencing with Section 78220) is added to Chapter 2 of Part 48 of the Education Code, to read:

Article 2. Athletic Programs

78220. It is the intent of the Legislature that opportunities for participation in athletics be provided on an equitable basis to all students.

It is the further intent of the Legislature that females be given the same opportunity to participate in athletics and compete with other females in individual and team sports as is available to males who compete with other males in individual and team sports.

78221. Insofar as practicable, in apportioning public funds, community college district governing boards shall apportion amounts available for athletics to ensure that equitable amounts will be allocated for all students, except that allowances may be made for differences in the costs of various athletic programs.

78222. Notwithstanding any other provision of law, no public funds shall be used in connection with athletic programs conducted under the auspices of a community college district governing board or any student organization within the district, which do not provide facilities and opportunities for participation by both sexes on an equitable basis. Facilities and opportunities for participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.

78223. The governing board of a community college district may

enforce rules and regulations relating to eligibility for and participation in intercollegiate athletics. The rules and regulations may include, but are not limited to, those adopted by a voluntary association, one of whose purposes is to govern intercollegiate athletics among schools and colleges.

SEC. 161. Section 78270 is added to the Education Code, to read:

78270. The governing board of a community college district may establish and maintain a program of aviation education.

SEC. 162. Section 78273 of the Education Code is repealed.

SEC. 163. Article 8 (commencing with Section 78310) is added to Chapter 2 of Part 48 of the Education Code, to read:

Article 8. Independent Study

78310. The governing board of a community college district may establish and maintain courses and programs designed and conducted as independent study The courses and programs shall be conducted in accordance with rules and regulations of the board of governors. For purposes of state aid, attendance in the courses shall be allowed in the manner prescribed by Section 84500.

SEC. 164. Section 78404 of the Education Code is repealed.

SEC. 165. Section 78409 of the Education Code is amended to read:

78409. Whenever the governing board of a community college district maintaining an adult school or classes for adults is unable to maintain the school or classes in the district because of its inability to secure a teacher or teachers, or because of lack of facilities, the board may maintain the school or classes of the district elsewhere than within the district by contracting for the instruction of the students in such school or classes with the governing board of a school district or another community college district.

SEC. 166. Section 78410 of the Education Code is repealed.

SEC. 167. Section 78411 of the Education Code is repealed.

SEC. 169. Article 4 (commencing with Section 78451) of Chapter 3 of Part 48 of the Education Code is repealed.

SEC. 170. Section 78460 is added to the Education Code, to read:

78460. No state aid or apportionment may be claimed on account of the attendance of students in noncredit classes in dancing or recreational physical education.

SEC. 171. Section 78464 of the Education Code is repealed.

SEC. 172. Section 78465 of the Education Code is repealed.

SEC. 173. Chapter 4 (commencing with Section 78600) is added to Part 48 of the Education Code, to read:

CHAPTER 4 PROGRAMS FOR HANDICAPPED STUDENTS

78600. (a) The Board of Governors of the California Community Colleges shall adopt rules and regulations for determining program and service components and appropriation of resources to individual

college districts for the education of handicapped students. The rules and regulations shall be based upon guidelines developed and approved by both the chancellor and the Director of Rehabilitation and shall be appropriate to the needs for education of handicapped students enrolled at a community college.

(b) As used in this section:

(1) "Communication disability" means a disability attributable to a speech or hearing impairment.

(2) "Handicapped students" are persons enrolled at a community college who cannot benefit from the regular educational program provided by the community college at which the students are enrolled, without special services and programs, because of a physical, communication, or learning disability. A disability shall be defined in a manner consistent with the definitions given in this subdivision.

(3) "Learning disability" means a disability attributable to a neurological, biochemical, or developmental impairment.

(4) "Physical disability" means a disability, attributable to a vision, mobility, orthopedic, or other health impairment.

(c) The Director of Rehabilitation shall also, after public hearings and consultation with the chancellor, define "severely disabled students" for purposes of funding the excess costs of such students as authorized by subdivision (e) of Section 84850.

SEC. 174. Section 78907 of the Education Code is amended to read:

78907. The use by any person, including a student, of any electronic listening or recording device in any classroom without the prior consent of the instructor is prohibited. Any person, other than a student, who willfully violates this section shall be guilty of a misdemeanor.

Any student violating this section shall be subject to appropriate disciplinary action.

This section shall not be construed as affecting the powers, rights, and liabilities arising from the use of electronic listening or recording devices as provided for by any other provision of law.

SEC. 175. Section 78930 of the Education Code is repealed.

SEC. 176. Section 78930 is added to the Education Code, to read:

78930. (a) The governing board of a community college district may charge a reasonable fee for instructional materials provided to any student enrolled in its college or colleges. Fees for instructional materials shall be established so as to not exceed the actual cost to the district in providing such materials, and the materials themselves shall be tangible personal property which is owned or controlled by the student.

(b) "Instructional materials" means all material designed for use by students and their instructors as a learning resource and which help students to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted and may include textbooks and educational materials,

but not tests. Educational materials are defined to mean any audiovisual or manipulative device including, but not limited to, films, tapes, flashcards, kits, phonograph records, study prints, graphs, charts, and multimedia systems.

SEC. 177 Section 78931 of the Education Code is repealed.

SEC. 178. Section 78932 of the Education Code is repealed.

SEC. 179. Section 78933 of the Education Code is repealed.

SEC. 180. The heading of Chapter 8 (commencing with Section 79000) of Part 48 of the Education Code is amended to read:

CHAPTER 8. COLLEGE TERMS

SEC. 181. Section 79000 of the Education Code is amended to read:

79000. The college year begins on the first day of July and ends on the last day of June.

SEC. 182. Section 79001 of the Education Code is repealed.

SEC. 183. Section 79001 is added to the Education Code, to read:

79001. The term "academic year" means that portion of the college year during which the community college is maintained, which period shall include not less than the number of days required by Section 84370 and regulations adopted pursuant thereto by the board of governors.

SEC. 184. Section 79002 of the Education Code is repealed.

SEC. 185. Section 79003 of the Education Code is repealed.

SEC. 186. Section 79011 of the Education Code is repealed.

SEC. 187. Section 79020 of the Education Code is amended to read:

79020. Except as otherwise provided the community colleges shall continue in session or close on specified holidays as follows:

(a) The community colleges shall close on January 1st, February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.

(b) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the community colleges shall close on the day. If the Governor does not provide whether the community colleges shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(c) The community colleges shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(d) The community colleges shall continue in session on all legal holidays other than those designated by or pursuant to this section,

or Section 79022, and shall hold proper exercises commemorating the day.

(e) When any of the holidays on which the schools would be closed fall on Sunday, the community colleges shall close on the Monday following.

(f) When any of the holidays on which the schools would be closed fall on Saturday, the community colleges shall close on the preceding Friday, and such Friday shall be declared a state holiday.

(g) If any holiday on which the community colleges are required to close pursuant to subdivision (a) occurs under federal law on a date different than the date specified in subdivision (a), the governing board of any community college district may close the community colleges of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).

(h) When Veterans Day or Lincoln Day would fall on Tuesday, the governing board of a community college district may close the colleges on the preceding Monday, and maintain classes on the date specified in subdivision (a). When Veterans Day or Lincoln Day would fall on Wednesday, the governing board of a community college district may close the colleges on either the preceding Monday or the following Friday, and maintain classes on the date specified in subdivision (a). When Veterans Day or Lincoln Day would fall on Thursday, the governing board of a community college district may close the colleges on the following Friday, and maintain classes on the date specified in subdivision (a).

(i) Nothing in this section is to be interpreted as authorizing a community college district governing board to maintain community colleges in its district for a lesser number of days during the college year than the minimum established by law.

SEC. 188. Section 79021 of the Education Code is amended to read:

79021. Notwithstanding any other provision of this article, whenever the Governor appoints any other day as a holiday and does not provide for the closing of the community colleges, but the community colleges do close, the closing shall be deemed a closing for a holiday declared by the governing board pursuant to the provisions of Section 79022.

SEC. 189. Section 79022 of the Education Code is amended to read:

79022. Notwithstanding any other provision of this article, the governing board of any community college district may declare a holiday in the community colleges under its jurisdiction when good reason exists.

SEC. 190. Section 79023 of the Education Code is amended to read:

79023. All community colleges shall hold exercises in memory of Abraham Lincoln and George Washington on February 12th and February 22nd, respectively, or on the day in which school is in session next preceding, if the specified day is a holiday.

SEC. 191. Section 79024 of the Education Code is amended to read:

79024. All community colleges shall include on or near the anniversary of the adoption of the Constitution of the United States suitable exercises on the purpose, meaning, and importance of the Constitution of the United States, including the Bill of Rights.

SEC. 192. Section 79025 of the Education Code is amended to read:

79025. March 7th of each year, the anniversary of the birthday of Luther Burbank, is set apart and designated Conservation, Bird and Arbor Day.

All community colleges shall observe Conservation, Bird, and Arbor Day not as a holiday, but by including suitable exercises on the economic value of birds and trees, and the promotion of a spirit of protection toward them, and as to the economic value of natural resources, and the desirability of their conservation.

SEC. 193. Section 79026 of the Education Code is amended to read:

79026. February 15th of each year, the anniversary of the birthday of Susan B. Anthony, is designated and set apart as Susan B. Anthony Day.

All community colleges shall observe this day with suitable exercises, directing attention to the development of the political and economic status of women in the United States, through the efforts of Susan B. Anthony.

SEC. 194. Section 79027.5 of the Education Code is amended to read.

79027.5. All community colleges shall, on January 15th of each year, the anniversary of the birth of Dr. Martin Luther King, Jr., hold suitable exercises commemorating, and directing attention to the history of, the civil rights movement in the United States, and particularly the role therein of Dr. Martin Luther King, Jr.

SEC. 195. Section 79028 of the Education Code is amended to read:

79028. The governing board of any community college district may provide for the maintenance of community college classes on Saturday and Sunday or both.

Nothing in this section shall be interpreted as modifying the census week attendance accounting procedure as specifed in Section 84520.

SEC. 196. Section 79030 of the Education Code is amended to read.

79030. Whenever climatic conditions of a community college district are such as to render it necessary that the colleges be closed as early in the year as possible or opened as late in the year as possible, the governing board of the community college district may maintain classes on any days other than the 25th day of December, the first day of January, the fourth day of July, and any day appointed by the President or the Governor for a public thanksgiving.

When classes are maintained on holidays pursuant to this section,

proper exercises shall be held commemorating the day.

SEC. 197. Section 79031 of the Education Code is amended to read:

79031. In every community college there shall be conducted daily appropriate patriotic exercises. The giving of the pledge of allegiance to the Flag of the United States of America, or the raising and lowering of the Flag of the United States of America, shall satisfy such requirement. Such patriotic exercises shall be conducted in accordance with the regulations which shall be adopted by the governing board of the community college district.

SEC. 198. Article 2 (commencing with Section 79130) of Chapter 9 of Part 48 of the Education Code is repealed.

SEC. 199. Article 5 (commencing with Section 79160) of Chapter 9 of Part 48 of the Education Code is repealed.

SEC. 200. Section 81000 of the Education Code is amended to read:

81000. Except as provided in this code, any college or instructional facility required to be maintained by the governing board of a community college district shall be maintained within the boundaries of the district.

SEC. 201. Section 81003 of the Education Code is repealed.

SEC. 202. Section 81006 of the Education Code is amended to read:

81006. The maintenance of a college by a district outside the boundaries of the district as provided in Sections 78004 to 78006, inclusive, shall be deemed for all purposes to be or have been the maintenance of a college within the boundaries of the district.

SEC. 203. Section 81007 of the Education Code is repealed.

SEC. 204. Section 81031 of the Education Code is amended to read:

81031. The board of governors shall establish standards for community college sites.

SEC. 205 Section 81032 of the Education Code is repealed.

SEC. 206. Section 81033 of the Education Code is amended to read:

81033 The governing board of a community college district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 81131 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective college site is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the seismic safety element of the local general plan as provided in subdivision (f) of Section 65302 of the Government Code, the investigation shall include such geological and soil engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake or other geological hazard damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a college in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No such studies need be made if the site or sites under consideration have been the subject of adequate prior studies The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is defined as one which is shown on any map, or maps, compiled by the State Geologist pursuant to the provisions of Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code. A copy of the report of each investigation conducted pursuant to this section shall be submitted to the board of governors.

SEC. 207. Section 81033.5 of the Education Code is amended to read:

81033.5. Geological and soil engineering studies as described in Section 81033 shall be made, within the boundaries of any special studies zone, for the construction of any building as defined in Section 81131 or, if the estimated cost exceeds twenty thousand dollars ($20,000), for the reconstruction or alteration of or addition to any such building for work which alters structural elements. The Department of General Services may require similar geological and soil engineering studies for the construction or alteration of any building on a site located outside of the boundaries of any special studies zone. No such studies need be made if the site under consideration has been the subject of adequate prior studies.

No building shall be constructed, reconstructed, or relocated on the trace of a geological fault along which surface rupture can reasonably be expected to occur within the life of the school building.

A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of General Services pursuant to Article 7 (commencing with Section 81130) and to the Department of Education The cost of geological and soil engineering studies and investigations conducted pursuant to this section may be treated as a capital expenditure.

SEC. 208. Section 81034 of the Education Code is repealed.

SEC. 209 Section 81035 of the Education Code is amended to read:

81035 To promote the safety of students and comprehensive community planning the governing board of each district before acquiring title to property for a new community college site or for an addition to a present community college site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall

submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a community college site, or for an addition to a present community college site, the governing board of the district shall not acquire title to the property until 30 days after the commission's report is received.

SEC. 210. Section 81036 of the Education Code is amended to read:

81036. To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport boundary which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 25 days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors shall, in lieu of notifying the Division of Aeronautics, notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give

The board of governors shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

SEC. 211. Section 81037 of the Education Code is repealed.

SEC. 212. Section 81038 of the Education Code is amended to read:

81038. If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under Section 81036 does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to such community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for community college site acquisition or college building construction, or for expansion of existing sites and buildings, and no funds of the community college district or of the county in which the district lies shall be expended for such purposes; provided that the provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor to any additions or extensions to such sites.

If the recommendation of the Division of Aeronautics is unfavorable, such recommendation shall not be overruled without the express approval of the board of governors and the State Allocation Board.

SEC. 213. Section 81043 of the Education Code is repealed.

SEC. 214. Article 4 (commencing with Section 81060) of Chapter 1 of Part 49 of the Education Code is repealed.

SEC. 215. Article 5 (commencing with Section 81080) of Chapter 1 of Part 49 of the Education Code is repealed.

SEC 216. Article 6 (commencing with Section 81100) of Chapter 1 of Part 49 of the Education Code is repealed.

SEC 217 Section 81130 5 is added to the Education Code, to read.

81130 5 The provisions of this article do not apply to an offsite building during the time such building is used wholly or in part for community college purposes if such building is neither owned by a community college district nor leased by a community college district under a lease containing an option to purchase such building. However, this section shall not affect the validity of any action taken pursuant to any provision of this article or Article 8 (commencing with Section 81160) prior to January 1, 1982. For the purposes of this section, an "offsite building" is a building which is situated on land which is neither owned by a community college district nor leased by a community college district under a lease containing an option to purchase such land.

SEC. 218. Section 81131 4 of the Education Code is repealed.

SEC. 219. Section 81144 of the Education Code is amended to read.

81144. Any person who knowingly violates any of the provisions of this article or fraudulently makes any false statement in any verified report or affidavit required pursuant to this article, is guilty of a felony.

SEC. 220. Section 81160 of the Education Code is repealed.

SEC. 221. Section 81160 is added to the Education Code, to read:

81160. The provisions of this article do not apply to an offsite building during the time the building is used wholly or in part for community college purposes if the building is neither owned by a community college district nor leased by a community college district under a lease containing an option to purchase the building; provided, however, that this section shall not affect the validity of any action taken pursuant to any provision of Article 7 (commencing with Section 81130) or this article prior to January 1, 1982. For the purposes of this section, an "offsite building" is a building which is situated on land which is neither owned by a community college district nor leased by a community college district under a lease containing an option to purchase such land.

SEC. 222. Section 81178 of the Education Code is repealed.

SEC. 223. Section 81179 of the Education Code is amended to read:

81179. Notwithstanding any other provision of this article or Article 9 (commencing with Section 16310) of Chapter 8 of Part 10, whenever a community college district does not have funds available to repair, reconstruct, or replace the school buildings referred to in this article or Section 16320, the community college district shall apply for such funds as may be necessary to accomplish such repair, reconstruction, or replacement pursuant to the provisions of Article 9. The community college district shall also accept such funds as are disbursed to the district pursuant to Article 9, whether or not the funds constitute the maximum amount applied for, and shall repay such funds in accordance with the provisions of Article 9.

SEC. 224. Section 81180.5 of the Education Code is repealed.

SEC. 225. Section 81182 of the Education Code is repealed.

SEC. 226. Section 81184 of the Education Code is repealed.

SEC. 227. Section 81333 of the Education Code is repealed.

SEC. 228. Section 81337 of the Education Code is repealed.

SEC. 229. Section 81338 of the Education Code is repealed.

SEC. 230. Section 81339 of the Education Code is repealed.

SEC. 231. Section 81340 of the Education Code is repealed.

SEC. 232. Section 81341 of the Education Code is repealed.

SEC. 233. Section 81342 of the Education Code is repealed.

SEC. 234. Section 81342.5 of the Education Code is repealed.

SEC 235. Section 81343 of the Education Code is repealed

SEC. 236 Section 81352 of the Education Code is repealed

SEC. 237. Section 81353 of the Education Code is repealed

SEC. 238. Section 81354 of the Education Code is repealed.

SEC. 239. Section 81360.5 of the Education Code is repealed.

SEC. 240. Section 81383 of the Education Code is repealed.

SEC 241 Section 81452 of the Education Code is amended to read:

81452. (a) If the board, by a unanimous vote of those members present, finds that the property does not exceed in value the sum of

the one thousand dollars ($1,000), the property may be sold at private sale without advertising, by any member or employee of the board empowered for that purpose by the majority vote of the board.

(b) If the board, by a unanimous vote of those members present, finds that the property is of insufficient value to defray the costs of arranging a sale, the property may be disposed of in the local public dump on order of any member or employee of the board empowered for that purpose by the majority vote of the board.

SEC. 242. Section 81457 of the Education Code is amended to read:

81457. The governing board of a community college district may authorize any officer or employee of the district to sell to any student personal property of the district which has been fabricated by such student, at the cost to the district of the materials furnished by the district and used therein.

SEC. 243. Section 81610 of the Education Code is repealed.

SEC. 244. Section 81612 of the Education Code is repealed.

SEC 245. Section 81614 of the Education Code is repealed.

SEC. 246. Section 81615 of the Education Code is repealed.

SEC. 247. Section 81616 of the Education Code is repealed.

SEC. 248. Article 2 (commencing with Section 81630) of Chapter 3 of Part 49 of the Education Code is repealed.

SEC. 249 Section 81640 of the Education Code is amended to read:

81640. The governing board of any community college district shall let any contracts involving an expenditure of more than twelve thousand dollars ($12,000) for work to be done or more than eighteen thousand dollars ($18,000) for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

SEC. 250. Section 81648 of the Education Code is amended to read.

81648. In an emergency when any repairs, alterations, work or improvement is necessary to permit the continuance of existing college classes, or to avoid danger to life or property, the board may by unanimous vote, make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids

SEC. 251. Section 81650 of the Education Code is repealed.

SEC. 252. Section 81652 of the Education Code is repealed.

SEC. 253. Section 81654 of the Education Code is repealed.

SEC. 254. Section 81657 of the Education Code is amended to read:

81657. The governing board of any community college district may by majority vote authorize its district superintendent, or such person as he or she may designate, to expend up to two hundred fifty

dollars ($250) per transaction for work done, compensation for employees or consultants, and purchases of equipment, supplies, or materials. Ratification by the governing board shall not be required with respect to transactions entered into pursuant to this section. In the event of malfeasance in office, the district official invested by the governing board with authority to act under this section shall be personally liable for any and all moneys of the district paid out as a result of such malfeasance.

SEC. 255. Section 81658 of the Education Code is amended to read:

81658. If any change or alteration of a contract governed by the provisions of this article is ordered by the governing board of the community college district, such change or alteration shall be specified in writing and the cost agreed upon between the governing board and the contractor. The board may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of:

(a) The amount specified in Section 81640 or 81649, whichever is applicable to the original contract; or

(b) Ten percent of the original contract price.

SEC. 256. Section 81821 of the Education Code is amended to read:

81821. The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following.

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to Section 81838.

SEC. 257. Chapter 5 (commencing with Section 81900) of Part 49 of the Education Code is repealed.

SEC. 258 Section 82302 of the Education Code is repealed.

SEC. 259. Section 82303 of the Education Code is repealed.

SEC. 260. Section 82306 of the Education Code is repealed.

SEC. 261. Section 82307 of the Education Code is repealed.

SEC. 262. Article 2 (commencing with Section 82320) of Chapter 7 of Part 49 of the Education Code is repealed.

SEC. 263. Section 82502 of the Education Code is repealed.

SEC. 264. Section 82503 of the Education Code is repealed.

SEC. 265. Section 82504 of the Education Code is repealed.

SEC. 266. Section 82505 of the Education Code is repealed.

SEC. 267. Section 82506 of the Education Code is repealed.

SEC. 268. Section 82507 of the Education Code is repealed.

SEC. 269 Section 82530 of the Education Code is amended to read:

82530. The governing board of any community college district may grant the use of college facilities or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article.

The governing board of any community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for temporary periods where such church or organization has no suitable meeting place for the conduct of such services upon such terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. Notwithstanding the provisions of Section 82542, the governing board shall charge the church or religious organization using such property for the conduct of religious services an amount at least sufficient to pay the cost to the district of supplies, utilities and salaries paid college district employees necessitated by such use of such property.

SEC. 270. Section 82531 of the Education Code is amended to read:

82531. No use shall be inconsistent with the use of the buildings or grounds for college purposes, or interfere with the regular conduct of instruction

SEC. 271. Section 82535 of the Education Code is amended to read:

82535. The governing board of a community college district may grant the use of college facilities, grounds, and equipment without charge to public agencies for the purpose of holding examinations for the selection of personnel, and for the instruction of precinct board members.

SEC. 272. Section 82536 of the Education Code is amended to read:

82536. The governing board of a community college district may grant the use of college facilities, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may cooperate with such agencies in furnishing and maintaining such services as the governing board may deem necessary to meet the needs of the community.

SEC. 273. Section 82537 of the Education Code is amended to read:

82537. There is a civic center at each and every community college within the state where the citizens, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside Governing boards of the community college districts may authorize the use, by such citizens and organizations of any other properties under their control, for supervised recreational activities.

SEC. 274. Section 82538 of the Education Code is amended to read:

82538. The use of any community college facility and grounds for any meeting is subject to such reasonable rules and regulations as the governing board of the district prescribes and shall in nowise interfere with the use and occupancy of the community college facilities and grounds, as is required for the purposes of the community colleges of the state.

SEC. 275. Section 82541 of the Education Code is amended to read:

82541. The governing board of a community college district may appoint a person who shall have charge of the grounds, preserve order, protect the community college property, plan, promote, and supervise recreational activities, and do all things necessary in the capacity of a representative of the board.

SEC. 276. Section 82542 of the Education Code is amended to read:

82542. The use of community college facilities, property, and grounds pursuant to this article shall be granted free, except as otherwise provided by Section 82543, to public agencies, or to senior citizens' organizations or to other organizations, clubs, or associations organized for cultural activities (such as folk and square dancing) and general character building or welfare purposes.

Except as provided otherwise in this article, for any use of college

facilities, property, and grounds pursuant to this article, and including uses for which charges may be made under Section 82543, the governing board of a community college district may charge not to exceed an amount sufficient to pay the cost to the district of supplies, utilities, and salaries paid community college district employees necessitated by such use of college facilities, property, and grounds of the district.

SEC. 277 Section 82543 of the Education Code is amended to read:

82543. In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the district or for charitable purposes, a charge shall be made for the use of the college facilities, property, and grounds which charge shall not be less than the fair rental value for the use of such college facilities, property and grounds, as determined by the governing board of the district.

The governing board may, however, permit such use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character-building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character-building or welfare work, are accepted.

SEC. 278. Section 82544 of the Education Code is amended to read:

82544. Lighting, heating, janitor service, and the services of the person when needed, and other necessary expenses, in connection with the use of community college buildings and grounds pursuant to this article, shall be provided for out of the county or special school funds of the respective community college districts in the same manner and by the same authority as similar services are provided for.

SEC. 279. Section 82545 of the Education Code is repealed.

SEC. 280 Section 82546 of the Education Code is repealed.

SEC. 281. Section 82547 of the Education Code is repealed.

SEC. 282. Section 84006 of the Education Code is repealed.

SEC. 283. Section 84007 of the Education Code is repealed.

SEC. 284. Section 84009 of the Education Code is repealed.

SEC 285. Section 84070 of the Education Code is repealed.

SEC. 286. Section 84071 of the Education Code is repealed.

SEC. 287 Section 84202 of the Education Code is repealed.

SEC 288. Section 84203 of the Education Code is repealed.

SEC. 289 Section 84204 of the Education Code is repealed.

SEC. 290. Section 84205 of the Education Code is repealed.

SEC. 291 Section 84300 of the Education Code is amended to read:

84300. The amount transferred to Section B of the State School Fund pursuant to law shall be expended for the state general

apportionment, to be apportioned according to law.

SEC. 292. Section 84301 of the Education Code is repealed.

SEC. 293. Section 84302 of the Education Code is repealed.

SEC. 294. Section 84303 of the Education Code is repealed.

SEC 295. Article 4 (commencing with Section 84340) of Chapter 3 of Part 50 of the Education Code is repealed.

SEC. 296. Section 84362 of the Education Code is amended to read:

84362. For purposes of this section:

(a) "Salaries of classroom instructors" and "instructors" shall have the same meaning as prescribed by Section 84031. However, the cost of all health and welfare benefits provided to the instructors by the community college district shall be included within the meaning of salaries of classroom instructors.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) for certificated salaries other than certificated salaries for student transportation, food services, and community services; classified salaries other than classified salaries for student transportation, food services, and community services; employee benefits other than employee benefits for student transportation personnel, food services personnel, and community services personnel, books, supplies, and equipment replacement other than for student transportation and food services; and community services, contracted services, and other operating expenses other than for student transportation, food services, and community services. "Current expense of education," for purposes of this section, shall not include those expenditures classified as sites, buildings, books, and media and new equipment (object of expenditure 6000 of the Accounting Manual for California Community Colleges), the amount expended from categorical aid received from the federal or state government which funds were granted for expenditures in a program not incurring any instructor salary expenditures or requiring disbursement of the funds without regard to the requirements of this section, or expenditures for facility acquisition and construction; and shall not include the amount expended pursuant to any lease agreement for plant and equipment or the amount expended from funds received from the federal government pursuant to the "Economic Opportunity Act of 1964" or any extension of such act of Congress or the amount expended by a community college from state or federal funds received by the community college for grants to community college students or for the employment of community college students.

There shall be expended during each fiscal year for payment of salaries of classroom instructors by a community college district, 50 percent of the district's current expense of education.

If the board of governors determines that a district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom instructors during the preceding fiscal year, the board shall, in apportionments made to the district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the board of governors shall be deposited in the county treasury to the credit of the community college district, but shall be unavailable for expenditure by the district pending the determination to be made by the board of governors on any application for exemption which may be submitted to the board of governors. In the event it appears to the governing board of a community college district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom instructors in excess of the salaries of classroom instructors paid by other districts of comparable type and functioning under comparable conditions, the governing board may, with the written approval of the county superintendent of schools having jurisdiction over the district, apply to the board of governors in writing not later than September 15th of the immediately succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section

Immediately upon applying for such exemption, the governing board shall provide the exclusive representative of the district's certificated employees or, if none exists, the district or college academic senate, and all certificated employee organizations eligible for payroll dues deduction, with a copy of such application. The exclusive representative, or the district or college academic senate, and all certificated employee organizations eligible for payroll dues deduction, within 30 days of its receipt of such application, may transmit to the board of governors a written statement opposing such application, setting forth reasons for its opposition.

Upon receipt of such application, duly approved, and of such statement of opposition, if any, the board of governors shall grant the district exemption for any amount that is less than one thousand dollars ($1,000). If the amount is one thousand dollars ($1,000) or more, the board of governors may grant the district exemption from such requirement for the fiscal year for which the application is made if a majority of all the members of the board of governors finds, in writing, that the district will in fact suffer serious hardship or will have to pay salaries of classroom instructors in excess of those paid by other districts of comparable type and functioning under comparable conditions unless the district is granted an exemption. If such exemption is granted, the designated moneys shall be immediately available for expenditure by the community college district governing board If no application for exemption is made or exemption is denied, the board of governors shall order the

designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom instructors during the next fiscal year.

The board of governors shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. It may require the submission during the school year, by community college district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

SEC. 297. Section 84370 of the Education Code is amended to read:

84370. (a) No community college district, other than one newly formed, shall, except as otherwise provided in this article, receive its full apportionment from the State School Fund unless it has maintained the colleges of the district for at least 175 days during the next preceding fiscal year.

(b) For the purposes of this article, the Board of Governors of the California Community Colleges shall establish standards to determine whether the districts within its jurisdiction have maintained the colleges of the district for at least 175 days during the next preceding fiscal year.

(c) If a community college district fails to maintain its colleges for the required 175 days, the Board of Governors shall withhold from that district's apportionment the product of 0.01143 times the district's apportionment for each additional day the district would have had to maintain its colleges in order to meet the requirement prescribed by this section. This subdivision shall apply retroactively to fiscal year 1975–76 and each fiscal year thereafter.

SEC. 298. Section 84373 of the Education Code is amended to read:

84373. No community college district shall receive its full apportionment from the State School Fund on account of any community college which has failed to comply with the standards prescribed by the board of governors for accredited community colleges.

SEC. 299. Section 84374 of the Education Code is repealed.

SEC. 300. 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, authorizing him or her to render service in the capacity and during the period in which he or she served.

(2) A community college district may 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, 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 community colleges meeting the standards of the California State Plan for Vocational Education, "immediate supervision" of off-campus work training stations means student participation in on-the-job training as outlined under a training agreement, coordinated by the community college district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision. The student/instructor ratio in the work experience program shall not exceed 125 students per full-time equivalent certificated coordinator.

(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 if such courses are fully open to the enrollment and participation of the public. However, 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 of state apportionments. 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.

SEC. 301. Section 84501 of the Education Code is repealed.

SEC 302. Section 84520 of the Education Code is amended to read.

84520. Pursuant to the provisions of Section 84500, the units of average daily attendance for apportionment purposes of regularly enrolled students of a community college district during the academic year, as defined in Section 79001, shall be computed by multiplying the weekly student contact hours of enrollment as recorded for the census day or days each semester or quarter by statewide factors heretofore established by the board of governors,

subject to review by the Department of Finance. The census day shall be Monday of each of two census weeks of five or six consecutive days of regularly scheduled classes each term or session as approved by the board of governors.

For purposes of computing the units of average daily attendance for courses which do not have a regularly scheduled number of weekly student contact hours, one weekly student contact hour shall be counted for each unit of credit in which a student is enrolled during any census period. The nature, manner, and place of conducting courses and programs under this section shall be determined by the community college district pursuant to rules and regulations adopted by the board of governors.

Attendance of such students enrolled in classes conducted in intersession schools, as distinct from summer quarters, of four weeks or more shall be counted in the computation of average daily attendance for apportionment purposes under the provisions of this section using the following formula: Multiply the sum of the weekly student contact hours of enrollment in each class during the census week of each class of the intersession schools by the number of scheduled weeks for each class, multiply the product so derived by the statewide factors established by the board of governors, subject to approval by the Department of Finance, and divide by 525. The census day shall be Monday of the second week. For classes of less than four weeks, the units of average daily attendance shall be computed by dividing the total actual class hours of attendance by 525.

SEC. 303. Section 84528 of the Education Code is amended to read:

84528. The total units of average daily attendance in the community colleges of a district shall be the total of units of average daily attendance computed under Sections 84520, 84521, and 84524.5.

SEC. 304. Section 84529 of the Education Code is repealed.

SEC. 305. Section 85000 of the Education Code is amended to read:

85000. (a) On or before the 15th day of August of each year the governing board of each community college district shall prepare and keep on file for public inspection a statement of all receipts and expenditures of the district for the preceding fiscal year and a statement of the estimated total expenses for the district for the current fiscal year.

(b) The statement shall be in a form prescribed by the board of governors.

(c) The budget of the governing board for the current fiscal year shall be a part of the statement.

SEC. 306. Section 85001 of the Education Code is repealed.

SEC. 307. Section 85002 of the Education Code is repealed.

SEC. 308. Section 85003 of the Education Code is amended to read:

85003. Except in community college districts where no district

tax is levied, the publication budget for the ensuing college year to which it is intended to apply, showing program expenditures, cash balances, and all the appropriations from the state as required to be tabulated in Section 85021 for the ensuing and last preceding fiscal year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation in the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the community college district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the community college district, in a college in the district, or in some other place conveniently accessible to the residents of the district, during the first week in August at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held

SEC. 309. Section 85022 of the Education Code is amended to read:

85022. Each annual financial and budget report shall be made in the form prescribed by the office of the Chancellor of the California Community Colleges. Standard forms shall be prepared to show the budgeting items and comparisons required by this article.

SEC. 310. Chapter 7 (commencing with Section 85100) of Part 50 of the Education Code is repealed.

SEC. 311. Section 85200 of the Education Code is amended to read:

85200. The total amount budgeted as the proposed expenditure of the community college district for each major classification of district expenditures listed in the district budget forms prescribed by the board of governors shall be the maximum amount which may be expended for that classification of expenditures for the school year. Transfers may be made from the undistributed reserve (or reserve for contingencies) to any expenditure classification or between expenditure classifications at any time by written resolution of the board of trustees of a community college district. A resolution providing for the transfer from the undistributed reserve to any expenditure classification shall be approved by a two-thirds vote of the members of the governing board; a resolution providing for the transfer between expenditure classifications shall be approved by a majority of the members of the governing board.

SEC. 312. Section 85201 of the Education Code is amended to read:

85201. At the close of any college year the governing board of a

community college district may, upon providing notice to the county superintendent, make such transfers between the undistributed reserve and any expenditure classification or classifications or balance any expenditure classifications of the budget of the district for such college year as are necessary to permit the payment of obligations of the district incurred during such college year.

SEC. 314. Section 85266 of the Education Code is amended to read:

85266. With the approval of the county superintendent of schools, the governing board of a community college district may cause warrants to be drawn on the county treasury against designated funds, except debt service, of the district in the county treasury in the payment of expenses of the district. The warrants for salary and other types of claims designated by the county superintendent shall be issued by a person designated as the district disbursing officer for the school district on the county treasury in favor of the persons entitled thereto in payment of all claims in designated categories chargeable against the district which have been legally examined, allowed, and ordered paid by the governing board. The district disbursing officer shall issue warrants, using procedures prescribed by the county auditor, on the county treasury for all debts and demands, within categories designated by the county superintendent, against the district when amounts are legally approved. The form of the warrant shall be prescribed by, and approved by, the county auditor or county treasurer having jurisdiction.

The cost of printing warrants may be charged to the district. Notwithstanding Section 84000, except for assessing and tax collecting, the county auditor and county treasurer may charge those districts that draw their own warrants for additional costs which result from the implementation of this section.

Notwithstanding Section 27005 of the Government Code, or any other provision of law requiring orders for warrants or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county superintendent and county auditor may prescribe alternative procedures for districts to issue warrants. The district disbursing officer shall not be considered a deputy county superintendent of schools or a deputy county auditor. The county treasurer shall pay the warrant in the designated category, if district funds are available.

County officers shall not be responsible for providing reports, statements, or other data relating to, or based on, the designated payments of expenses of the district. Those districts issuing warrants, as provided by this section, shall provide the county superintendent of schools, in the form prescribed by the county superintendent, with the data necessary to make retirement reports and other reports required of him or her by law. All warrants, vouchers, and supporting documents shall be kept by school districts that draw their own warrants in those designated categories.

The county superintendent shall provide for a periodic review of the districts' financial transactions and internal controls pursuant to Section 85237.5.

County superintendents of schools may provide fiscal, budgetary, and data-processing services through contractual agreements to community college districts that have been determined to be fiscally accountable under the provisions of this section.

The person authorized by the governing board of the district to issue warrants, pursuant to this section, shall execute an official bond in an amount fixed by the governing board conditioned upon the faithful performance of his or her duties under this section. A county superintendent or county auditor shall not be liable under the terms of their bonds or otherwise for any warrant issued pursuant to this section. This section shall not be construed as impairing the obligation of any contract in the bond of such officer in effect on January 1, 1977.

A listing of the warrants issued under this section by each community college district shall be forwarded to the county auditor having jurisdiction, upon his or her request, and to the county superintendent of schools having jurisdiction over the district on the same day warrants are issued. The listing, which may be magnetic tape, punched cards, or in other form, shall report, among other things, the warrant number, date of the warrant, amount of the warrant, the name of the payee, and the fund on which drawn. The form and content of the warrant listing shall be as prescribed by the county auditor or county superintendent and approved by the county auditor or county superintendent having jurisdiction.

Each district which issues warrants pursuant to this section shall furnish monthly to the county superintendent of schools and the county auditor of the county of jurisdiction, upon his or her request, a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances and unencumbered balances.

In order to obtain the approval of the county superintendent of schools and county auditor for fiscally accountable status, the governing board of a community college district shall file a written application with the county superintendent of schools and county auditor having jurisdiction on forms which the county superintendent shall prescribe. Upon receipt of an application from the district, the county superintendent shall cause an audit to be made of the district's management and accounting controls, in accordance with standards prescribed by him or her, by an independent certified public accountant or public accountant approved by the county superintendent, who shall report his or her findings and recommendations to the county superintendent and to the applicant district. The audit report may include Department of Finance guidelines and other assessments of fiscal management as required by the county superintendent or the audit may be the report of the annual district audit pursuant to Section 84040 if that

is acceptable to the county superintendent of schools. The cost of the audit required in support of a district's application for fiscal accountability shall be borne by the applicant district.

The county superintendent and county auditor shall review the district's application and report of financial management and control and may approve the application if they find the management and accounting controls of the district to be adequate. If the county superintendent and county auditor determine that such management and accounting controls are inadequate, they shall disapprove the application.

A district that applies for fiscal accountability status shall file its written application with the county superintendent of schools on or before September 1. The required audit of financial management and accounting controls shall be filed on or before January 1. When a district's application for fiscal accountability status has been approved by the county superintendent of schools and county auditor, the issuance of warrants by the district pursuant to this section shall be effective at the beginning of a fiscal year, provided that approval had been made prior to the preceding first day in March. If disapproved, the county superintendent of schools shall state the specific steps which are required to be taken by the applicant district to receive approval and these changes shall be certified as completed by an independent certified public accountant or public accountant before the county superintendent shall approve the application. If at any time the county superintendent of schools or the county auditor determines that the financial management or accounting controls of the district have become inadequate, either officer may revoke approval for fiscal accountability status effective immediately.

SEC. 315. Section 85442 of the Education Code is amended to read:

85442. The governing board may expend the money in the fund for the purpose or purposes specified in any resolution filed pursuant to Section 85441 unless the purpose has been withdrawn pursuant to that section. In addition, the governing board may expend the money in the fund for the general operating purpose of the district unless the money is actually encumbered for ongoing expenses.

SEC. 318. Section 87030 of the Education Code is repealed.

SEC. 319. Section 87032 of the Education Code is amended to read:

87032. The governing board of a community college district shall provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the district incurred in the course of performing services for the district, whether within or outside the district, under the direction of the governing board. The board may authorize an advance of funds to cover such necessary expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary expenses incurred. The governing board may direct any employee

of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the district.

SEC. 321. Section 87036 of the Education Code is amended to read:

87036. The governing board of a community college shall grant leave of absence to any employee serving in a position not requiring certification qualifications regularly called for jury duty in the manner provided for by law. The governing board shall grant such leave with pay up to the amount of the difference between the employee's regular earnings and any amount he or she receives as juror's fees.

It is unlawful for the governing board or personnel commission of any community college district to adopt or maintain any rule, regulation, or policy which has as its purpose or effect a tendency to encourage employees to seek exemption from jury duty, or to directly or by indirection solicit or suggest to any employee that he or she seek exemption from jury duty, or to discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of such employee's service on any jury panel.

Nothing in the foregoing provisions shall preclude the district superintendent or his or her agent from discussing with the affected employee the practicality of seeking exemption when acceptance would tend to materially disrupt the district's operations.

SEC. 322. Section 87039 of the Education Code is amended to read:

87039. It shall be unlawful for any person authorized to invoke disciplinary action against any employee of a community college district either in his or her individual capacity or as a member of any board, to invoke or attempt to invoke disciplinary action against any such employee or to discriminate against such employee in the terms, conditions, and privileges of employment solely because of the employee's appearance before the governing board of a district, the county board of education, legislative committees, or any other duly constituted governmental board, commission or council, whether such appearance was undertaken voluntarily or otherwise.

Violation of the provisions of this section shall be a misdemeanor.

SEC. 324. Section 87045 of the Education Code is repealed.

SEC. 326. Section 87065 of the Education Code is repealed.

SEC. 327. Section 87210 of the Education Code is repealed.

SEC. 328. Section 87211 of the Education Code is repealed.

SEC. 329. Section 87212 of the Education Code is amended to read:

87212. The governing board of a community college district may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in child development

programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he or she has duly filed his or her application for a credential or permit together with the required fee and that to the best of his or her knowledge no reason exists why he or she should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 120 days of classes, and only until the credential or permit originally requested is either issued or denied by the board of governors or the Commission for Teacher Preparation and Licensing.

SEC. 330. Section 87212.5 of the Education Code is repealed.

SEC. 331. Section 87213 of the Education Code is repealed.

SEC. 332. Section 87215 of the Education Code is repealed.

SEC. 333. Section 87274 of the Education Code is amended to read:

87274. Except as provided by Sections 72240, 87212, or other provisions of law, an individual employed by a community college district in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker shall be required to possess a credential or certification document specified in this article. The board of governors may prescribe, by regulation, the standards as to equivalency and standards for professional, vocational training, or experience, or any combination thereof, wherever referred to in this article and such additional minimum standards as it deems appropriate for the administration and enforcement of this article.

SEC. 334. Section 87337 of the Education Code is repealed.

SEC. 335. Section 87338 of the Education Code is repealed.

SEC. 336. Section 87343 of the Education Code is repealed.

SEC. 337. Section 87344 of the Education Code is repealed.

SEC. 338. Section 87345 of the Education Code is repealed.

SEC. 339. Section 87346 of the Education Code is repealed.

SEC. 340. Section 87347 of the Education Code is repealed.

SEC. 341. Section 87401 of the Education Code is repealed.

SEC. 342. Section 87401 is added to the Education Code, to read:

87401. The governing board of a community college district may employ as a community college instructor of an academic subject matter area or areas a person who does not hold a credential issued by the Board of Governors of the California Community Colleges authorizing such service if the person has been granted a master's degree or a doctor's degree in the academic subject matter area for which he or she is employed to teach. No such person shall teach classes in grades below grades 13 and 14 in any community college.

No person shall be employed pursuant to this section until he or she has complied with the prerequisites to issuance of a certification document prescribed by Sections 87214, 87216, 87219, and 87220, and no person shall be so employed who has been determined to come within any of the provisions of Section 87289 or 87290. The board of governors shall make necessary provision for enforcing compliance

with the preceding sentence.

The governing board of each community college district shall, in the manner and form prescribed by the board of governors, promptly after the close of each college year file with the board of governors a report identifying each person employed pursuant to this section during the preceding school year and certifying that all applicable laws, rules, and regulations were complied with in his or her employment. The board of governors shall compile and maintain a roster of the individuals employed under this section, to be utilized in administering the provisions of this section.

Any person employed pursuant to this section shall be deemed to be a certificated employee in a position requiring certification qualifications for all purposes.

For the purposes of this section "academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, and the fine arts. The board of governors may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and the content of such courses within the major are equivalent to those of an academic subject matter major.

SEC. 343. Section 87403 of the Education Code is repealed.

SEC. 344. Section 87404 of the Education Code is repealed.

SEC. 345. Section 87406.5 is added to the Education Code, to read:

87406.5. Notwithstanding any other provision of law to the contrary, the governing board of any community college district may employ any student enrolled in the district who is an ex-convict or who is on parole, other than a person determined to be a sexual psychopath, to perform noninstructional duties and such student workers shall not be considered to be classified employees.

SEC. 346. Section 87407 of the Education Code is repealed.

SEC. 347. Section 87408.5 of the Education Code is amended to read:

87408.5. (a) When a community college district wishes to employ a retirant who is retired for service, and such person has not been previously employed as a retirant, such district shall require, as a condition of initial employment as a retirant, a medical certificate showing that the retirant is free from any disabling disease unfitting him or her to instruct or associate with students. The medical certificate shall be completed and submitted directly to the community college district by a physician and surgeon licensed under the Business and Professions Code or a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions Code. A medical examination shall be required for the completion of the medical certificate. Such examination shall be conducted not more than six months before the completion and submission of the certificate and shall be at the expense of the retirant. The medical certificate shall become a part of the personnel

record of the employee and shall be open to the employee or his or her designee.

(b) The community college district which initially employed the retirant, or any such district which subsequently employs the retirant, may require a periodic medical examination by a physician and surgeon licensed under the Business and Professions Code or a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions Code, to determine that the retirant is free from any communicable disease unfitting him or her to instruct or associate with students. The periodic medical examination shall be at the expense of the community college district. The medical certificate shall become a part of the personnel record of the retirant and shall be open to the retirant or his or her designee.

SEC. 348. Section 87408.6 is added to the Education Code, to read:

87408.6. (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. "Certificate," as used in this subdivision, 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.

(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 prescribed for employees in subdivision (e).

(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 college 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), if the board believes the presence of such persons in and around college 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 college 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 students under contract 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 students, provided that privately contracted drivers who transport such students 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. 349. Section 87409 of the Education Code is amended to read:

87409. Persons in positions requiring certification qualifications may be elected for the next ensuing college year on and after the 15th day of March, and each person so elected shall be deemed reelected from year to year except as provided in Section 72422, Sections 87401 to 87452, inclusive, Sections 87454 to 87462, inclusive, Sections 87464 to 87466, inclusive, and Sections 87468 to 87480, inclusive.

At any time after the 31st day of December, any person not then employed in the community college district may be elected for the next ensuing college year to a position requiring certification qualifications.

SEC. 350. Section 87422 of the Education Code is amended to read:

87422. The governing board of a community college district may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the state, for the exchange and employment of regularly credentialed employees and employees of public schools of any foreign country, state, territory, or possession, or other district within this state. Any certificated person so employed as provided in this section shall be known as an "exchange certificated employee." No exchange shall be made without the consent of the employee to be exchanged.

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that an exchange certificated employee be an instructor of the same subject or grade, or both, as the employee for whom exchanged. If the service authorized is other than teaching, it shall not be a requirement that the service be at the same grade level or that the service be exactly the same as the employee for whom exchanged.

No person may be employed as an exchange employee by a community college district in the state unless he or she holds the necessary valid credential or credentials issued by the board of governors authorizing him or her to serve in a position requiring

certification qualifications in the community college district proposing to employ him or her. The board of governors may establish minimum standards for the credentials for exchange certificated employees, provided however, that no exchange certificated employee shall be required to pay any fee or other charge for the issuance to him or her of any necessary valid credential or credentials authorizing him or her to serve in a position requiring certification qualifications in any community college district in this state.

An exchange agreement may be made for a period not to exceed three years.

At the end of the assignment period, the exchange, with the consent of all parties, may be made complete and permanent.

SEC. 351. Section 87423 of the Education Code is amended to read:

87423. Acceptance of any exchange position by an employee of a community college district in the state shall not affect his or her right to the permanent classification to which he or she is entitled, at the time of the acceptance, or any of his or her rights under the state teachers' retirement salary provisions of this code, or under any local or district retirement plan, or system, and the time served in the exchange position shall be counted as time served in the service of the district in which he or she is employed immediately prior to acceptance of the exchange position in determining his or her status under the provisions of Sections 72400, 72405, 72419, 72422, 72424, Article 1 (commencing with Section 7100) of Chapter 2 of Part 5, Article 2 (commencing with Section 10010) of Chapter 1, Chapter 4 (commencing with Section 10300) of Part 7, Part 13 (commencing with Section 22000), Article 5 (commencing with Section 32340) of Chapter 3 of Part 19, this part, and under the provisions of this code relating to state retirement salary, and under any local or district retirement plan.

SEC. 352. Section 87424 of the Education Code is amended to read:

87424. If the employee from the district within the state who serves as an exchange instructor without the state and the governing board regularly employing him or her so agree, the district may pay his or her regular salary, making all deductions provided by law for retirement purposes, during the period of the exchange teaching. In such case, the district shall not pay the salary of the exchange employee from without the state, serving the district in exchange for its regular instructor.

In the event an employee from a district within this state serving as an exchange instructor without the state and to whom the governing board of such district is paying the regular salary of such instructor as herein provided, is compelled to absent himself or herself from his or her duties because of injury, illness, or quarantine, the governing board of the district within this state may pay the substitute employed to take the place of such instructor and shall

deduct the amount so paid the substitute from the compensation of the employee.

SEC. 353. Section 87426 of the Education Code is repealed.

SEC. 354. Section 87427 of the Education Code is repealed.

SEC. 355. Section 87428 of the Education Code is amended to read:

87428. No community college district may adopt or maintain any rule or regulation which requires a candidate for a position requiring certification qualifications to be a resident of the district or to become a resident of the district, or which requires that an employee maintain residency within the district; nor may a district grant any preferential treatment to candidates or employees because they are residents of the district.

SEC. 356. Section 87429 of the Education Code is repealed.

SEC. 357. Section 87430 of the Education Code is repealed.

SEC. 358. Section 87431 of the Education Code is repealed.

SEC. 360. Section 87435 of the Education Code is repealed.

SEC. 361. Section 87437 of the Education Code is repealed.

SEC. 362. Section 87439 of the Education Code is repealed.

SEC. 363 Section 87450 of the Education Code is repealed.

SEC. 364. Section 87452 of the Education Code is repealed.

SEC. 365. Section 87454 of the Education Code is amended to read:

87454. A regular employee, when assigned from an instructing position to an administrative or supervisory position, or assigned any special or other type of work, or given special classification or designation requiring certification qualifications, shall retain his or her classification as a classroom instructor.

SEC. 366. Section 87455 of the Education Code is amended to read:

87455. (a) A regular employee not qualified to render service as a classroom instructor, when assigned to an administrative or supervisory position, or assigned any special or other type of work, or given special classification or designation requiring certification qualifications, shall retain his or her permanent classification for the performance of the type of service for which he or she was qualified prior to such assignment, or special classification or designation.

(b) If an employee is authorized to render service in more than one type of position for which certification qualifications are required, either by virtue of his or her possession of one certification document authorizing service in two or more of such positions, or by virtue of his or her possession of separate certification documents authorizing service in two or more such positions, or any combination thereof, he or she shall, upon satisfying all other requirements prescribed by law, acquire permanent status as follows:

(1) If he or she is authorized to render service as a classroom instructor, he or she shall acquire regular status as a classroom instructor.

(2) If he or she is not authorized to render service as a classroom instructor, he or she shall acquire regular status below the administrative or supervisory level as a staff employee with multiple qualifications. His or her right to serve in one or more of the positions for which he or she is qualified to serve shall be subject to the power of assignment of the community college district governing board.

SEC. 367. Section 87456 of the Education Code is amended to read:

87456. A regular employee, as specified in Section 87455, when assigned to an administrative or supervisory position requiring certification qualifications, or assigned any special or other type of work requiring certification qualifications, or given special classification or designation requiring certification qualifications, shall retain his or her regular classification as specified in Section 87455.

If such a person is assigned to an administrative or supervisory position not requiring certification qualifications, is assigned any special or other type of work not requiring certification qualifications, or is given special classification or designation not requiring certification qualifications, his or her right to retain regular classification shall be governed by the provisions of Article 3 (commencing with Section 87060) of Chapter 1.

SEC. 368. Section 87457 of the Education Code is amended to read:

87457. Whenever a person employed in an administrative or supervisory position requiring certification qualifications is assigned to a teaching position, the governing board of the community college district shall give such employee, when requested by him or her, a written statement of the reasons for such transfer.

SEC. 369. Section 87458 of the Education Code is amended to read:

87458. A person employed in an administrative or supervisory position requiring certification qualifications upon completing a contract period, including any time served as a classroom instructor, in the same district, shall be classified as and become a regular employee as a classroom instructor.

SEC. 370. Section 87465 of the Education Code is repealed.

SEC. 372. Section 87484 of the Education Code is amended to read:

87484. (a) In the event a regular employee of a community college district has tenure as a full-time regular employee of the district, any assignment or employment of such employee in addition to his or her full-time regular assignment may be terminated by the governing board of the district at any time.

(b) Any assignment or employment of a contract employee in addition to his or her full-time assignment may be terminated by the governing board of the district at any time.

SEC. 374. Section 87703 of the Education Code is repealed.

SEC. 375. Section 87704 of the Education Code is repealed.

SEC. 376. Section 87705 of the Education Code is repealed.

SEC. 377. Section 87707 of the Education Code is repealed.

SEC. 378. Section 87708 of the Education Code is amended to read:

87708. (a) Every parent, guardian, or other person who assaults or abuses any instructor of community colleges in the presence or hearing of a community college student is guilty of a misdemeanor.

(b) Any parent, guardian, or other person who assaults or abuses any instructor in the presence of other community college personnel or students and at a place which is on community college premises or public sidewalks, streets, or other public ways adjacent to school premises, or at some other place where the instructor is required to be in connection with assigned college activities is guilty of a misdemeanor.

SEC. 379. Section 87709 of the Education Code is repealed.

SEC. 380. Section 87711 of the Education Code is repealed.

SEC. 381. Section 87712 of the Education Code is repealed.

SEC. 382. Section 87714 of the Education Code is repealed.

SEC. 382.5. Section 87714 is added to the Education Code, to read:

87714. The chief executive officer of each community college district shall, at times as required by the county superintendent of schools, and at least annually, provide an affidavit that all employees in positions requiring certifications were properly certificated for the work performed.

SEC. 383. Section 87732 of the Education Code is amended to read:

87732. No regular employee shall be dismissed except for one or more of the following causes·

(a) Immoral or unprofessional conduct.

(b) Any violation of Article 4 (commencing with Section 11420, of Chapter 3 of Title 1 of Part 4 of the Penal Code.

(c) Dishonesty.

(d) Incompetency

(e) Evident unfitness for service.

(f) Physical or mental condition which makes him or her unfit to instruct or associate with students.

(g) Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the board of governors or by the governing board of the community college district employing him or her.

(h) Conviction of a felony or of any crime involving moral turpitude.

(i) Conduct specified in Section 1028 of the Government Code.

(j) Knowing membership by the employee in the Communist Party.

SEC. 384. Section 87733 of the Education Code is amended to read:

87733. No report on the fitness of a certificated employee in a

dismissal proceeding shall be received from a statewide professional organization by a governing board unless the certificated employee shall have been given, prior to the preparation of the report in its final form, the opportunity to submit in writing his or her comments on the report and unless a copy of the report in final form is given to the certificated employee investigated at least 10 days prior to its submission to the board.

Such a report shall not be distributed other than to the governing board and those persons participating in its preparation unless the certificated employee does not demand a hearing as provided by law.

SEC. 385. Section 87735 of the Education Code is amended to read:

87735. Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a community college district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing district, or with knowing membership by the employee in the Communist Party, the governing board may, if it deems such action necessary, immediately suspend the employee from his or her duties and give notice to him or her of his or her suspension, and that 30 days after service of the notice, he or she will be dismissed, unless he or she demands a hearing.

If the regular employee is suspended upon charges of knowing membership by the employee in the Communist Party, he or she may within 10 days after service upon him of notice of such suspension file with the governing board a verified denial, in writing, of the charges. In such event the regular employee who demands a hearing within the 30-day period shall continue to be paid his or her regular salary during the period of suspension and until the entry of the decision of the hearing officer, 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 suspension in case the decision of the Commission on Professional Competence is that he or she shall be dismissed. If it is determined that the employee may not be dismissed, the district shall reimburse the employee for the cost of the bond.

SEC. 386. Section 87738 of the Education Code is repealed.

SEC. 387. An article heading is added immediately preceding Section 87743 of Chapter 3 of Part 51 of the Education Code, to read:

Article 6.5. Reduction in Services

SEC. 388. Section 87744 of the Education Code is amended to read:

87744. Any regular employee whose services have been terminated as provided in Section 87743 shall have the following rights:

(a) For the period of 39 months from the date of such termination, any employee who in the meantime has not attained the age of 70 years shall have the preferred right to reappointment, in the order of original employment as determined by the board in accordance with the provisions of Sections 87401 to 87424, inclusive, if the number of employees is increased or the discontinued service is reestablished, with no requirements that were not imposed upon other employees who continued in service. However, no contract or other employee with less seniority shall be employed to render a service which the employee is certificated and competent to render.

(b) The aforesaid right to reappointment may be waived by the employee, without prejudice, for not more than one school year, unless the board extends this right, but such waiver shall not deprive the employee of his or her right to subsequent offers of reappointment.

(c) As to any such employee who is reappointed, the period of his or her absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his or her service, he or she shall retain the classification and order of employment he or she had when his or her services were terminated, and credit for prior service under any state or district retirement system shall not be affected by such termination, but the period of his or her absence shall not count as a part of the service required for retirement.

(d) During the period of his or her preferred right to reappointment, any such employee shall, in the order of original employment, be offered prior opportunity for temporary service during the absence of any other employee who has been granted a leave of absence or who is temporarily absent from duty. However, his or her services may be terminated upon the return to duty of the other employee, the compensation he or she receives shall be not less than the amount he or she would receive if he or she were being reappointed, and that the temporary service shall not affect the retention of his or her previous classification and rights.

(e) During the period of the employee's preferred right to reappointment, the governing board of the district, if it is also the governing board of one or more other districts, may assign him or her to service, which he or she is certificated and competent to render, in the other district or districts However, the compensation he or she receives therefor may in the discretion of the governing board be the same as he or she would have received had he or she been serving in the district from which his or her services were terminated, that his or her service in the other district or districts

shall be counted toward the period required for both state and local retirement, as defined by Section 22102, as though rendered in the district from which his or her services were terminated, and that no regular employee in the other district or districts shall be displaced by him or her.

It is the intent of this subdivision that the employees of a community college district, the governing board of which is also the governing board of one or more other community college districts, shall not be at a disadvantage as compared with employees of a unified school district.

(f) At any time prior to the completion of one year after his or her return to service, he or she may continue or make up, with interest, his or her own contributions to any state or district retirement system, for the period of his or her absence, but it shall not be obligatory on state or district to match such contributions.

(g) Should he or she become disabled or reach retirement age at any time before his or her return to service, he or she shall receive, in any state or district retirement system of which he or she was a member, all benefits to which he or she would have been entitled had such event occurred at the time of his or her termination of service, plus any benefits he or she may have qualified for thereafter, as though still employed.

SEC. 389. Section 87745 of the Education Code is amended to read:

87745. Any contract employee whose services have been terminated as provided in Section 87743 shall have the following rights:

(a) For the period of 24 months from the date of such termination, any employee who in the meantime has not attained the age of 70 years shall have the preferred right to reappointment, subject to the prior rights to reappointment by all regular employees as set forth in Section 87744, in the order of original employment as determined by the governing board in accordance with the provisions of Sections 87401 to 87424, inclusive, if the number of employees is increased or the discontinued service is reestablished, with no requirements that were not imposed upon other employees who continued in service. However, no contract or temporary employee with less seniority shall be employed to render a service which such employee is certificated and competent to render and such an employee shall be given a priority over employees whose right to a position is derived pursuant to Section 87479.

(b) As to any such employee who is reappointed, the period of his or her absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his or her service, he or she shall retain the classification and order of employment he or she had when his or her services were terminated, and credit for prior service under any state or district retirement system shall not be affected by such termination. However, the period of his or her absence shall not be counted as a part of the service required for

attaining regular status in the district or, except as provided in subdivision (c), for retirement purposes

(c) During the period of his or her preferred right to reappointment, any such employee shall, in the order of original employment, and subject to the rights of regular employees as set forth in Section 87744, be offered prior opportunity for temporary service during the absence of any other employee who has been granted leave of absence or who is temporarily absent from duty. However, his or her services may be terminated upon a return to duty of such other employee, such temporary service shall not affect the retention of his or her previous classification and rights, and such an employee shall be given a priority over employees whose right to a temporary position is derived pursuant to Section 87479.

(d) At any time prior to the completion of one year after his or her return to service, an employee reappointed under the provisions of this section may elect to continue or to reinstate his or her membership and interest in any state or district retirement system and to receive retirement benefits as if no absence from service had occurred In the event of such election, the employee shall pay into the retirement system the amount of his or her share of contribution and the district's share of contribution attributable to the period of absence and the amount of any contributions withdrawn, plus interest

SEC. 392 Section 87800 of the Education Code is repealed.

SEC. 393. Section 87801 of the Education Code is amended to read.

87801. The governing board of a community college district shall fix and order paid the compensation of persons in community college service requiring certification qualifications employed by the board unless otherwise prescribed by law.

SEC. 394. Section 87805 of the Education Code is repealed.

SEC. 395. Section 87808 of the Education Code is amended to read.

87808. No order for a warrant, and no warrant drawn pursuant to Section 85261, shall be drawn in favor of any person employed in a position requiring certification qualifications, unless such person is at the time the holder of a proper certification document in full force for the full time for which the requisition or warrant, as the case may be, is drawn, and on file and unless he or she is employed by the governing board of the community college district as provided in this code

SEC. 397 Section 87811 of the Education Code is repealed.

SEC 398 Section 87826 of the Education Code is repealed

SEC. 399. Section 87827 of the Education Code is repealed.

SEC 400 Section 87828 of the Education Code is amended to read·

87828 Except as otherwise provided in this code, no warrant shall be drawn in favor of any certificated employee, unless the officer whose duty it is to draw the warrant is satisfied that the certificated

employee has faithfully performed all the duties prescribed.

SEC. 401. Section 87830 of the Education Code is repealed.

SEC. 403. Section 88000 of the Education Code is amended to read:

88000. Article 1 (commencing with Section 88000), Article 2 (commencing with Section 88050), Article 4 (commencing with Section 88160), Article 5 (commencing with Section 88180), Article 6 (commencing with Section 88190), and Article 8 (commencing with Section 88240), and Chapter 1 (commencing with Section 87000) shall apply to all classified employees of a community college district, including those authorized in Section 72419 whether a merit or nonmerit system district as authorized by this chapter unless the section specifically limits its application to nonmerit system districts.

These provisions shall not apply to employees of a community college district lying wholly within a city and county which provides in its charter for a merit system of employment for employees employed in positions not requiring certification qualifications.

The positions authorized in Section 72419 may, by resolution of a governing board, be exempted from the provisions of Article 3 (commencing with Section 88060).

SEC. 404. Section 88008 is added to the Education Code, to read:

88008. If the governing board of a community college district establishes positions in the categories described below and restricts initial appointments of new employees to persons in low-income groups or residing in specifically designated areas of the community, then such positions shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes except that (1) they shall not be subject to the provisions of Section 88091 or 88092, and (2) they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 88005

The categories of positions for which the governing board may establish restrictions under this section are·

(a) The position of instructional aide, as defined in Section 88243.

(b) Any other position involving personal contacts with students or parents, that is established to assist college staff personnel responsible for college-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060)

SEC. 405. Section 88010.5 is added to the Education Code, to read:

88010.5. A classified employee employed by any community college district which decides to maintain classes on Saturday or Sunday, or both, shall not, without his or her written consent, be

required to change his or her workweek to include Saturday or Sunday, or both. No classified employee shall be assigned to perform services on a Saturday or Sunday if the classified employee objects in writing that the assignment would conflict with his or her religious beliefs or practices. Enactment of this section shall cause no change or disruption in existing work schedules which may already include Saturday or Sunday as regular workdays.

This section shall not be construed as limiting the power of any governing board of a community college district to govern the schools of the district, including the assignment of classified employees employed by the district.

This section shall not be construed as modifying or otherwise affecting in any way the provisions of Sections 88026, 88027, or 88030, or any other provisions of this code relating to employment of classified employees.

SEC. 406 Section 88240 of the Education Code is amended to read:

88240. This article may be cited as the Instructional Aide Act of 1968. The provisions of this article shall apply to personnel referred to in Section 72401 or any other section enacted before or after November 13, 1968, who perform the duties of instructional aides.

SEC. 407 Section 88242 of the Education Code is amended to read:

88242. Instructional aides shall not be utilized to increase the number of students in relation to the number of classroom instructors in any community college district.

All instructional aide positions in a community college district shall be assigned the basic title of "instructional aide" or other appropriate title designated by the governing board. To provide for differences in responsibilities and duties, additions to the basic title may be assigned such as "instructional aide I or II" or "instructional aide—volunteer," or other appropriate title.

SEC 408. On January 1, 1982, any revenues remaining in a community college tuition fund established pursuant to Section 2104 of the Education Code shall revert to the general fund of the county from which they originated

SEC. 409. Sections 257 and 310 of this act shall become operative July 1, 1982.

SEC. 410. Except for any act relating to the maintenance of the codes, any section of any act enacted by the Legislature during the 1981 portion of the 1981–82 Regular Session, which takes effect on or before January 1, 1982, and which amends, amends and renumbers, adds, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether that act is enacted prior or subsequent to this act.

SEC. 411. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 471

An act to amend Sections 1258, 1266, 1267, 1268, 1269, 1835, 1836, 10309, 10340, 10341, 72332, 87032, 87441, 87442, and 87445 of, to repeal and add Sections 72506 and 76401, and Article 5 (commencing with Section 72650) of Chapter 6 of Part 45 to, and to repeal Sections 51, 71044, 72012, 72123, 72206, 72239, 72242, 72243, 72253, 72302, 72303, 72304, 72306, 72404, 72405, 72406, 72407, 72422, 72424, 72426, 72505, 72507, 72509, 72510, 72511, 72604, 72630, 72631, 76402, 76404, 76420, 76421, 76426, 78404, 78406, 78410, 78465, 81040, 81041, 81060, 81061, 81062, 81063, 81182, 81362, 81383, 81607, 81608, 81609, 81610.5, 81611, 81612, 81613, 81646, 81647, 81670, 81671, 81672, 81673, 81674, 81675, 81678, 82300, 82301, 82320, 82361, 82508, 82509, 82510, 82511, 82534, 84003, 84035, 84036, 84037, 84038, 84039, 84053, 84054, 85005, 87013, 87015, 87016, 87033, 87037, 87038, 87041, 87702, 87712, 87809, 87812, 87813, 87814, and 87829, and Chapter 8 (commencing with Section 10700), Chapter 9 (commencing with Section 10800), Article 1 (commencing with Section 11000) and Article 2 (commencing with Section 11020) of Chapter 11, of Part 7, and Article 7 (commencing with Section 72340) of Chapter 3, and Article 6 (commencing with Section 76110) of Chapter 1, Article 3 (commencing with Section 76440), Article 5 (commencing with Section 76470), and Article 6 (commencing with Section 76480) of Chapter 3, of Part 47, and Article 8 (commencing with Section 81440) of Chapter 2, and Article 3 (commencing with Section 82340) of Chapter 7, of Part 49 of, the Education Code, relating to education.

[Approved by Governor September 14, 1981 Filed with Secretary of State September 14, 1981]

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

SECTION 1. The Legislature finds and declares that, in 1972, the people of the state adopted an amendment to Section 14 of Article IX of the California Constitution, which permits the Legislature to authorize the governing boards of school districts and community college districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established.

It is the intent of the Legislature, in enacting this act, to implement more fully, for the community colleges of California, the intent of the people in adopting the amendment of Section 14 of Article IX of the California Constitution. The Legislature further finds and declares that, in order to do so, it is necessary to amend or repeal many provisions of the Education Code.

Wherever in this act a power or duty of a community college district governing board is repealed, or otherwise deleted by amendment, it is not the intent of the Legislature to prohibit the board from acting as prescribed by the deleted provisions. Rather, it is the intent of the Legislature, that the community college district governing board shall have the power, in the absence of other legislation, to so act under the general authority of Section 72233 of the Education Code.

SEC 2. Section 51 of the Education Code is repealed.

SEC. 3. Section 1258 of the Education Code is amended to read:

1258. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold or conduct any election in or for any public school district the county superintendent may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of the county superintendent of any or all of the duties incident to the preparation for and holding of elections.

The governing board of a school district may contract with the county clerk, or with the registrar of voters if the office has been established in the county, for the performance under the supervision of the governing board of any or all duties incident to the holding or conducting of an election in the district for the issuance and sale of bonds of the district pursuant to Section 15100

SEC 4. Section 1266 of the Education Code is amended to read:

1266. Whenever the county superintendent of schools of any county provides for the maintenance and repair of the property of such school districts under his or her jurisdiction as elect to take advantage of the provisions of Sections 1264 to 1270, inclusive, he or she shall upon the request of the governing board of any such district transfer from the general fund of the district to the "school maintenance and repair fund" a sum not to exceed 1 percent of the amount apportioned from the State School Fund to the district during the fiscal year in which the governing board of the district notifies him or her of its election to take advantage of the provisions of Sections 1264 to 1270, inclusive

SEC. 5. Section 1267 of the Education Code is amended to read:

1267. Out of the school maintenance and repair fund the superintendent of schools of the county shall purchase materials, bill the district on supplies and equipment, and employ labor to maintain and repair school premises and property of the school districts, under his or her jurisdiction which have elected to take advantage of the provisions of this article, and shall deliver a memorandum in triplicate of the cost of the service on or about the first of each calendar month to the school district.

SEC. 6 Section 1268 of the Education Code is amended to read:

1268. Upon receipt of the memorandum the governing board of the district shall draw an order on the funds of the district in favor of the county superintendent of schools in the amount of such cost

and forward it with the duplicate and triplicate of the memorandum to the superintendent of schools who shall verify the cost and file the duplicate with the county auditor and the triplicate with the county treasurer. In lieu of the issuance of an order by the governing board of the district in payment of the supplies and equipment, the superintendent of schools of the county may transfer from the proper account of the school district to his or her school maintenance and repair fund a sum equal to the cost of the services as stated in the memorandum.

SEC. 7. Section 1269 of the Education Code is amended to read:

1269. The superintendent of schools of the county may employ such extra help as is necessary to perform the labor for the maintenance and repair work, as well as to provide for the supervision and transportation of the labor together with the equipment and materials for the work. The cost price of the maintenance and repair services to any school district is the original cost thereof and in addition a sum sufficient to reimburse the county superintendent of schools for all supervision, transportation, equipment, and other expenses, but the sum added shall not in any case exceed 10 percent of the cost of labor and supplies.

SEC. 8. Section 1835 of the Education Code is amended to read:

1835. The governing board of any school district may contract with the county superintendent of schools having jurisdiction over the district, with the state, any political subdivision, or any agency of the state or of any political subdivision, for the rendering to the schools of the district of any service authorized by this article, and may pay for the service out of any funds of the district.

All funds paid by a school district to a county superintendent of schools for services rendered to the schools of the district shall be deposited in the county school service fund.

SEC. 9. Section 1836 of the Education Code is amended to read:

1836 The governing board of any school district, or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in cooperation with other districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.

The governing board of any school district, or the county superintendent of schools, either alone or in cooperation with other districts or other county superintendents of schools, or with nonprofit corporations operating educational television stations as defined in Section 225 5 of the Revenue and Taxation Code, may purchase broadcast time over, and may own, lease, and operate, television transmitting facilities for use in providing instructional services, teachers' in-service educational services, which the governing board or the county superintendent of schools is otherwise authorized to provide, and may provide necessary services in connection therewith. The governing board of a school district or the county superintendent of schools, or a nonprofit corporation with a

district or with a county superintendent of schools, which is the owner or lessee of television transmitting facilities may sell broadcast time, on a reimbursement basis, to any other school districts or county superintendent of schools for instructional services and teachers' in-service educational services upon such terms as are mutually agreed upon.

The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section.

When television transmitting facilities owned, leased or operated by the governing board of a school district or county superintendent of schools, either alone or in cooperation with other districts or other county superintendents of schools pursuant to this section or a nonprofit corporation operating an educational television station, are not in use for providing instructional services or teachers' in-service educational services, such facilities may be used for transmitting community educational television programs if such use does not require the expenditure of any additional public funds of a school district or a county superintendent of schools.

For purposes of this section, the term "school district" shall include any school district library district formed under the provisions of Chapter 3 (commencing with Section 18300) of Part 11 of this division.

SEC. 10. Section 10309 of the Education Code is amended to read:

10309. The superintendent of any school district or county holding an annual institute may, in his or her discretion and for good reason, authorize any teacher or instructor of the district or county, in lieu of attending one or more days of the institute held by him or her, to attend an institute held by the superintendent of schools of another district or county, or to attend an educational meeting held by the State Department of Education or by a recognized institution or organization in the same or another district or county, for an equivalent period.

The period of the attendance of a teacher upon an institute or meeting under the provisions of this section shall be equivalent to attendance for the same period upon the institute he or she is otherwise required to attend, but shall not constitute attendance upon an institute for the payment of traveling expenses under Section 10308.

SEC. 11 Section 10340 of the Education Code is amended to read:

10340. The superintendent of schools of every county and of every city and county, and of every city school district governed by a city board of education may hold at least one annual institute of persons employed in the classified service. The superintendents of schools shall designate the persons to attend the institute.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of Chapter 5 of Part 25 of Division 3 of Title 2.

SEC 12. Section 10341 of the Education Code is amended to read:

10341. The superintendents of school districts may unite institutes of classified employees, and may hold institutes of classified employees in the same manner as teachers' institutes. The expenses of such institutes shall be paid in the same manner and from the same funds as are teachers' institutes.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of Chapter 5 of Part 25 of Division 3 of Title 2.

SEC. 13. Chapter 8 (commencing with Section 10700) of Part 7 of the Education Code is repealed.

SEC. 14. Chapter 9 (commencing with Section 10800) of Part 7 of the Education Code is repealed.

SEC. 15. Article 1 (commencing with Section 11000) of Chapter 11 of Part 7 of the Education Code is repealed.

SEC. 16. Article 2 (commencing with Section 11020) of Chapter 11 of Part 7 of the Education Code is repealed.

SEC. 17. Section 71044 of the Education Code is repealed.

SEC. 18. Section 72012 of the Education Code is repealed.

SEC. 19. Section 72123 of the Education Code is repealed.

SEC. 20. Section 72206 of the Education Code is repealed.

SEC. 21. Section 72239 of the Education Code is repealed.

SEC. 22. Section 72242 of the Education Code is repealed.

SEC. 23. Section 72243 of the Education Code is repealed.

SEC. 24. Section 72253 of the Education Code is repealed.

SEC. 25. Section 72302 of the Education Code is repealed.

SEC. 26. Section 72303 of the Education Code is repealed.

SEC. 27. Section 72304 of the Education Code is repealed.

SEC. 28. Section 72306 of the Education Code is repealed.

SEC. 29. Section 72332 of the Education Code is amended to read:

72332. Any vehicle, when operated in the performance of his or her duties by any member of the police department, is an authorized emergency vehicle and may be equipped and operated as such as provided by the Vehicle Code.

SEC. 30. Article 7 (commencing with Section 72340) of Chapter 3 of Part 45 of the Education Code is repealed

SEC. 31. Section 72404 of the Education Code is repealed.

SEC. 32. Section 72405 of the Education Code is repealed.

SEC. 33. Section 72406 of the Education Code is repealed.

SEC 34. Section 72407 of the Education Code is repealed.

SEC 35. Section 72422 of the Education Code is repealed.

SEC. 36 Section 72424 of the Education Code is repealed.

SEC. 37. Section 72426 of the Education Code is repealed.

SEC. 38. Section 72505 of the Education Code is repealed.

SEC. 39. Section 72506 of the Education Code is repealed.

SEC. 40. Section 72506 is added to the Education Code, to read:

72506. (a) Action taken by any governing board of a community college district to procure insurance shall be governed by the

authority of Section 72233 and, where applicable by Sections 989 to 991.2 of the Government Code. However, the governing board of any community college district shall insure against all of the following:

(1) The liability, other than a liability which may be insured against under the provisions of Division 4 (commencing with Section 3200) of the Labor Code, of the district for damages for death, injury to person, or damage or loss of property.

(2) The personal liability of the members of the board and of the officers and employees of the district for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment.

(b) The insurance may be written by any insurance company authorized to transact the business of insurance in the state, or by a nonadmitted insurer to the extent, and subject to the conditions, prescribed by Section 1763 of the Insurance Code.

(c) Notwithstanding subdivision (2) of paragraph (a) of this section, the governing board of any community college district may provide for persons authorized by the governing board to perform volunteer services for the district insurance coverage which is the same as, or comparable to, that provided for employees of the district, including coverage under the provisions of Division 4 (commencing with Section 3200) of the Labor Code.

(d) The governing board of a community college district may provide protection from its own funds for the purpose of covering the liability of the district, its officers, agents, and employees, in lieu of carrying insurance in insurance companies, as provided in this section Nothing contained in this subdivision shall be construed as prohibiting the board of the district from providing protection against such liability partly by means of its own funds and partly by means of insurance written by insurance companies, as provided in this section.

SEC. 41. Section 72507 of the Education Code is repealed.

SEC. 42. Section 72509 of the Education Code is repealed.

SEC. 43. Section 72510 of the Education Code is repealed.

SEC. 44. Section 72511 of the Education Code is repealed.

SEC. 45. Section 72604 of the Education Code is repealed.

SEC. 46. Section 72630 of the Education Code is repealed.

SEC 47. Section 72631 of the Education Code is repealed.

SEC. 49. Article 5 (commencing with Section 72650) of Chapter 6 of Part 45 of the Education Code is repealed.

SEC 50. Article 5 (commencing with Section 72650) is added to Chapter 6 of Part 45 of the Education Code, to read:

Article 5 Scholarship and Loan Fund

72650. Where the governing board of a community college district has established a scholarship and loan fund, the governing board shall arrange for an annual audit of the fund in the manner

prescribed in Section 84040. All expenses in the administration of the fund, including, but not limited to, audits, operating costs, and promotion of the fund, shall be a proper charge against the funds of the district and the annual budget of the district shall include funds for the expenses.

SEC. 51. Article 6 (commencing with Section 76110) of Chapter 1 of Part 47 of the Education Code is repealed.

SEC. 52. Section 76401 of the Education Code is repealed.

SEC. 53. Section 76401 is added to the Education Code, to read:

76401. The governing board of any community college district shall make such rules for the examination of the students in the colleges under its jurisdiction as will insure proper care of the students and proper secrecy in connection with any defect noted by the supervisor of health, or his or her assistant, and may tend to the correction of the physical defect.

SEC. 54. Section 76402 of the Education Code is repealed.

SEC 55. Section 76404 of the Education Code is repealed.

SEC. 56. Section 76420 of the Education Code is repealed.

SEC. 57. Section 76421 of the Education Code is repealed.

SEC. 58. Section 76426 of the Education Code is repealed.

SEC. 59. Article 3 (commencing with Section 76440) of Chapter 3 of Part 47 of the Education Code is repealed.

SEC. 60. Article 5 (commencing with Section 76470) of Chapter 3 of Part 47 of the Education Code is repealed.

SEC. 61. Article 6 (commencing with Section 76480) of Chapter 3 of Part 47 of the Education Code is repealed.

SEC. 62. Section 78404 of the Education Code is repealed.

SEC. 63. Section 78406 of the Education Code is repealed.

SEC. 64. Section 78410 of the Education Code is repealed.

SEC. 65. Section 78465 of the Education Code is repealed

SEC. 66. Section 81040 of the Education Code is repealed.

SEC. 67 Section 81041 of the Education Code is repealed.

SEC. 68. Section 81060 of the Education Code is repealed.

SEC. 69. Section 81061 of the Education Code is repealed.

SEC. 70. Section 81062 of the Education Code is repealed.

SEC. 71. Section 81063 of the Education Code is repealed.

SEC. 72. Section 81182 of the Education Code is repealed.

SEC. 73. Section 81362 of the Education Code is repealed.

SEC. 74 Section 81383 of the Education Code is repealed.

SEC 75. Article 8 (commencing with Section 81440) of Chapter 2 of Part 49 of the Education Code is repealed

SEC. 76 Section 81607 of the Education Code is repealed.

SEC. 77. Section 81608 of the Education Code is repealed.

SEC. 78. Section 81609 of the Education Code is repealed.

SEC. 79 Section 81610.5 of the Education Code is repealed.

SEC. 80 Section 81611 of the Education Code is repealed.

SEC. 81. Section 81612 of the Education Code is repealed

SEC. 82. Section 81613 of the Education Code is repealed.

SEC. 83 Section 81646 of the Education Code is repealed.

SEC. 84. Section 81647 of the Education Code is repealed.
SEC. 85. Section 81670 of the Education Code is repealed.
SEC. 86. Section 81671 of the Education Code is repealed.
SEC. 87. Section 81672 of the Education Code is repealed.
SEC. 88. Section 81673 of the Education Code is repealed.
SEC. 89. Section 81674 of the Education Code is repealed.
SEC. 90. Section 81675 of the Education Code is repealed.
SEC. 91. Section 81678 of the Education Code is repealed.
SEC. 92. Section 82300 of the Education Code is repealed.
SEC. 93. Section 82301 of the Education Code is repealed.
SEC. 94. Section 82320 of the Education Code is repealed.
SEC. 95. Article 3 (commencing with Section 82340) of Chapter 7 of Part 49 of the Education Code is repealed.
SEC. 96 Section 82361 of the Education Code is repealed.
SEC. 97. Section 82508 of the Education Code is repealed.
SEC. 98 Section 82509 of the Education Code is repealed.
SEC. 99. Section 82510 of the Education Code is repealed.
SEC 100. Section 82511 of the Education Code is repealed.
SEC. 101. Section 82534 of the Education Code is repealed
SEC. 102 Section 84003 of the Education Code is repealed.
SEC. 103. Section 84035 of the Education Code is repealed.
SEC 104. Section 84036 of the Education Code is repealed.
SEC 105. Section 84037 of the Education Code is repealed.
SEC 106. Section 84038 of the Education Code is repealed.
SEC. 107. Section 84039 of the Education Code is repealed.
SEC 108 Section 84053 of the Education Code is repealed.
SEC. 109. Section 84054 of the Education Code is repealed.
SEC. 110. Section 85005 of the Education Code is repealed.
SEC. 111. Section 87013 of the Education Code is repealed.
SEC 112. Section 87015 of the Education Code is repealed.
SEC. 113. Section 87016 of the Education Code is repealed.
SEC. 114. Section 87032 of the Education Code is amended to read

87032. The governing board of a community college district shall provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the district incurred in the course of performing services for the district, whether within or outside the district, under the direction of the governing board. The board may authorize an advance of funds to cover such necessary expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the district.

SEC. 115. Section 87033 of the Education Code is repealed
SEC. 116. Section 87037 of the Education Code is repealed.
SEC. 117. Section 87038 of the Education Code is repealed.

SEC. 118. Section 87041 of the Education Code is repealed.

SEC. 119. Section 87441 of the Education Code is amended to read:

87441. The qualifications for a psychologist or social worker are a valid certificate issued by the appropriate California agency authorized by law to certify such persons and a services credential with a specialization in health.

SEC. 120. Section 87442 of the Education Code is amended to read:

87442. The qualifications for a dentist are a valid certificate issued by the Board of Dental Examiners and a services credential with a specialization in health or a valid credential issued prior to November 23, 1970

SEC. 121. Section 87445 of the Education Code is amended to read:

87445. The qualifications for an optometrist are a valid certificate issued by the State Board of Optometry and a services credential with a specialization in health or a credential issued prior to November 23, 1970.

SEC. 122. Section 87702 of the Education Code is repealed.

SEC. 123. Section 87712 of the Education Code is repealed.

SEC. 124 Section 87809 of the Education Code is repealed.

SEC. 125. Section 87812 of the Education Code is repealed.

SEC. 126. Section 87813 of the Education Code is repealed

SEC. 127. Section 87814 of the Education Code is repealed.

SEC 128. Section 87829 of the Education Code is repealed.

SEC 129 Except for any act relating to the maintenance of the codes, any section of any act enacted by the Legislature during the 1981 portion of the 1981–82 Regular Session, which takes effect on or before January 1, 1982, and which amends, amends and renumbers, adds, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 472

An act to repeal and add Article 6 (commencing with Section 73520) to Chapter 10 of Title 8 of the Government Code, relating to municipal courts.

[Became law without Governor's signature Filed with Secretary of State September 15, 1981]

The people of the State of California do enact as follows

SECTION 1. Article 6 (commencing with Section 73520) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC 2 Article 6 (commencing with Section 73520) is added to

Chapter 10 of Title 8 of the Government Code, to read:

Article 6. Municipal Court in San Mateo County

73520. This article applies only to municipal courts established in judicial districts in San Mateo County.

73521. Each municipal court district established in San Mateo County shall have the number of judges set forth opposite the name of the judicial district over which the court has jurisdiction.

Northern Judicial District	3
Southern Judicial District	6

73522. There shall be two court commissioners for the Southern Judicial District and one court commissioner for the Northern Judicial District, to be appointed by a majority of the municipal court judges of each district.

At the direction of the judges, the commissioners may have the same jurisdiction and exercise the same powers and duties as commissioners of superior courts and as the judges of the municipal courts with respect to all subordinate judicial functions of the courts. The commissioners shall possess the same qualifications required of a municipal court judge and shall hold office during the pleasure of the court appointing them and shall not engage in the private practice of the law. They shall be ex-officio deputy clerks.

Court commissioners shall receive a salary representing 70 percent, 75 percent or 80 percent of the annual salary for a superior court judge. The court shall determine the level of salary to be received by a court commissioner, making adjustments on the three levels in accordance with the qualifications, performance, and other factors deemed relevant by the court.

73523. (a) There shall be one clerk-administrator of the Northern Judicial District who shall receive a biweekly salary at the rate specified in salary range number 1576 of the salary schedule.

(b) There shall be one clerk-administrator of the Southern Judicial District who shall receive a biweekly salary at the rate specified in salary range number 1762 of the salary schedule.

73524. The number and compensation of deputies who may be appointed in the several judicial districts are as follows:

(a) (1) The clerk-administrator of the Northern Judicial District may appoint one chief deputy clerk who shall receive a biweekly salary at the rate specified in salary range number 1103 of the salary schedule.

(2) The clerk-administrator of the Southern Judicial District may appoint two assistant clerk-administrators, each of whom shall receive a biweekly salary at the rate specified in salary range number 1371 of the salary schedule.

(b) The clerk-administrator of the Northern Judicial District may appoint seven municipal court clerks, grade IV, and the

clerk-administrator of the Southern Judicial District may appoint 11 municipal court clerks, grade IV, each of whom shall receive a biweekly salary at the rates specified in salary range number 973 of the salary schedule.

(c) The clerk-administrator of the Northern Judicial District may appoint three municipal court clerks, grade III, and the clerk-administrator of the Southern Judicial District may appoint nine municipal court clerks, grade III, each of whom shall receive a biweekly salary at the rates specified in salary range number 853 of the salary schedule

(d) The clerk-administrator of the Northern Judicial District may appoint not more than 23 municipal court clerks, grades II and I, under a flexible staffing pattern; and the clerk-administrator of the Southern Judicial District may appoint not more than 41 municipal court clerks, grades II and I, under a flexible staffing pattern. The municipal court clerks, grade II shall receive a biweekly salary at the rates specified in the salary range number 763 of the salary schedule, and the municipal court clerks, grade I, shall receive a biweekly salary at the rates specified in salary range number 689 of the salary schedule

(e) The clerk-administrator of each judicial district may appoint one part-time municipal court clerk, grade II or grade I, under a flexible staffing pattern. The part-time employee shall receive a biweekly salary at an amount not to exceed one-half of the rates specified in salary range number 763 (grade II) or 689 (grade I) of the salary schedule.

(f) The clerk-administrator of each judicial district may appoint an accountant I, who shall receive a biweekly salary at the rates specified in salary range number 973 of the salary schedule.

(g) The clerk-administrator of the Southern Judicial District may appoint an EDP coordinator, who shall receive a biweekly salary at the rates specified in salary range number 1028 of the salary schedule.

73525. Whenever a reference to a salary range number is made in this article, the following schedule of biweekly salaries shall apply:

Salary Range Number	Steps				
	A	B	C	D	E
689	440.80	466.40	492.80	521.60	551.20
763	488.00	516.00	545.60	577.60	610 40
853	545.60	577.60	610.40	645.60	682.40
973	622.40	658.40	696.00	736 00	778.40
1028	657.60	696.00	735 20	777.60	822 40
1103	705 60	746.40	789.60	834.40	882.40
1342	859.20	908.00	960.00	1015.20	1073.60
1371	877 60	928 00	980.80	1037 60	1096.80
1576	1008.80	1066.40	1128.00	1192.00	1260.80
1762	1128.00	1192.00	1260 80	1332 80	1409 60

73526. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for in positions in the classification of staff clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73525, payable at the same time as that higher compensation provided in the salary ordinance of that county.

73527. The sheriff shall be ex officio marshal and his or her designated deputies shall be ex officio deputy marshals of the courts unless otherwise ordered by the judges of the respective judicial districts.

73528. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 and the other provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of San Mateo, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8, may be paid any compensation, which is within the ranges and increments set forth in this article in excess of or less than the maximum to which such employee would otherwise be entitled. However, that any such salary adjustment shall not extend longer than 90 days after the adjournment of the next general session of the Legislature.

73529. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

(a) The biweekly salary of each official reporter for the performance of duties required of each reporter by law shall be at the rates specified in salary range number 1342 of the salary schedule.

At the time each reporter is hired, the salary of that reporter shall be fixed in the same manner as provided for classified employees of the county under the authority of the county charter. A step advancement from step A to step B may be granted on the first day of the pay period following completion of 26 full weeks of service in the position. A person may advance to steps C, D, and E upon completion of successive 52-week periods of service. All merit increases as provided herein shall be made at the determination of the judges of the court.

The per diem compensation for pro tempore reporters shall be one-tenth of step E in the biweekly salary range established for official reporters, except that the rate of per diem compensation shall be pro rated on the basis of one-half day of compensation if the pro tempore reporter renders only one-half day of service.

(b) Vacation allowances and sick leave allowances for official

reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

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

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

73530. A reporter's filing fee of eleven dollars and fifty cents ($11.50) shall be paid in actions and proceedings as specified in Section 68090.5.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 473

An act to amend Sections 73772 and 73773 of the Government Code, relating to courts

[Became law without Governor's signature. Filed with Secretary of State September 15, 1981.]

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

SECTION 1. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be the administrative officer of the court and who shall receive an annual salary recommended by the municipal court and approved by the board of supervisors.

Any change in the salaries in effect immediately prior to January 1, 1982, shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

SEC. 2. Section 73773 of the Government Code is amended to read:

73773. (a) The clerk, with the approval of the judges of said court, may appoint one chief deputy clerk, 16 deputy clerks grade IV, 17 deputy clerks grade III, 14 deputy clerks grade II, 10 deputy clerks grade I, one secretary, two CRT/KEY input operators, and eight intermediate typists and such other employees as the board of

supervisors approve upon the recommendation of the municipal court, each of whom shall receive a salary recommended by the municipal court and approved by the board of supervisors. Any appointee shall be compensated at the first step and advance to each higher step upon completion of each year of service Upon the recommendation of the municipal court and approval of the board of supervisors, such employees may be employed at or may be granted a special step increase to any step within the salary range on the basis of experience or qualifications.

(b) Any change in the salaries in effect immediately prior to January 1, 1982, shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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

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CHAPTER 474

An act to amend Section 3125 of the Business and Professions Code, relating to optometry.

[Approved by Governor September 14, 1981 Filed with Secretary of State September 15, 1981]

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

SECTION 1. Section 3125 of the Business and Professions Code is amended to read:

3125. It is unlawful to practice optometry under a false or assumed name, or to use a false or assumed name in connection with the practice of optometry, or to make use of any false or assumed name in connection with the name of a person licensed pursuant to this chapter. However, the board may issue written permits authorizing an individual optometrist or an optometric group or optometric corporation to use a name specified in the permit in connection with its practice if, and only if, the board finds to its satisfaction that:

(a) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants; provided, however, that where the applicant or applicants are practicing optometry in a community clinic, as defined in subdivision (a) of Section 1203 of the

Health and Safety Code, this subdivision shall not apply.

(b) The name under which the applicant or applicants propose to operate is in the judgment of the board not deceptive or inimical to enabling a rational choice for the consumer public and contains at least one of the following designations: "optometry" or "optometric"; provided, however, that where the applicant or applicants are practicing optometry in a community clinic, as defined in subdivision (a) of Section 1203 of the Health and Safety Code, and is subject to the name limitations of Title 17, California Administrative Code, Section 161, this subdivision shall not apply. In no case shall the name under which the applicant or applicants propose to operate contain the name or names of any of the optometrists practicing in the community clinic.

(c) The names of all optometrists practicing at the location designated in the application are displayed in a conspicuous place for the public to see, not only on such location, but also in any advertising permitted by law.

(d) No charges which could result in revocation or suspension of his certificate to practice optometry are pending against any optometrist practicing at such location.

Permits issued under this section by the Board of Optometry shall expire and become invalid unless renewed at the times and in the manner provided in Article 7 (commencing with Section 3145) for the renewal of certificates issued under this chapter. The board may charge an annual fee, not to exceed ten dollars ($10) for the issuance or renewal of each such permit.

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit, other than under subdivision (d), is no longer being fulfilled by the individual optometrist, optometric corporation, or optometric group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

In the event the board revokes or suspends the certificate to practice optometry of an individual optometrist or any member of a corporation or group to whom a permit has been issued under this section, such revocation or suspension shall also constitute revocation or suspension, as the case may be, of such permit.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 475

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

[Approved by Governor September 14, 1981 Filed with Secretary of State September 15, 1981.]

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

SECTION 1. Section 227 of the Revenue and Taxation Code is amended to read:

227. A documented vessel, as defined in Section 130, shall be assessed at 4 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 and holds a current certificate of inspection issued by the United States Coast Guard.

The State Controller shall audit all claims for reimbursement pursuant to subdivision (a) of Section 16113 of the Government Code to determine whether those claims are valid with respect to the requirements of this 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 the necessity are:

In order to continue in existence without interruption the preferential 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.

CHAPTER 476

An act to amend Section 1731.5 of the Welfare and Institutions Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 1731.5 of the Welfare and Institutions Code is amended to read:

1731.5. (a) After certification to the Governor as provided in this article a court may commit to the authority any person convicted of a public offense who comes within paragraphs (1), (2), and (3), or paragraphs (1), (2), and (4), below:

(1) Is found to be less than 21 years of age at the time of apprehension.

(2) Is not convicted of first-degree murder, committed when such person was 18 years of age or older, or sentenced to death, imprisonment for life, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(3) Is not granted probation.

(4) Was granted probation and probation is revoked and terminated.

(b) The Youth Authority shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care.

(c) Any person under the age of 21 who is not committed to the authority pursuant to this section may be transferred to the authority by the Director of Corrections with the approval of the Director of the Youth Authority. The transfer shall be solely for the purposes of housing the inmate and allowing participation in the programs available at the institution by the inmate, who, in all other aspects 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 Director of the Youth Authority shall have the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Youth Authority either under the provisions of the Arnold-Kennick Juvenile Court Law or subdivision (a).

The duration of the transfer shall extend until the Director of the Youth Authority orders the inmate returned to the Department of Corrections, the inmate is ordered paroled by the Board of Prison Terms, the inmate's term of imprisonment is completed as otherwise provided by law, or 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 the necessity are·

It is necessary in order to prevent adults convicted of first-degree murder from being prematurely released

CHAPTER 477

An act to amend Sections 25402, 35570, and 35571 of the Water Code, relating to water districts.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 25402 of the Water Code is amended to read:

25402. For the purposes of this chapter, the term "enterprise," as used in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), shall be limited to and shall include only those works or property authorized to be acquired, constructed, improved, or financed by an irrigation district pursuant to this division, but shall not include any of the following:

(a) Works or property for the distribution of electric energy for lighting, heating, and power for public or private uses.

(b) Works or property already employed in the generation, production, transmission, distribution, sale, or lease of power for public utility purposes, except where the acquisition of those works or property is by mutual agreement between the district and the owner of the property.

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, El Toro, Irvine Ranch, Lost Hills, Moulton-Niguel, Olcese, Rancho California, Santa Margarita, South Sutter, and Walnut Valley Water Districts.

SEC. 3. Section 35571 of the Water Code is amended to read:

35571. The district may construct, maintain, and operate one or more plants for the generation of hydroelectric power. The plant or plants so constructed shall be operated in a manner consistent with the district's storage, transmission, and distribution of water. Construction of such plant or plants may be financed by the issuance of revenue bonds or any other method of financing district works as provided in this division.

SEC. 4. The Berrenda Mesa, Cawelo, Irvine Ranch, Lost Hills, Olcese, El Toro, Moulton-Niguel, Rancho California, Santa Margarita, South Sutter, and Walnut Valley Water Districts have potential sources of hydroelectric power in their water facilities which can be generated as an incident to the operation of such facilities. 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, Irvine Ranch, Lost Hills, Olcese, El Toro, Moulton-Niguel, Rancho California, Santa

Margarita, South Sutter, and Walnut Valley Water Districts, that the provisions of this act are needed to meet 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.

CHAPTER 478

An act to amend Section 815.3 of the Civil Code, relating to conservation easements.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 815.3 of the Civil Code is amended to read:

815.3. Only the following entities or organizations may acquire and hold conservation easements:

(a) Tax-exempt nonprofit organization qualified under Section 501 (c) (3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.

(b) The state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation easement pursuant to this chapter.

CHAPTER 479

An act to amend Sections 12340.3, 12359, 12392, 12401.5, and 12414.29 of the Insurance Code, relating to title insurance.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 12340.3 of the Insurance Code is amended to read:

12340.3. "Business of title insurance" includes:

(a) Issuing or proposing to issue any title policy as insurer, guarantor, or indemnitor;

(b) Transacting or proposing to transact any phase of title

insurance, including solicitation, negotiation preliminary to execution, or execution of a title policy, insuring and transacting matters subsequent to the execution of a title policy and arising out of such policy, excluding reinsurance;

(c) The performance by a title insurer, an underwritten title company or a controlled escrow company of any service in conjunction with the issuance or contemplated issuance of a title policy including but not limited to the handling of any escrow, settlement or closing in connection therewith; or the doing of or proposing to do any business, which is in substance the equivalent of any of the above.

(d) The issuance, by a title insurer, of a letter of indemnity. Any such letter of indemnity shall be limited to and issued solely for the purpose of indemnifying the commissioner on behalf of any member of the public who transacts an escrow with an underwritten title company, with whom the title insurer has an underwriting agreement. A title insurer may charge a reasonable fee in connection with the issuance of any such letter. No rate or form filing shall be required with respect to any such letter of indemnity.

(e) The act of an insurer in furnishing in writing to a prospective purchaser of the insurer's title policy a statement which assures, and assumes the liability for, the proper performance of services necessary to the conduct of a real estate closing performed by an underwritten title company with whom the insurer maintains an underwriting agreement. A title insurer may charge a reasonable fee in connection with the furnishing of any such statement. No rate or form filing shall be required with respect to any such statement.

SEC. 2. Section 12359 of the Insurance Code is amended to read:

12359. A title insurer shall not transact any insurance in this state unless it has paid-in capital represented by shares of stock of at least five hundred thousand dollars ($500,000).

SEC. 3. Section 12392 of the Insurance Code is amended to read:

12392. If a domestic incorporated title insurer is authorized by its articles of incorporation to act as executor, administrator, guardian, conservator, assignee, receiver, depositary, agent or trustee, or to do a general trust business, and if such insurer has a capital paid in of not less than seven hundred thousand dollars ($700,000) it may also do business as a trust company, and maintain a trust department as well as a title insurance department, on compliance with the conditions set forth in this article.

SEC. 4 Section 12401.5 of the Insurance Code is amended to read:

12401.5. As a further aid to uniform administration of rate regulatory laws of this state, the commissioner may prescribe by reasonable rules and regulations:

(a) For the annual reporting of financial data relating to the aggregate economic performance of all title insurance entities conducting the business of title insurance in this state. Such data, if required, shall be for the purpose of determining the industry

financial experience for the reporting year and shall reflect the after-tax rate of return on total capital, including investment income and realized and unrealized capital gains, from whatever source attributable to operations in this state.

(b) A statistical plan, reasonably adapted to each of the rating systems in use within the state. Any such plan may be modified from time to time and shall be used thereafter by each title insurer in the reporting of data required by such plan, in order that the experience of all title insurance may be made available on an annual basis in such form and detail as may be necessary to aid the commissioner in determining whether rating systems comply with the standards set forth in this chapter. In promulgating such plan, the commissioner may give due consideration to the rating systems in use and, in order that such plan may be as uniform as is practicable among the several states, to the rules and to the form of the plan used for such rating systems in other states. No title insurer shall be required to record or report data on a system basis that is inconsistent with the rating system in use by it. The commissioner shall designate one or more advisory organizations to assist in the development of any such statistical plan and to further assist in gathering data and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commissioner, to title insurers and advisory organizations. No statistical plan or modifications thereto, nor rules or regulations pertaining thereto, shall be adopted or implemented absent compliance with the provisions of Article 5 (commencing with Section 11346) of the Government Code, except that any such plan, rule, or regulation shall not become effective for a period of 120 days following its adoption, and any such plan, rule, or regulation shall be deemed to be a regulation required to be filed with the Secretary of State for purposes of Article 5 (commencing with Section 11346) of the Government Code.

SEC. 5. Section 12414.29 of the Insurance Code is amended to read:

12414.29. The administration and enforcement of Article 5.5 (commencing with Section 12401) and Article 5.7 (commencing with Section 12402) of this chapter shall be governed solely by the provisions of this chapter. Except as provided in this chapter, no other law relating to insurance and no other provisions in this code heretofore or hereafter enacted shall apply to or be construed as supplementing or modifying the provisions of such articles unless such other law or other provision expressly so provides and specifically refers to the sections of such articles which it intends to supplement or modify. The provisions of this chapter and regulations adopted pursuant thereto shall constitute the exclusive regulation of the conduct of escrow and title transactions by entities engaged in the business of title insurance as defined in Section 12340.3, notwithstanding any local regulation or ordinance.

CHAPTER 480

An act to amend Sections 21080.5 and 21082.1 of the Public Resources Code, relating to environmental quality.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 21080.5 of the Public Resources Code is amended to read:

21080.5. (a) When the regulatory program of a state agency, board, or commission requires a plan or other written documentation, containing environmental information and complying with the requirements of paragraph (3) of subdivision (d), to be submitted in support of any of the activities listed in subdivision (b), the plan or other written documentation may be submitted in lieu of the environmental impact report required by this division; provided, that the Secretary of the Resources Agency has certified the regulatory program pursuant to this section.

(b) This section shall apply only to regulatory programs or portions thereof which involve either of the following:

(1) The issuance to a person of a lease, permit, license, certificate, or other entitlement for use.

(2) The adoption or approval of standards, rules, regulations, or plans for use in the regulatory program.

(c) A regulatory program certified pursuant to this section is exempt from the provisions of Chapter 3 (commencing with Section 21100) and Chapter 4 (commencing with Section 21150) and Section 21167.

(d) In order to qualify for certification pursuant to this section, a regulatory program shall require utilization of an interdisciplinary approach which will ensure the integrated use of the natural and social sciences in decisionmaking and shall meet all of the following criteria:

(1) The enabling legislation of the regulatory program shall:

(i) Include protection of the environment among its principal purposes.

(ii) Contain authority for the administering agency to promulgate rules and regulations for the protection of the environment, guided by standards set forth in the enabling legislation.

(2) The rules and regulations adopted by the administering agency shall:

(i) Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

(ii) Include guidelines for the orderly evaluation of proposed

activities and the preparation of the plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program.

(iii) Require the administering agency to consult with all public agencies which have jurisdiction, by law, with respect to the proposed activity.

(iv) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

(v) Require the filing of a notice of the decision by the administering agency on the proposed activity with the Secretary of the Resources Agency. Those notices shall be available for public inspection, and a list of the notices shall be posted on a weekly basis in the office of the Resources Agency. Each list shall remain posted for a period of 30 days.

(vi) Require notice of the filing of the plan or other written documentation to be made to the public and to any person who requests, in writing, notification. The notification shall be made in a manner that will provide the public or any person requesting notification with sufficient time to review and comment on the filing.

(3) The plan or other written documentation required by the regulatory program shall.

(i) Include a description of the proposed activity with alternatives to the activity, and mitigation measures to minimize any significant adverse environmental impact.

(ii) Be available for a reasonable time for review and comment by other public agencies and the general public.

(e) The Secretary of the Resources Agency shall certify a regulatory program which the secretary determines meets all the qualifications for certification set forth in this section, and withdraw certification on determination that the regulatory program has been altered so that it no longer meets those qualifications. Certification and withdrawal of certification shall occur only after compliance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

In determining whether or not a regulatory program meets the qualifications for certification set forth in this section, the inquiry of the Secretary of the Resources Agency shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The inquiry shall not extend to individual decisions to be reached under the regulatory program, including the nature of specific alternatives or mitigation measures which might be proposed to lessen any significant adverse environmental effects of the activity.

In the event that the Secretary of the Resources Agency determines that the regulatory program submitted for certification does not meet the qualifications for certification set forth in this section, the secretary shall adopt findings setting forth the reasons for the determination.

(f) After a regulatory program has been certified pursuant to this section, any proposed change in the program which could affect compliance with the qualifications for certification specified in subdivision (d) may be submitted to the Secretary of the Resources Agency for review and comment. The scope of the secretary's review shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The review shall not extend to individual decisions to be reached under the regulatory program, including specific alternatives or mitigation measures which might be proposed to lessen any significant adverse environmental effects of the activity. The secretary shall have 30 days after receipt of the proposed change to notify the state agency, board, or commission whether the proposed change will alter the regulatory program so that it no longer meets the qualification for certification established in this section and will result in a withdrawal of certification as provided in this section.

(g) Any action or proceeding to attack, review, set aside, void, or annul a determination or decision of a state agency, board, or commission approving or adopting a proposed activity under a regulatory program which has been certified pursuant to this section on the basis that the plan or other written documentation prepared pursuant to paragraph (3) of subdivision (d) does not comply with the provisions of this section shall be commenced no later than 30 days from the date of the filing of notice of the approval or adoption of the activity.

(h) Any action or proceeding to attack, review, set aside, void, or annul a determination of the Secretary of the Resources Agency to certify a regulatory program pursuant to this section on the basis that the regulatory program does not comply with the provisions of this section shall be commenced within 30 days after certification by the secretary.

In any action brought under this subdivision, the inquiry shall extend only to whether there was a prejudicial abuse of discretion by the Secretary of the Resources Agency. Abuse of discretion is established if the secretary has not proceeded in a manner required by law or if the determination is not supported by substantial evidence.

(i) For purposes of this section, any county agricultural commissioner shall be considered a state agency.

(j) For purposes of this section, any air quality management district shall be considered a state agency, except that any activities of an air quality management district undertaken in order to comply with the provisions of Chapter 2.5 (commencing with Section 41650) of Part 4 of Division 26 of the Health and Safety Code shall not be subject to the provisions of this section.

SEC. 2. Section 21082.1 of the Public Resources Code is amended to read:

21082.1. Any environmental impact report or negative declaration prepared pursuant to the requirement of this division

shall be prepared directly by, or under contract to, a public agency.

This section is not intended to prohibit, and shall not be construed as prohibiting, any person from submitting information or other comments to the public agency responsible for preparing an environmental impact report or negative declaration. The information or other comments may be submitted in any format, shall be considered by the public agency, and may be included, in whole or in part, in any report or declaration.

SEC. 3. The Legislature hereby finds and declares that the amendments made to Section 21080.5 of the Public Resources Code by Section 1 of this act are not intended and shall not be construed in such a manner as to preclude an air quality management district from determining that a regulatory program, in whole or in part, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, if that regulatory program is otherwise eligible for an exemption.

SEC. 4. The Legislature hereby finds and declares that the amendments made to Section 21082.1 of the Public Resources Code by Section 2 of this act are intended to clarify that public agencies preparing environmental impact reports or negative declarations are required by law to consider any comments they receive with respect to the environmental impact report or negative declaration which is under preparation and to clarify further that those agencies have no affirmative statutory responsibility to seek comments from organizations or individual members of the public or to consider comments at any particular point in time prior to completion of the environmental impact report or negative declaration. With respect to this issue, the amendments to Section 21082.1 are intended to clarify any uncertainties which may have resulted from the holding in Woodland Hills Residents Assn., Inc. v. City Council, 26 Cal 3d 938.

SEC. 5. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 481

An act to amend Section 4420 of the Government Code, relating to public works.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 4420 of the Government Code is amended to read:

4420. No officer or employee of this state, or of any public agency or of any public authority, and no person acting or purporting to act on behalf of such officer, employee, or public agency or authority, except a public agency or authority created pursuant to agreement or compact with another state, shall, with respect to any public building or construction contract which is about to be or which has been competitively bid, require the bidder to make application to, or furnish financial data to, or to obtain or procure any surety bond or contract of insurance specified in connection with such contract, or specified by any law, ordinance, or regulation, from, a particular surety or insurance company, agent or broker. No such officer or employee, or person, firm, or corporation acting or purporting to act on behalf of such officer or employee, shall negotiate, make application for, obtain, or procure any such surety bond or contract of insurance (except contracts of insurance for builder's risk or owner's protective liability) which can be obtained or procured by the bidder, contractor, or subcontractor.

This chapter shall not apply to any project under design or construction on August 4, 1967, by or on behalf of a public agency or authority if such agency or authority was then engaged in insurance activity with respect to such project that otherwise would be prohibited by this chapter.

This chapter shall not apply to the construction of any exclusive public mass transit guideway project in any county with a population exceeding 6,000,000.

As used in this section, "public agency" means any city, county, city and county, district, municipal or public corporation or any agency or instrumentality thereof.

CHAPTER 482

An act to amend Section 66452.6 of the Government Code, relating to subdivisions.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after such additional period of time as may be prescribed by local

ordinance, not to exceed an additional 12 months.

(b) The period of time specified in subdivision (a) shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence, provided however, that the length of the moratorium does not exceed five years.

Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed; provided, however, that if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a) shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map if a stay of the time period is approved by the local agency pursuant to this section. Within 10 days of the service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of two years. If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium shall include a water or sewer moratorium or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, other than the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map.

CHAPTER 483

An act to amend Section 3042 of the Penal Code, relating to parole hearings.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 3042 of the Penal Code is amended to read:

3042. (a) At least 30 days before the Board of Prison Terms shall meet to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant, the district attorney of the county from which the prisoner was sentenced, the law enforcement agency that investigated the case, and where the prisoner was convicted of the murder of a peace officer, the law enforcement agency which had employed that peace officer at the time of the murder.

(b) The Board of Prison Terms shall record all such hearings and transcribe such recordings within 30 days of any such hearing. All such transcripts, including the transcripts of all such prior hearings, shall be filed and maintained in the office of the Board of Prison Terms and shall be made available to the public no later than 30 days from the date of the hearing. No such prisoner shall actually be released on parole prior to 60 days from the date of the hearing.

(c) At any such hearing the presiding hearing officer must state findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of any such hearing, unless such material is confidential in order to preserve institutional security and the security of others who might be endangered by disclosure.

(e) This section shall not apply to any hearing held to consider advancing a prisoner's parole date due to his or her conduct since his or her last hearing.

SEC 2. Section 3042 of the Penal Code is amended to read:

3042. (a) At least 30 days before the Board of Prison Terms shall meet to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant, the district attorney of the county from which the prisoner was sentenced, the law enforcement agency that investigated the case, and where the prisoner was convicted of the murder of a peace officer, the law enforcement

agency which had employed that peace officer at the time of the murder. In the case of a prisoner sentenced to a life sentence for first degree murder, the board shall also send written notice to the next of kin of the person murdered where a request for such notice has been filed with the Board of Prison Terms by the next of kin. The burden shall be on the requesting party to keep the board apprised of the party's current mailing address.

(b) The Board of Prison Terms shall record all such hearings and transcribe such recordings within 30 days of any such hearing. All such transcripts, including the transcripts of all such prior hearings, shall be filed and maintained in the office of the Board of Prison Terms and shall be made available to the public no later than 30 days from the date of the hearing. No such prisoner shall actually be released on parole prior to 60 days from the date of the hearing.

(c) At any such hearing the presiding hearing officer must state findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of any such hearing, unless such material is confidential in order to preserve institutional security and the security of others who might be endangered by disclosure.

(e) This section shall not apply to any hearing held to consider advancing a prisoner's parole date due to his or her conduct since his or her last hearing.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill 39 are both chaptered and become effective January 1, 1982, both bills amend Section 3042 of the Penal Code, and this bill is chaptered after Senate Bill 39, that the amendments to Section 3042 proposed by both bills be given effect and incorporated in Section 3042 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 39 are both chaptered and become effective January 1, 1982, both amend Section 3042, and this bill is chaptered after Senate Bill 39, in which case Section 1 of this act shall not become operative.

CHAPTER 484

An act to add Sections 12365.6, 12365.7, 12365.8, and 12365.9 to the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 12365.6 is added to the Public Utilities Code, to read:

12365.6. In addition to such other investments that are

authorized by this article, the retirement board may, in its discretion, invest the assets of the retirement fund in deeds of trust and mortgages. Investments made under this section shall not exceed, in the aggregate, an amount equal to 25 percent of the assets of the system.

SEC. 2. Section 12365.7 is added to the Public Utilities Code, to read:

12365.7. (a) Notwithstanding any other provision of this chapter, the retirement board, or the district's treasurer with the approval of the retirement board, may enter into security loan agreements with broker-dealers and with California or national banks for the purpose of prudently supplementing the income normally received from investments.

(b) "Security loan agreement" means a written contract whereby a legal owner, the lender, agrees to lend specific marketable corporate or government securities for a period not to exceed one year. The lender retains the right to collect from the borrower all dividends, interest, premiums, rights, and any other distributions to which the lender would otherwise have been entitled. The lender waives the right to vote the securities during the term of the loan. The lender may terminate the contract upon not more than five business days' notice as agreed, and the borrower may terminate the contract upon not less than two business days' notice as agreed. The borrower shall provide collateral to the lender in the form of cash or bonds or other interest-bearing notes and obligations of the United States or federal instrumentalities eligible for investment by a lending retirement fund.

The collateral shall be in an amount equal to at least 102 percent of the market value of the loaned securities as agreed. The lender shall monitor the market value of the loaned securities daily. The loan agreement shall provide for payment of additional collateral on a daily basis, or at the time the value of the loaned securities increases, to agreed-upon ratios. In no event shall the amount of the collateral be less than the market value of the loaned securities.

(c) "Marketable securities" means securities that are freely traded on recognized exchanges or marketplaces.

(d) The retirement board or district treasurer entering into security loan agreements shall do all of the following:

(1) Maintain detailed records of all security loans.

(2) Develop controls and reports to monitor the conduct of the transactions.

(3) Publicize the net results of the security loan transaction separate from the results of other investment activities.

SEC. 3. Section 12365.8 is added to the Public Utilities Code, to read:

12365.8. Notwithstanding any other provision of this article, the retirement system may invest in any and all investments authorized by Section 1372 of the Financial Code and Section 12871 of this code.

SEC. 4. Section 12365.9 is added to the Public Utilities Code, to

read:

12365.9. Notwithstanding the provisions of this article authorizing and limiting the investment in common or preferred stocks, if the California Constitution is amended, and implementing legislation is enacted, the retirement board shall have the investment authority and powers as provided by those amendments and implementing legislation.

CHAPTER 485

An act to amend Section 50093.5 of the Health and Safety Code, relating to public transit.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 50093.5 of the Health and Safety Code is amended to read:

50093.5. "Public transit corridor" means that area within one-quarter mile of a route on which the level of service is at or above the average for the transit system as a whole, according to the transit operator serving the area, and on which regularly scheduled public mass transit service stops are located, or within one-quarter mile of an existing or planned public mass transit guideway or busway station, or within one-quarter mile of a multimodal transportation terminal serving public mass transit operations. "Level of service," unless otherwise defined by the transit operator, means the frequency of headways and the number of vehicles per day.

CHAPTER 486

An act to amend Section 11755 of the Government Code, relating to the Health and Welfare Agency Data Center, and making an appropriation therefor.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 11755 of the Government Code is amended to read.

11755. There is in the State Treasury, the Health and Welfare Agency Data Center Revolving Fund, hereafter referred to as the "HWDC Fund," which fund is continuously appropriated for the

purposes of this chapter. The money in such fund shall be continuously utilized without regard to fiscal years for the payment of expenses incurred by the Health and Welfare Agency Data Center.

The HWDC Fund shall consist of the following:

(a) All moneys appropriated by the Legislature for such funds in accordance with law.

(b) All moneys received into the State Treasury from any source whatever in payment of electronic data processing services rendered by the Health and Welfare Agency Data Center or for other services rendered by the Health and Welfare Agency Data Center.

(c) All moneys from outstanding balances of prior fiscal years which have not reverted to the General Fund.

(d) The balance remaining in the HWDC Fund at the end of any fiscal year whether the moneys received are from an appropriation or from payments for services rendered.

If the balance remaining in the HWDC Fund at the end of any fiscal year exceeds 25 percent of the Health and Welfare Agency Data Center's current fiscal year budget, the excess amount shall be used to reduce the billing rates for services rendered during the following fiscal year.

CHAPTER 487

An act to amend Sections 29007 and 29034 of, and to amend, repeal, and add Section 29154 of, the Food and Agricultural Code, relating to agriculture, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 29007 of the Food and Agricultural Code is amended to read:

29007. "Disease" means American foulbrood or any other infectious disease, parasite, pest, or hereditary disease that affects bees which the director by regulations declares is detrimental to the welfare of the bee industry.

SEC. 2. Section 29034 of the Food and Agricultural Code is amended to read:

29034. The director shall appoint a supervisor of apiary inspection and such qualified state apiary inspectors as may be necessary.

SEC. 3. Section 29154 of the Food and Agricultural Code is amended to read:

29154. The inspector, if a disease is brought to his attention in

writing, shall, or if he deems it necessary, may enter any premises and make an inspection of any apiary within his jurisdiction. He shall report his inspection and findings to the beekeeper in person or by mail within five days. If any disease is found in the apiary, the inspector making the inspection shall plainly mark the hives or combs which contain evidence of disease. If the inspector finds American foulbrood disease has infected more than two hives of 99 colonies or less, or 2 percent or more of colonies of 100 or more, he shall make a complete inspection of all the hives in the apiary and the owner of the hives in the apiary shall pay the cost of the complete inspection. If the inspector finds American foulbrood disease has infected less than 2 percent of colonies of 100 or more as the result of an inspection made after the disease was brought to the inspector's attention in writing, the county agricultural commissioner may assess the costs of the inspection on the person who brought the disease to the inspector's attention.

This section shall remain in effect only until January 1, 1987, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1987, deletes or extends such date.

SEC. 4. Section 29154 is added to the Food and Agricultural Code, to read:

29154. The inspector, if he deems it necessary, may enter any premises and make an inspection of any apiary within his jurisdiction. He shall report his inspection and findings to the beekeeper in person or by mail within five days. If any disease is found in the apiary, the inspector making the inspection shall plainly mark the hives or combs which contain evidence of disease. If the inspector finds American foulbrood disease has infected more than two hives of 99 colonies or less, or 2 percent or more of colonies of 100 or more, he shall make a complete inspection of all the hives in the apiary and the owner of the hives in the apiary shall pay the cost of the complete inspection.

This section shall become operative on January 1, 1987.

SEC. 5. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 the necessity are:

Due to a reduction in apiary inspection efforts by local officials, various diseases including foulbrood disease, may be increasing and pose a threat to the bee industry in California. To ensure that foulbrood disease and other related diseases are kept in control, it is

necessary that this act go into effect immediately.

CHAPTER 488

An act to amend Sections 781, 826, 826.5, and 826.6 of the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 781 of the Welfare and Institutions Code is amended to read:

781. (a) In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a ward of the court, in any case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to Section 626, or in any case in which a minor is taken before any officer of a law enforcement agency, the person or the county probation officer may, five years or more after the jurisdiction of the juvenile court has terminated as to the person, or, in a case in which no petition is filed, five years or more after the person was cited to appear before a probation officer or was taken before a probation officer pursuant to Section 626 or was taken before any officer of a law enforcement agency, or, in any case, at any time after the person has reached the age of 18 years, petition the court for sealing of the records, including records of arrest, relating to the person's case, in the custody of the juvenile court and probation officer and any other agencies, including law enforcement agencies, and public officials as the petitioner alleges, in his or her petition, to have custody of the records. The court shall notify the district attorney of the county and the county probation officer, if he or she is not the petitioner, and the district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since the termination of jurisdiction or action pursuant to Section 626, as the case may be, he or she has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order all records, papers, and exhibits in the person's case in the custody of the juvenile court sealed, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the order. Thereafter, the proceedings in the case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events, records of which are ordered sealed. The court shall send a copy of the order to each agency and official

named therein, directing the agency to seal its records and stating the date thereafter to destroy the sealed records. Each such agency and official shall seal the records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it, he, or she received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise, except as provided in subdivision (b), the records shall not be open to inspection.

(b) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

(c) (1) The provisions of subdivision (a) shall not apply to Department of Motor Vehicle records of any convictions for offenses under the Vehicle Code or any local ordinance relating to the operation, stopping and standing, or parking of a vehicle where the record of any such conviction would be a public record under Section 1808 of the Vehicle Code. However, if a court orders a case record containing any such conviction to be sealed under this section, and if the Department of Motor Vehicles maintains a public record of such a conviction, the court shall notify the Department of Motor Vehicles of the sealing and the department shall advise the court of its receipt of the notice.

Notwithstanding any other provision of law, subsequent to the notification, the Department of Motor Vehicles shall allow access to its record of convictions only to the subject of the record and to insurers which have been granted requester code numbers by the department. Any insurer to which such a record of conviction is disclosed, when such a conviction record has otherwise been sealed under this section, shall be given notice of the sealing when the record is disclosed to the insurer. The insurer may use the information contained in the record for purposes of determining eligibility for insurance and insurance rates for the subject of the record, and the information shall not be used for any other purpose nor shall it be disclosed by an insurer to any person or party not having access to the record.

(2) This subdivision shall not be construed as preventing the sealing of any record which is maintained by any agency or party other than the Department of Motor Vehicles.

(3) This subdivision shall not be construed as affecting the procedures or authority of the Department of Motor Vehicles for purging department records.

(d) Unless for good cause the court determines that the juvenile

court record shall be retained, the court shall order the destruction of a person's juvenile court records that were sealed pursuant to this section as follows: five years after the record was ordered sealed, if the person who is the subject of the record was alleged or adjudged to be a person described by Section 601; or when the person who is the subject of the record reaches the age of 38 if the person was alleged or adjudged to be a person described by Section 602. Any other agency in possession of sealed records shall destroy its records in accordance with this section.

SEC. 2. Section 826 of the Welfare and Institutions Code is amended to read:

826. (a) After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated, the probation officer may destroy all records and papers in the proceedings concerning the minor. The juvenile court record, which includes all records and papers, any minute book entries, dockets and judgment dockets, shall be destroyed by order of the court as follows: when the person who is the subject of the record reaches the age of 28, if the person was alleged or adjudged to be a person described by Section 300 or 601; or when the person reaches the age of 38 if the person was alleged or adjudged to be a person described by Section 602, unless for good cause the court determines that the juvenile record shall be retained, or unless the juvenile court record is released to the person who is the subject of the record pursuant to this section. Any person who is the subject of a juvenile court record may by written notice request the juvenile court to release the court record to his or her custody. Wherever possible, the written notice shall include the person's full name, the person's date of birth, and the juvenile court case number. Any juvenile court receiving the written notice shall release the court record to the person who is the subject of the record five years after the jurisdiction of the juvenile court over the person has terminated, unless for good cause the court determines that the record shall be retained. Exhibits shall be destroyed as provided under Sections 1418, 1418.5, and 1419 of the Penal Code. For the purpose of this section "destroy" means destroy or dispose of for the purpose of destruction. The proceedings in any case in which the juvenile court record is destroyed or released to the person who is the subject of the record pursuant to this section shall be deemed never to have occurred, and the person may reply accordingly to any inquiry about the events in the case.

(b) If an individual whose juvenile court record has been destroyed or released under subdivision (a) discovers that any other agency still retains a record, the individual may file a petition with the court requesting that the records be destroyed. The petition will include the name of the agency and the type of record to be destroyed. The court shall order that such records also be destroyed unless for good cause the court determines to the contrary. The court shall send a copy of the order to each agency and each agency shall destroy records in its custody as directed by the order, and shall

advise the court of its compliance. The court shall then destroy the copy of the petition, the order, and the notice of compliance from each agency. Thereafter, the proceedings in such case shall be deemed never to have occurred.

(c) Juvenile court records, which include, all records and papers, any minute book entries, dockets and judgment dockets in juvenile traffic matters may be destroyed after five years from the date on which the jurisdiction of the juvenile court over a minor is terminated. Prior to such destruction the original record may be microfilmed or photocopied. Every such reproduction shall be deemed and considered an original; and a transcript, exemplification or certified copy of any such reproduction shall be deemed and considered a transcript, exemplification or certified copy, as the case may be, of the original.

SEC. 3. Section 826.5 of the Welfare and Institutions Code is amended to read:

826.5. (a) Notwithstanding the provisions of Section 826, at any time before a person reaches the age when his or her records are required to be destroyed, the judge or clerk of the juvenile court or the probation officer may destroy all records and papers, the juvenile court record, any minute book entries, dockets, and judgment dockets in the proceedings concerning the person as a minor if the records and papers, juvenile court record, any minute book entries, dockets, and judgment dockets are microfilmed or photocopied prior to destruction. Exhibits shall be destroyed as provided under Sections 1418, 1418.5, and 1419 of the Penal Code.

(b) Every reproduction shall be deemed and considered an original. A transcript, exemplification, or certified copy of any reproduction shall be deemed and considered a transcript, exemplification, or certified copy, as the case may be, of the original.

SEC. 4. Section 826.6 of the Welfare and Institutions Code is amended to read:

826.6. (a) Any minor who is the subject of a petition that has been filed in juvenile court to adjudge the minor a dependent child or a ward of the court shall be given written notice by the clerk of the court upon disposition of the petition or the termination of jurisdiction of the juvenile court of all of the following:

(1) The statutory right of any person who has been the subject of juvenile court proceedings to petition for sealing of the case records.

(2) The statutory provisions regarding the destruction of juvenile court records and records of juvenile court proceedings retained by state or local agencies.

(3) The statutory right of any person who has been the subject of juvenile court proceedings to have his or her juvenile court record released to him or her in lieu of its destruction.

(b) In any juvenile case where a local welfare department, probation department, or district attorney is responsible for notifying the minor of the dismissal, release, or termination of the case, the agency shall provide written notice to the minor of the

information specified in subdivision (a) upon the dismissal, release, or termination of the case.

(c) A written form providing the information described in this section shall be prepared by the clerk of the court and shall be made available to juvenile court clerks, probation departments, welfare departments, and district attorneys.

CHAPTER 489

An act to amend Section 15853 of the Government Code, relating to state property.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 15853 of the Government Code is amended to read:

15853. (a) The board is authorized to select and acquire, in the name of and on behalf of the state, with the consent of the state agency concerned, the fee or any lesser right or interest in any real property necessary for any state purpose or function.

(b) Where moneys are appropriated by the Budget Act for any fiscal year or by any other act for the acquisition of land or other real property, either (1) subject to the provisions of the Property Acquisition Law or (2) for any state agency for whom property is acquired by the board, the moneys and acquisitions shall be subject to the provisions of this part and the moneys shall be expended in accordance with the provisions of this part, notwithstanding any other provisions of law.

(c) Notwithstanding any other provisions of law, all land and other real property to be acquired by or for any state agency, other than the Department of Transportation, the Department of Water Resources, the State Reclamation Board, the Department of Fish and Game, the Wildlife Conservation Board, the Public Employees' Retirement System, and the State Lands Commission, except for property to be acquired for the State Lands Commission pursuant to an appropriation from the General Fund, shall be acquired by the State Public Works Board in accordance with the provisions of the Property Acquisition Law.

(d) (1) Notwithstanding subdivision (a), the board shall acquire, on behalf of and for the Department of Parks and Recreation, in accordance with this part, land or other real property or interests in real property, including options to purchase, which have been appraised and selected by the Department of Parks and Recreation pursuant to subdivisions (b) and (c) of Section 5006 of the Public Resources Code. Out of moneys appropriated for the acquisition of

options to purchase, no more than ten thousand dollars ($10,000) may be expended for the acquisition of any single option unless otherwise provided by the Legislature.

(2) Notwithstanding Section 15854, purchase negotiations for the acquisition of any land or other real property for the state park system pursuant to subdivision (f) of Section 5006 of the Public Resources Code shall be initiated within six months of the effective date of the act which appropriates funds for the acquisition. Purchase negotiations on all projects not proposed pursuant to subdivision (f) of Section 5006 of the Public Resources Code shall be initiated within 12 months of the effective date of the act appropriating funds for the acquisition. Either title shall be conveyed or a written agreement to transfer title shall be executed within one year of the initiation of purchase negotiations unless the Department of Parks and Recreation formally abandons the acquisition prior to the conclusion of the one-year period. For the purposes of this section, in order for the Department of Parks and Recreation to "formally abandon" an acquisition, it shall transmit written notification to the board of its intent not to proceed with the acquisition.

(3) The board may, at any time during the periods specified in paragraph (2), commence condemnation proceedings if it finds it to be appropriate. However, if, within six months of the initiation of purchase negotiations, title is not conveyed or a written agreement to transfer title is not executed, the acquisition has not been formally abandoned, or condemnation proceedings have not been commenced, the board shall immediately notify the chairman of the committee in each house of the Legislature which considers appropriations, the chairman of the committee in each house of the Legislature which considers park and recreation policy, the Chairman of the Joint Legislative Budget Committee, and the Members of the Legislature within whose district any part of the land or other real property is located of those facts. For the purposes of this paragraph, condemnation proceedings shall be deemed "commenced" as of the date the board authorizes acquisition by condemnation.

(4) Six months from the date of the notification required by paragraph (3), the board shall notify those persons specified in paragraph (3) of the status of the acquisition project.

(5) The board may schedule special meetings as are necessary to expedite the acquisition of options to purchase land or other real property for the state park system.

(e) The board may acquire furnishings which the owner thereof agrees to sell and which are contained within improvements acquired by the board. Cost of acquisition of furnishings shall be charged to the appropriation available for acquisition of the real property.

CHAPTER 490

An act relating to parks and recreation.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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 Kern is hereby authorized to retain and convert to general governmental purposes the south 10 acres of land in Kern Desert Regional Park described in the Department of Parks and Recreation project #815-103 under the grant of state funds appropriated by Item 370(b) of the Budget Act of 1968 (Chapter 430, Statutes of 1968) when the County of Kern or the City of Ridgecrest, or both, encumber at least eight thousand dollars ($8,000) for the development of new, or the improvement of existing, park and recreation facilities at Kern Desert Regional Park or when the county or city, or both, acquire substitute parklands of comparable characteristics and substantially equal size located in an area that would allow for their use by generally the same persons who used that portion of the regional park and develop the substitute parklands with facilities substantially similar to those in that portion of the regional park.

CHAPTER 491

An act to amend Sections 3005.9 and 3202 of the Fish and Game Code, relating to cats.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 3005.9 of the Fish and Game Code is amended to read:

3005.9. (a) It is unlawful to possess or confine any live cat (family Felidae), except house cats (Felis domesticus), except as provided in this division and in Section 3202. Any cat possessed or confined in violation of this section may be seized by the department for disposal as directed by the commission.

The commission shall promulgate regulations permitting the temporary confinement of cats, other than house cats, for the purpose of required veterinary treatment or care, or for utilization in television or motion picture productions.

The following institutions, as defined, are exempt from the

provisions of this section:

(1) Zoos certified by the United States Department of Agriculture.

(2) Any university, college, governmental research agency, or other bona fide scientific institution, as determined by the department, engaging in scientific or public health research.

(b) The following organizations or individuals, as defined by the commission, in compliance with permits and standards, as specified by the commission, that safeguard the health and well-being of cats are exempt from the provisions of subdivision (a):

(1) Circuses.

(2) Other professional exhibitors qualified by the department and licensed by the United States Department of Agriculture.

(3) Dealers and breeders qualified by the department and licensed by the United States Department of Agriculture.

(4) Wildlife rehabilitation centers, as qualified by the department.

(c) Subdivision (a) of this section shall not prohibit the possession or confinement of any cat by a person who had lawful possession of the cat on January 1, 1979, pursuant to a permit issued by the department under Section 2150 or Section 3200. The annual fee for the permit shall be set by the commission in an amount calculated to help cover the costs of administration. Progeny determined to have been conceived before January 1, 1979, are exempt from subdivision (a) of Section 3005.9 but are subject to department regulations regarding their possession or confinement.

(d) Cats possessed pursuant to subdivisions (b) and (c) of this section may be sold, transferred, or disposed of to the institutions or individuals defined as exempt under this section, when the sale, transfer or disposal is pursuant to a department permit. The permit shall specify the terms and conditions of sale, transfer, or disposal. These cats shall not be sold, transferred, or disposed of to private individuals.

The commission shall promulgate regulations regarding the possession or confinement of progeny determined to have been conceived after January 1, 1979. Such cats may be sold, transferred, or disposed of to the institutions defined as exempt under this section, when the sale, transfer, or disposal is pursuant to a department permit. Such permit shall specify the terms and conditions of sale, transfer, or disposal. No such cats shall be sold, transferred, or disposed of to private individuals.

This section does not apply to the lawful taking of mammals found to be injuring crops or property, nor to the taking of mammals under depredation permits, nor to the lawful taking of such mammals as authorized by the commission.

SEC. 2. Section 3202 of the Fish and Game Code is amended to read:

3202. There are three classes of domesticated game breeder's licenses, designated "class 1," "class 2," and "class 3."

(a) A class 1 domesticated game breeder's license authorizes the

licensee to engage in all domesticated game breeding activities, except those involving mountain lions, and except that not more than one hundred seventy-five (175) Chinese ringneck or Mongolian ringneck pheasants, or both, or hybrids thereof, may be sold under a class 1 license.

(b) A class 2 domesticated game breeder's license is required in order to sell more than one hundred seventy-five (175) Chinese ringneck or Mongolian ringneck pheasants, or both, or hybrids thereof, and entitles the licensee to all the rights and privileges of a class 1 license.

(c) A class 3 domesticated game breeder's license authorizes the licensee to engage in all domesticated game breeding activities involving only mountain lions. A class 3 license applicant or licensee shall be subject to the provisions of Sections 3005.9, 3005.91, and 3005.92.

CHAPTER 492

An act to amend Section 10666 of the Fish and Game Code, relating to fish, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 10666 of the Fish and Game Code is amended to read:

10666. In the James V. Fitzgerald Marine Reserve, the following fish and mollusks may be taken under the authority of a sport fishing license as authorized by this code: abalone, rockfish (Sebastes), lingcod, surfperch (Embiotocidae), monkeyface eel, rock eel, white croaker, halibut, cabezon (Scorpaenichthys marmoratus), kelp greenling (Hexagrammos decagrammus), and smelt (Osmeridae and Antherinidae). No such fish having fins may be taken except by hook and line or by spearfishing. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

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:

Sea urchins and rock crab are presently being taken from the James V. Fitzgerald Marine Reserve *in such* a large quantity as to jeopardize the availability of those two species in the reserve. Thus it is necessary that this act take effect immediately.

CHAPTER 493

An act to amend Sections 40060, 40087, 40120, 40221, 40222, 40223, and 130108 of the Public Utilities Code, relating to transportation.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 40060 of the Public Utilities Code is amended to read.

40060. The district shall be governed by a board of directors consisting of five members, selected as follows:

(a) Two representing the county, appointed by the board of supervisors from their own membership.

(b) Two representing all of the cities in the county, each of whom shall be a mayor or city councilman, appointed by all cities within the district acting jointly.

(c) One representing the general public, who shall be a resident of Orange County and who shall not be or have been for two years previously a mayor or city councilman or a member of the board of supervisors, and who shall be appointed by a majority of the other four members of the board otherwise selected in accordance with this section. The two-year disqualification for former mayors, city councilmen, and members of the board of supervisors may be waived by the unanimous vote of the other four members of the board.

SEC. 2. Section 40087 of the Public Utilities Code is amended to read:

40087. The board shall establish rules for its proceedings and board members shall be allowed necessary traveling and personal expenses incurred in performance of duties authorized by the board and shall be entitled to per diem compensation at the rate of seventy-five dollars ($75) per day, not to exceed three hundred dollars ($300) in any calendar month, for attending board meetings and for performance of any other services for the district as authorized by the board.

SEC. 3. Section 40120 of the Public Utilities Code is amended to read:

40120. Whenever a majority of the employees employed by the

district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining as provided in Section 40122 that the labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of those employees governing wages, salaries, hours, and working conditions. In case of a dispute over wages, salaries, hours, or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, upon the request of both, the district and the labor organization may submit the dispute to the decision of the majority of an arbitration board, and the decision of the majority of the arbitration board shall be final. The arbitration board shall be composed of two representatives of the district, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

SEC. 4. Section 40221 of the Public Utilities Code is amended to read:

40221. As used in this chapter:

(a) "Establish" includes establish, construct, complete, acquire, extend, or reroute. It does not, however, include the maintenance and operation of any existing system acquired by the district.

(b) "Existing system" means any transit service or system of a publicly or privately owned public utility situated entirely within Orange County, or at least 75 percent of whose revenue vehicle miles for the preceding calendar year were operated within Orange County, and has been in operation since at least January 1, 1982.

SEC. 5. Section 40222 of the Public Utilities Code is amended to read:

40222. Notwithstanding any other provision of this part, before the district may propose to establish any transit service or system which may at any time divert, lessen, or compete for the patronage or revenues of any existing system, the district shall give a written notice to the public utility which is operating the existing system. The written notice shall describe the transit service or system which the district proposes to establish and shall state the time within which the district proposes to establish the service or system.

SEC. 6. Section 40223 of the Public Utilities Code is amended to read:

40223. The purchase price to be paid for the existing system, or any portion thereof to be purchased, shall be the reproduction cost new, including going concern value, at the date upon which the district commences negotiations for the purchase of the existing system, or the portion of the existing system, less depreciation, including wear, tear, and obsolescence, if any.

SEC. 7. Section 130108 of the Public Utilities Code is amended to read:

130108. Each member of a commission shall be compensated at a rate not exceeding seventy-five dollars ($75) for any day attending to the business of the commission, but not to exceed three hundred dollars ($300) in any month, and the necessary traveling and personal expenses incurred in the performance of his duties as authorized by the commission.

SEC. 8. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 494

An act to amend Section 338 of the Code of Civil Procedure, relating to statutes of limitation.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 338 of the Code of Civil Procedure is amended to read:

338. Within three years:

1. An action upon a liability created by statute, other than a penalty or forfeiture.

2. An action for trespass upon or injury to real property.

3. An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake. The cause of action in such case is not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.

5. An action upon a bond of a public official except any cause of action based on fraud or embezzlement is not to be deemed to have accrued until the discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action upon the bond.

6. An action against a notary public on his or her bond or in his or

her official capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action; provided, that any action based on malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action or within three years from the performance of the notarial act giving rise to the action, whichever is later; and provided further, that any action against a notary public on his or her bond or in his or her official capacity shall be commenced within six years.

7. An action for slander of title to real property.

8. An action commenced under Section 17536 of the Business and Professions Code. The cause of action in that case shall not be deemed to have accrued until the discovery by the aggrieved party, the Attorney General, the district attorney, the county counsel, the city prosecutor, or the city attorney of the facts constituting grounds for commencing such an action.

9. An action commenced under the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000), Water Code) or the provisions of California law relating to hazardous waste control (Chapter 6.5 (commencing with Section 25100) Division 20, Health and Safety Code). The cause of action in that case shall not be deemed to have accrued until the discovery by the State Department of Health Services, the State Water Resources Control Board, or a regional water quality control board of the facts constituting grounds for commencing actions under their jurisdiction.

SEC. 2. Section 338 of the Code of Civil Procedure is amended to read:

338. Within three years:

1. An action upon a liability created by statute, other than a penalty or forfeiture.

2. An action for trespass upon or injury to real property.

3. An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake. The cause of action in that case is not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.

5. An action upon a bond of a public official except any cause of action based on fraud or embezzlement is not to be deemed to have accrued until the discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action upon the bond.

6. An action against a notary public on his or her bond or in his or her official capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action; provided, that any action based on

malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his or her agent, of the facts constituting the cause of action or within three years from the performance of the notarial act giving rise to the action, whichever is later; and provided further, that any action against a notary public on his or her bond or in his or her official capacity shall be commenced within six years.

7. An action for slander of title to real property.

8. An action commenced under Section 17536 of the Business and Professions Code. The cause of action in that case shall not be deemed to have accrued until the discovery by the aggrieved party, the Attorney General, the district attorney, the county counsel, the city prosecutor, or the city attorney of the facts constituting grounds for commencing such an action.

9. An action commenced under the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) or the provisions of California law relating to hazardous waste control (Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code). The cause of action in that case shall not be deemed to have accrued until the discovery by the State Department of Health Services, the State Water Resources Control Board, or a regional water quality control board of the facts constituting grounds for commencing actions under their jurisdiction.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill 802 are both chaptered and become effective on or before January 1, 1982, both bills amend Section 338 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill 802, that Section 338 of the Code of Civil Procedure, as amended by Section 1 of Senate Bill 802, be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 338 proposed by this bill. Therefore, if this bill and Senate Bill 802 are both chaptered and become effective on or before January 1, 1982, and Senate Bill 802 is chaptered before this bill and amends Section 338, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

CHAPTER 495

An act to amend Section 6546 of the Government Code, and to add Section 5096.145 to the Public Resources Code, relating to fairs.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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, including movable equipment, entertainment facilities, and other facilities to be used in conjunction with holding a fair or exposition in several locations.

(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 5096.145 is added to the Public Resources Code, to read:

5096.145. (a) "District," as defined by subdivision (b) of Section 5096.144, includes a district agricultural association or a citrus fruit fair which is authorized to provide park, recreation, or open-space services, or a combination of those services, of a character commonly provided by a recreation and park district, and which provides those services for the general public on a year-round basis.

(b) Park, recreation, or open-space services, or a combination of those services, of a character commonly provided by a county parks and recreation department, that are provided by a county fair for the general public on a year-round basis are eligible for a local assistance grant pursuant to subdivision (a) of Section 5096.151 as a county project.

(c) The Legislature hereby finds and declares the provisions in this section are declaratory of and in accord with existing law.

CHAPTER 496

An act to amend Section 53690 of, and to repeal and add Section 53691 of, the Government Code, relating to securities of local agencies.

[Approved by Governor September 15, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 53690 of the Government Code is amended to read:

53690. For the purposes of this article:

(a) "Local agency" means a county, city, city and county, redevelopment agency, public district, joint powers authority, or public nonprofit corporation.

(b) "Securities" means any bonds, notes, warrants, or other evidences of indebtedness and the interest coupons, if any, attached thereto, issued or proposed to be issued to finance or refinance a public project.

(c) "Issuer" means a local agency which issues securities.

(d) "Broker" has the same meaning as "broker-dealer" as defined in Section 25004 of the Corporations Code.

(e) "Dealer" has the same meaning as "broker-dealer" as defined in Section 25004 of the Corporations Code.

(f) "Municipal securities dealer" means any person, including a separately identifiable department or division of a bank, trust company, or savings and loan association engaged in the business of buying and selling municipal securities for his or her own account, through a broker or otherwise, but does not include any of the following:

(1) Any person insofar as he or she buys or sells those securities for his or her own account, either individually or in some fiduciary capacity, but not as a part of a regular business.

(2) A bank, trust company, or savings and loan association, unless the bank, trust company, or savings and loan association is engaged in the business of buying and selling municipal securities for its own account other than in a fiduciary capacity, through a broker or otherwise, unless the bank, trust company or savings and loan association is engaged in that business through a separately identifiable department or division, in which case the department or division, and not the bank, trust company, or savings and loan association, is the municipal securities dealer.

SEC. 2. Section 53691 of the Government Code is repealed.

SEC. 3. Section 53691 is added to the Government Code, to read:

53691. (a) A financial advisory relationship shall be deemed to exist when a broker, dealer, or municipal securities dealer renders, or enters into an agreement to render, financial advisory or

consultant services to, or on behalf of, an issuer, with respect to a new issue or issues of municipal securities, including advice with respect to the structure, timing, and terms of an issue or issues, for a fee or other compensation, or in expectation of compensation for the rendering of the services. Notwithstanding the foregoing, a financial advisory relationship shall not be deemed to exist when, in the course of acting as an underwriter, a municipal securities dealer renders advice to an issuer, including advice with respect to the structure, timing, and terms of a new issue of municipal securities.

(b) Each financial advisory relationship shall be evidenced by a writing executed prior to, upon, or promptly after, the inception of the financial advisory relationship (or promptly after the creation or selection of the issuer if the issuer does not exist or has not been determined at the time the relationship commences). The writing shall set forth the basis of compensation for the financial advisory services to be rendered, including provisions relating to the deposit of funds or the utilization of fiduciary or agency services offered by the broker, dealer, or municipal securities dealer, or by a person controlling, controlled by, or under common control with the broker, dealer, or municipal securities dealer in connection with the rendering of the financial advisory services.

(c) No broker, dealer, or municipal securities dealer that has a financial advisory relationship with respect to a new issue of municipal securities shall acquire, as principal, either alone or as a participant in a syndicate or other similar account formed for the purpose of purchasing, directly or indirectly, from the issuer all or any portion of the issue, nor arrange for the acquisition or participation by a person controlling, controlled by, or under common control with the broker, dealer, or municipal securities dealer, unless one of the following applies:

(1) If the issue is to be sold by the issuer on a negotiated basis, all of the following conditions have occurred:

(A) The financial advisory relationship with respect to the issue has been terminated in writing and, at or after the termination, the issuer has expressly consented in writing to the acquisition or participation in the purchase of the securities on a negotiated basis.

(B) The broker, dealer, or municipal securities dealer has expressly disclosed in writing to the issuer, at or before the termination, that there may be a conflict of interest in changing from the capacity of financial adviser to purchaser of the securities with respect to which the financial advisory relationship exists, and the issuer has expressly acknowledged in writing to the broker, dealer, or municipal securities dealer receipt of that disclosure.

(C) The broker, dealer, or municipal securities dealer has expressly disclosed in writing to the issuer, at or before the termination, the source and anticipated amount of all remuneration to the broker, dealer, or municipal securities dealer with respect to the issue in addition to the compensation referred to in subdivision (b), and the issuer has expressly acknowledged in writing to the

broker, dealer, or municipal securities dealer receipt of that disclosure.

(2) If the issue is to be sold by the issuer at competitive bid, the issuer has expressly consented in writing prior to the bid to that acquisition or participation

The limitations and requirements set forth in this subdivision shall also apply to any broker, dealer, or municipal securities dealer controlling, controlled by, or under common control with the broker, dealer, or municipal securities dealer having a financial advisory relationship. The use of the term "indirectly" in this subdivision shall not preclude a broker, dealer, or municipal securities dealer who has a financial advisory relationship with respect to a new issue of municipal securities from purchasing those securities from an underwriter, either for its own trading account or for the account of customers, except to the extent that the purchase is made to contravene the purpose and intent of this section. Each broker, dealer, and municipal securities dealer subject to the provisions of this subdivision shall maintain a copy of the written disclosures, acknowledgments, and consents required by this section in a separate file.

(d) If a broker, dealer, or municipal securities dealer acquires all or a portion of a new issue of municipal securities or participates in a syndicate or other account that acquires those securities in accordance with subdivision (c), the broker, dealer, or municipal securities dealer shall disclose the existence of the financial advisory relationship in writing to each customer who purchases those securities from that broker, dealer, or municipal securities dealer, at or before the completion of the transaction with the customer.

CHAPTER 497

An act relating to wildlife, and making an appropriation therefor.

[Approved by Governor September 15, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Notwithstanding subdivision (d) of Section 21191 of the Public Resources Code, there is hereby appropriated the sum of five hundred thousand dollars ($500,000) from the California Environmental License Plate Fund to the Department of Fish and Game for expenditure during the 1981–82, 1982–83, and 1983–84 fiscal years, for the purpose of dredging in, and repair of facilities at, the Buena Vista Lagoon Ecological Reserve in San Diego County in order to restore and preserve the wetland habitat for wildlife of that area.

Any emergency relief assistance received by the state pursuant to

the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.) shall be deposited as a reimbursement to the California Environmental License Plate Fund.

CHAPTER 498

An act to amend Sections 10556 and 10958 of the Welfare and Institutions Code, relating to hearing referees.

[Became law without Governor's signature Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 10556 of the Welfare and Institutions Code is amended to read:

10556. The administrative adviser and the chief referee of the department shall be attorneys, and shall otherwise meet such qualifications as may be prescribed by the State Personnel Board. The director shall appoint the chief referee. The office of the chief referee shall not be made a part of any other division, office, or subdivision of the department. The chief referee shall be directly responsible to the director.

SEC. 2. Section 10958 of the Welfare and Institutions Code is amended to read:

10958. If the hearing is conducted by a referee, he shall prepare a fair, impartial, and independent proposed decision, in writing and in such form that it may be adopted as the decision in the case, and, after approval of the decision by the chief referee of the department, shall file a copy of the proposed decision, within 75 days after the conclusion of the hearing, with the director.

CHAPTER 499

An act to amend Sections 69948, 70047.5, 70127, 74701.5, 74705, 74707, 74708, and 74711 of, and to add Section 74702 to, the Government Code, relating to courts.

[Became law without Governor's signature Filed with Secretary of State September 16, 1981]

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

SECTION 1. 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 Napa County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(k) In Tehama County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(*l*) In Monterey County, the fee for reporting testimony and proceedings in contested cases in any court is seventy-five dollars ($75) a day or any fractional part thereof.

(m) In Nevada County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(n) 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.

(o) In Placer County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(p) 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.

(q) In Trinity County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

(r) In Humboldt County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) per day, or any fractional part thereof.

(s) In Del Norte County, the fee for reporting testimony and proceedings in contested cases is seventy-five dollars ($75) per day, or any fractional part thereof.

SEC. 2. Section 70047.5 of the Government Code is amended to read:

70047.5. In Sonoma County, for the 1980–81 fiscal year each regular official reporter shall be paid an annual salary of twenty-five thousand five hundred eighty-four dollars ($25,584), which salary shall include payment for his services in reporting proceedings by the grand jury, the coroner and the district attorney. In order that the salary provided for in this section shall remain equitable and competitive, the salary herein provided for shall be adjusted and increased by the same salary adjustment percentage enacted by the county by ordinance for the position entitled legal stenographer.

Reporters pro tempore shall be paid seventy-five dollars ($75) per day 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.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees in the clerical nonsupervisory representation unit of the county.

In such county the fee required by Section 70053 shall be twenty dollars ($20).

SEC. 3. Section 70127 of the Government Code is amended to read:

70127. Each regular official reporter shall be paid an annual salary of twenty thousand nine hundred eighty-three dollars and ninety-two cents ($20,983.92). Adjustments in salary shall be made annually by the board of supervisors by an amount which is equivalent to the increase or decrease in the salary of related classes in the classified service of the county, and each pro tempore official reporter shall be paid per day the amounts prescribed in Article 9 (commencing with Section 69941) of Chapter 5 of Title 8 for the days he is actually on duty under the order of the court.

In addition to the compensation provided in this article, the board of supervisors of Humboldt County may provide by ordinance that each regular court reporter of the superior court shall be entitled to, and shall receive, the same vacation, sick leave and similar privileges and benefits as are now, or may be hereafter, provided to employees in Humboldt County classifications serving in the superior court, including the right to participate in any group life, health, dental, or other benefit program adopted by the board of supervisors.

SEC. 4. Section 74701.5 of the Government Code is amended to read:

74701.5. The judges of the Sonoma County Municipal Court may, by majority vote, 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 Section 259 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 78 percent of the annual salary of a judge of a municipal court. The commissioner shall be a member of the Sonoma County Retirement System and shall receive vacation, sick leave, and fringe benefits identical to those provided members of the Sonoma County Employees' Professional-Technical Representation Unit.

SEC. 5. Section 74702 is added to the Government Code, to read:

74702. There shall be one court administrative officer, who shall be appointed by, and serve at the pleasure of, the judges of the municipal court. In addition to any duties imposed on this position by law, the court administrative officer shall perform such duties as may be assigned by the presiding judge of the municipal court.

The court administrative officer shall serve as the jury commissioner for the municipal court. At the concurrence of the judges of the superior court, the court administrative officer shall also serve as jury commissioner for the superior court. There shall be no additional compensation for the performance of the duties of jury commissioner.

The salary of the court administrative officer shall be established by the Sonoma County Board of Supervisors after considering the recommendation of the judges of the municipal court. The court administrative officer shall receive the same privileges with respect to sick leave, vacations, and fringe benefits as provided equivalent department heads employed by the county.

SEC. 6. Section 74705 of the Government Code is amended to read:

74705. Certain classes of employment in the municipal courts are deemed to be equivalent in job responsibility and salary level to certain classes in the service of the County of Sonoma, or in some instances, to such classes plus or minus a specified percentage rate. Whenever the salary of those classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted to a like extent plus or minus the percentage rate specified in this section, if applicable. Such adjustment shall become effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustment shall remain effective only until January 1 of the second year following the calendar year in which such adjustment is made.

Municipal court classification	County classification
Court administrative officer .	Court administrator-jury commissioner
Clerk	Assistant county clerk, plus 2.5%

Municipal court reporter	Superior court reporter
Administrative assistant	Administrative assistant
Municipal court services supervisor	Court services supervisor plus 5.0%
Accountant I	Accountant I
Municipal court secretary	Superior court secretary
Municipal court clerk IV	Supervising clerk II
Deputy jury commissioner	Deputy jury commissioner
Account clerk III	Account clerk III
Municipal courtroom clerk	Superior court clerk
Municipal court clerk III	Supervising clerk I
Accountant clerk II	Account clerk II
Municipal court clerk II	Clerk typist III
Municipal court clerk I	Clerk typist II

SEC. 7. Section 74707 of the Government Code is amended to read:

74707. Section 70047.5 shall govern the salary, retirement, vacation, sick leave, and other benefits applicable to official reporters of the municipal court, appointed pursuant to Section 72194, in addition to providing for the daily reimbursement rate and other expenses of reporters pro tempore.

SEC. 8. Section 74708 of the Government Code is amended to read:

74708. In the municipal court in the district which coincides with all the territory in the County of Sonoma, there shall be the following personnel:

(a) There shall be five judges who may together appoint:
(1) One court administrative officer
(2) One clerk.
(3) One court reporter.
(4) Two municipal court secretaries.
(b) The court administrative officer may appoint:
(1) One administrative assistant.
(2) One municipal court services supervisor.
(3) One accountant I.
(4) Eleven municipal court clerks IV.
(5) One deputy jury commissioner.
(6) One account clerk III.
(7) Seventeen municipal court clerks III.
(8) One account clerk II.
(9) Seventeen municipal court clerks II/I alternate.

SEC. 9. Section 74711 of the Government Code is amended to read:

74711. All officers and employees of the municipal court shall be entitled to the privileges afforded their equivalent county class by

the Sonoma County Salary Ordinance or the applicable memorandum of understanding with respect to sick leave, vacations, and other benefits. The municipal court officers and employees may be appointed, promoted, demoted, reclassified, terminated or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is provided by the salary ordinance or the applicable memorandum of understanding in effect at the time of any such adjustment in status.

SEC. 10. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 500

An act to add and repeal Section 84207 of the Education Code, relating to community colleges.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 84207 is added to the Education Code, to read:

84207. (a) On or before November 15 of each year, the county auditor of each county shall furnish to the office of the Chancellor of the California Community Colleges the calculated amount of secured tax receipts, the calculated amount of unsecured tax receipts, estimated prior year tax receipts, and estimated timber tax receipts of each district or portion of district situated within his or her county. On or before August 15, after the close of each fiscal year, the county auditor of each county shall furnish to the office of the Chancellor of the California Community Colleges actual secured tax receipts, actual unsecured tax receipts, actual prior year tax receipts, actual timber tax receipts, and any other appropriate taxes or subventions of each district or portion of district situated within his or her county. This information shall be forwarded on forms prescribed by the Chancellor of Community Colleges.

(b) This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 2. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 501

An act to amend Section 15451 of the Financial Code, relating to credit unions.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 15451 of the Financial Code is amended to read:

15451. (a) A central credit union may, with the approval of the commissioner and under such regulations as he shall prescribe, admit to membership groups of employees of a common employer whose place of employment is located within 25 miles of the principal office of the central credit union, or is located within the boundaries of a greater or lesser geographic area prescribed by the commissioner, upon application made by the employer and approval of the board of directors of the central credit union.

(b) In the event the employee group qualifies under the provisions of Section 14154, these employees may organize a separate credit union. The central credit union may, upon a plan approved by the commissioner, transfer the member accounts of these employees to any credit union formed by them.

CHAPTER 502

An act to amend Sections 6755 and 8741 of, and to repeal Sections 8740.1 and 8740.2 of, the Business and Professions Code, relating to professional engineers and land surveyors.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 6755 of the Business and Professions Code is amended to read:

6755. (a) Examination duration and composition shall be designed to conform to the following general principle: The first division of the examination shall test the applicant's knowledge of

appropriate fundamental engineering subjects, including mathematics and the basic sciences; the second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in the professional practice of the branch of engineering in which the applicant is being examined.

(b) The applicant for the second division of the examination shall have successfully passed the first division examination or shall be exempt therefrom.

(c) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of Section 6751.

(d) The board may by rule provide for a waiver of the second division of the examination and the assignment to a special examination for those applicants whose educational qualifications are equal to, and whose experience qualifications substantially exceed, those qualifications established under subdivision (c). The special examination may be either written or oral, or a combination of both.

SEC. 2. Section 8740.1 of the Business and Professions Code is repealed.

SEC. 3. Section 8740.2 of the Business and Professions Code is repealed.

SEC. 4. Section 8741 of the Business and Professions Code is amended to read:

8741. (a) The first division of the examination shall test the applicant's knowledge of fundamental surveying, mathematics, and basic science. The board may prescribe by regulation reasonable educational or experience requirements but not to exceed two years of postsecondary education in land surveying or two years of experience in land surveying for admission to the first division of the examination. Applicants who have passed the engineer-in-training examination, or who hold professional engineer registration, are exempt from this division of the examination.

The second division of the examination shall test the applicant's ability to apply his or her knowledge and experience and to assume responsible charge in professional practice of land surveying.

(b) The applicant for the second division examination shall have successfully passed the first division examination, or shall be exempt therefrom, and he or she shall be thoroughly familiar with the procedure and rules governing the survey of public lands as set forth in "Manual of Surveying Instructions," published by the Bureau of Land Management, Department of the Interior, Washington, D.C.

(c) The board may by rule provide for a waiver of the first division of the examination for applicants whose education and experience qualifications substantially exceed the requirements of Section 8742.

(d) The board may by rule provide for a waiver of the second division of the examination and the assignment to a special examination for those applicants whose educational qualifications

are equal to, and whose experience qualifications substantially exceed, those qualifications established under subdivision (c). The special examination may be either written or oral, or a combination of both.

CHAPTER 503

An act to amend Section 44248 of the Education Code, relating to school employees.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 44248 of the Education Code is amended to read:

44248. (a) Any member of the commission, commission staff member, member or staff member of the Committee of Credentials, State Department of Education employee who releases or gives out information received at a commission or committee meeting or hearing or through the investigation of a certified employee without authorization of the commission or committee, is guilty of a misdemeanor.

(b) Any material witness or his or her representative who releases or gives out information received at a commission or committee meeting or hearing, or who releases or gives out information obtained as a result of direct involvement in the investigation of a certified employee, without authorization of the commission or committee, is guilty of a misdemeanor unless this information was known to the material witness or his or her representative prior to that meeting, hearing, or investigation.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 504

An act to amend Sections 10405 and 21743 of the Food and Agricultural Code, relating to cattle.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 10405 of the Food and Agricultural Code is amended to read:

10405. Except as otherwise provided in this article, if an animal in a brucellosis control area is slaughtered pursuant to this article, or under regulations of the director which are made pursuant to this article, the owner shall receive all of the following:

(a) The proceeds of the sale of the salvage of the animal.

(b) From the state, one-half of the difference between the appraised value and the sum of the proceeds of the sale of the salvage and indemnity provided by the United States, but in no instance to exceed three hundred dollars ($300) for any animal.

(c) From the United States, any sum which is authorized to be paid to him from any appropriation made by the United States to assist in the eradication of brucellosis.

SEC. 2. Section 21743 of the Food and Agricultural Code is amended to read:

21743. Any person that is engaged in the business of selling cattle on consignment at any public stockyard, public salesyard, or public cattle sales market shall prepare a certificate of consignment on or before the day of a sale which contains all of the following:

(a) The name and address of the owner.

(b) The name and address of the consignee.

(c) A description of each animal which shall indicate the sex, the breed and, in the case of branded animals, the brand and brand location.

(d) Signature of the owner or his agent.

The certificate of consignment shall be kept by the seller for a period of one year after the date of sale. Any such certificate shall be exhibited on the demand of any peace officer or any agent of the department.

CHAPTER 505

An act to add Section 798.28 to the Civil Code, relating to mobilehomes.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 798.28 is added to the Civil Code, to read:

798.28. The management of a mobilehome park shall disclose, in writing, the name of the mobilehome park owner upon the request of a tenant.

CHAPTER 506

An act to amend Section 70071 of, and to repeal and add Chapter 4 (commencing with Section 70120) of Part 1 of Division 19 of, the Water Code, relating to levee districts.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 70071 of the Water Code is amended to read:

70071. The three directors elected at the election held pursuant to the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 14 of the Elections Code), or appointed pursuant to Section 23520 of the Elections Code, shall take office at 12 o'clock noon on the first Monday after the January 1st succeeding their election. Directors shall hold office until their successors are elected and qualified.

SEC. 2. Chapter 4 (commencing with Section 70120) of Part 1 of Division 19 of the Water Code is repealed.

SEC. 3. Chapter 4 (commencing with Section 70120) is added to Part 1 of Division 19 of the Water Code, to read:

CHAPTER 4. ELECTIONS

70120. Except as otherwise provided in this part, districts governed under this part are subject to the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 14 of the Elections Code).

70121. In order to vote at any district election, including the formation election, a person must be a qualified elector of the district. A "qualified elector of the district" is one who meets all of the following qualifications:

(a) He shall be a registered voter.

(b) He shall reside in the district.

(c) His name shall appear on the last equalized assessment roll of the county.

(d) He shall own property assessed within the boundaries of the district.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 507

An act to amend Sections 39391, 39395, 39396 and 39403 of, and to add Section 39397.5 to, the Education Code, relating to schools.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 39391 of the Education Code is amended to read:

39391. This article shall apply to any school site owned by a school district, which the governing board determines to sell or lease, and with respect to which the following conditions exist:

(a) Either the whole or a portion of the school site consists of land which is used for school playground, playing field, or other outdoor recreational purposes and open-space land particularly suited for recreational purposes.

(b) The land described in subdivision (a) has been used for one or more of the purposes specified therein for at least eight years immediately preceding the date of the governing board's determination to sell or lease the school site.

(c) No other available publicly owned land in the vicinity of the school site is adequate to meet the existing and foreseeable needs of the community for playground, playing field, or other outdoor recreational and open-space purposes, as determined by the governing body of the public agency which proposes to purchase or lease land from the school district, pursuant to Section 39397.

SEC. 2. Section 39395 of the Education Code is amended to read:

39395. In determining what portion of a school site shall be offered for sale or lease pursuant to this article, the governing board may retain any part of the school site containing structures or buildings, together with such land adjacent thereto which, as determined by the governing board, must be included in order to avoid reducing the value of that part of the school site containing such structures or buildings to less than 50 percent of fair market value.

SEC. 3. Section 39396 of the Education Code is amended to read:

39396. (a) Except as otherwise provided in subdivision (b) or (e), the price at which land described in Section 39391, excluding that portion of a school site retained by the governing board pursuant to Section 39395, is sold pursuant to this article shall not exceed the school district's cost of acquisition, calculated as a pro rata cost of acquiring the entire parcel comprising the school site, adjusted by a factor equivalent to the percentage increase or decrease in the cost of living from the date of purchase to the year in which the offer of sale is made, plus the cost of any improvement to the recreational and open-space portion of the land which the school district has made since its acquisition of the land. In no event shall the price be less than 25 percent of the fair market value of the land described in Section 39391 or less than the amount necessary to retire the share of local bonded indebtedness plus the amount of the original cost of the approved state aid applications on the property, excluding that portion of a school site retained by the governing board pursuant to Section 39394, at the time of the offer.

These provisions shall apply to land that the school district acquired by gift or for consideration.

(b) A school district that offers a portion of a school site for sale may offer such portion of property for sale at its fair market value, provided the school district offers an equivalent size alternative portion of that school site for school playground, playing field, or other recreational and open-space purposes.

(c) Land which is leased pursuant to this article shall be leased at an annual rate of not more than 1/20th of the maximum sales price determined pursuant to subdivision (a) of this section, adjusted annually by a factor equivalent to the percentage increase or decrease in the cost of living for the immediately preceding year.

(d) The percentage of annual increase or decrease in the cost of living shall be the amount shown for January 1st of the appropriate year by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the school site is located.

(e) Whenever a school district closes a school site and sells any land described in Section 39391 pursuant to this article to help pay only for capital outlay costs incurred directly as a result of the transfer of pupils from the closed school to another school or other schools of the district, the sale price of the property determined pursuant to subdivision (a) shall be increased by an amount equal to the additional costs incurred due to the school closure.

SEC. 4. Section 39397.5 is added to the Education Code, to read:

39397.5. (a) No public agency may purchase surplus school property from a school district pursuant to this article unless it has first adopted a plan for the purchase of surplus school property. The plan shall designate the surplus site or sites all or a portion of which the public agency desires to purchase at the price established pursuant to this article and shall designate at least 70 percent of the total surplus school acreage as property which the agency does not desire to purchase at the price established pursuant to this article.

Where the plan indicates that the agency desires to purchase only a portion of a school site at the price established pursuant to this article, it shall designate the percent of the property to be so purchased and provide a description of the general location of the property to be purchased, without designating the metes and bounds.

(b) Any property designated by public agencies as surplus school sites which the agencies do not wish to purchase, pursuant to subdivision (a), may be sold or leased by a school district without regard to the provisions of this article.

(c) This section shall become operative on April 1, 1982.

SEC. 5. Section 39403 of the Education Code is amended to read:

39403. (a) No more than 30 percent of the total surplus school acreage owned by a school district may be purchased or leased by public agencies pursuant to this article.

(b) The right of any public agency to purchase or lease surplus school property pursuant to this article shall exist only with respect to an amount of surplus school acreage within its jurisdictional boundaries which, when added to the surplus school acreage within its jurisdictional boundaries already purchased or leased pursuant to this article, will not exceed 30 percent of the surplus school acreage owned by the school district which is within the jurisdictional boundaries of that agency.

(c) For purposes of this section, "surplus school acreage" of a school district means property which is owned by a district and not used for school purposes, including, but not limited to, undeveloped property and property which contains school buildings that are not in use as a result of a school closure.

(d) Nothing in this section shall be construed to deny local agencies the opportunity to purchase at full market value all or part of the 70 percent of the total surplus school acreage which is not affected by this article.

CHAPTER 508

An act to add Section 62707.6 to the Food and Agricultural Code, relating to milk.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 62707.6 is added to the Food and Agricultural Code, to read:

62707.6. In addition to the quota provided for under paragraph (3) of subdivision (b) of Section 62707.1, any quota returned to the director after April 30, 1981, shall be utilized for new producer

allocations under subdivision (f) of Section 62707, according to the provisions in the then applicable pooling plan.

CHAPTER 509

An act to amend and repeal Section 12002.5 of the Fish and Game Code, relating to fishing.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 12002.5 of the Fish and Game Code is amended to read:

12002.5. Notwithstanding Sections 12000, 12001, and 12002, a certificate of boat registration may be revoked or suspended by the commission, when requested by the department, for a period not to exceed one year, upon conviction of the registrant, his agent, servant, employee, or person acting under his direction or control, for a violation of Section 7121 or the regulations adopted pursuant thereto, if the violation in question involved a vessel licensed pursuant to Section 7920.

Notwithstanding Sections 12000, 12001, and 12002, a certificate of boat registration of a vessel licensed pursuant to Section 7920 may be revoked or suspended by the commission, when requested by the department, for a period not to exceed one year, upon conviction of any other person for a violation of Section 7121, if the fish or amphibia involved in the violation were taken from the vessel and that person committed a prior violation of Section 7121 within three years on the vessel.

However, the certificate shall not be revoked for a violation which is unrelated to the vessel for which the certificate of registration is to be revoked. Any violation committed without the knowledge of the master, or an agent or employee of the registrant, is unrelated to the vessel.

This section shall remain in effect only until January 1, 1985, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends such date.

CHAPTER 510

An act to amend Section 2895 of the Business and Professions Code, relating to licensed vocational nurses, and making an appropriation therefor.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 2895 of the Business and Professions Code is amended to read:

2895. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application shall be fixed by the board, with the approval of the director, at not more than fifty dollars ($50).

(b) The fee for any examination after the first is thirty-five dollars ($35).

(c) The renewal fee shall be fixed by the board with the approval of the director at not more than fifty dollars ($50).

(d) Notwithstanding Section 163.5, the delinquency fee for failure to pay the renewal fee within the prescribed time shall be fixed by the board at not more than 50 percent of the regular renewal fee but not more than twenty-five dollars ($25).

(e) The initial license fee is an amount equal to the renewal fee in effect on the date the application for the license is filed.

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 511

An act to amend Section 2356 of, to add Section 2357 to, to add Article 3 (commencing with Section 2400) and Article 4 (commencing with Section 2410) to Chapter 2 of Title 9 of Part 4 of Division 3 of, and to repeal Section 2307.1 of, the Civil Code, relating to agency.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 2307.1 of the Civil Code is repealed.

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 any of the following:

(1) Its revocation by the principal.

(2) The death of the principal.

(3) The incapacity of the principal to contract.

(b) Notwithstanding subdivision (a), 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 or her heirs, devisees, legatees, and other successors in interest.

(c) Nothing in this section shall affect the provisions of Section 1216.

(d) With respect to a power of attorney, the provisions of this section are subject to the provisions of Article 3 (commencing with Section 2400) of Chapter 2.

(e) With respect to a proxy given by a person to another person relating to the exercise of voting rights, to the extent the provisions of this section conflict with or contravene any other provisions of the statutes of California pertaining to the proxy, the latter provisions shall prevail.

SEC. 3. Section 2357 is added to the Civil Code, to read:

2357. For the purposes of subdivision (b) of Section 2356 and Sections 2403 and 2404, in the case of a principal who is an absentee as defined in Section 1403 of the Probate Code, a person shall be deemed to be without actual knowledge of:

(a) The principal's death or incapacity while the absentee continues in missing status and until the person receives notice of the determination of the death of the absentee by the secretary concerned or the head of the department or agency concerned or the delegate of the secretary or head.

(b) Revocation by the principal during the period described in subdivision (a).

SEC. 4. Article 3 (commencing with Section 2400) is added to Chapter 2 of Title 9 of Part 4 of Division 3 of the Civil Code, to read:

Article 3. Uniform Durable Power of Attorney Act

2400. (a) A durable power of attorney is a power of attorney by which a principal designates another his or her attorney in fact in writing and the writing contains the words "This power of attorney shall not be affected by subsequent incapacity of the principal," or "This power of attorney shall become effective upon the incapacity of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent incapacity. For the purposes of this article, a durable power of attorney does not include a proxy given by a person to another person with respect to the exercise of voting rights that is governed by any other statute of California.

(b) A printed form of a durable power of attorney sold in this state for use by a person who does not have the advice of legal counsel shall include the following notice in 10-point bold face type:

WARNING TO PERSON EXECUTING THIS DOCUMENT

This is an important legal document. It creates a durable power of attorney. Before executing this document, you should know these

important facts:

1. This document may provide the person you designate as your attorney in fact with broad powers to dispose, sell, convey, and encumber your real and personal property.

2. These powers will exist for an indefinite period of time unless you limit their duration in this document. These powers will continue to exist notwithstanding your subsequent disability or incapacity.

3. You have the right to revoke or terminate this durable power of attorney at any time.

(c) Nothing in subdivision (b) invalidates any transaction in which a third person relied in good faith upon the authority created by the durable power of attorney.

2401. All acts done by an attorney in fact pursuant to a durable power of attorney during any period of incapacity of the principal have the same effect and inure to the benefit of and bind the principal and his or her successors in interest as if the principal were competent.

2402. (a) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a conservator of the estate, guardian of the estate, or other fiduciary charged with the management of all of the principal's property or all of his or her property except specified exclusions, the attorney in fact is accountable to the fiduciary as well as to the principal. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if he or she were not incapacitated; but, if a conservator is appointed by a court of this state, the conservator can revoke or amend the power of attorney only if the court in which the conservatorship proceeding is pending has first made an order authorizing or requiring the fiduciary to revoke or amend the durable power of attorney and the revocation or amendment is in accord with the order.

(b) A principal may nominate, by a durable power of attorney, a conservator of the person or estate or both, or a guardian of the person or estate or both, for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. If the protective proceedings are conservatorship proceedings in this state, the nomination shall have the effect provided in Section 1810 of the Probate Code, and the court shall give effect to the most recent writing executed in accordance with Section 1810 of the Probate Code, whether or not such writing is a durable power of attorney.

2403. (a) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney in fact or other person who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds successors in interest of the principal.

(b) The incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke or terminate the agency as to the attorney in fact or other person who, without actual knowledge of the incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his or her successors in interest.

2404. As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney in fact under a power of attorney, durable or otherwise, stating that he or she did not have at the time of the exercise of the power actual knowledge of the termination of the power by revocation or of the principal's death or incapacity is conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit when authenticated for record is likewise recordable. This section does not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity.

2405. This article shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this article among states enacting it.

2406. This article may be cited as the Uniform Durable Power of Attorney Act.

2407. If any provision of this article or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

SEC. 4.5. Article 4 (commencing with Section 2410) is added to Chapter 2 of Title 9 of Part 4 of Division 3 of the Civil Code, to read:

Article 4. Court Enforcement of Duties of Attorney in Fact

2410. As used in this article:

(a) "Attorney in fact" means an attorney in fact designated in a power of attorney.

(b) "Power of attorney" means a written power of attorney, durable or otherwise, which designates for a natural person an attorney in fact who was a resident of this state at the time the power of attorney was created or is a resident of this state at the time the petition is filed under this article. For the purposes of this article, a power of attorney does not include a proxy given by a person to another person with respect to the exercise of voting rights that is governed by any other statute of California.

(c) "Principal" means the natural person who has designated another as his or her attorney in fact in a power of attorney.

2411. A petition may be filed under this article by any of the following:

(a) The attorney in fact.
(b) The principal.
(c) The spouse or any child of the principal.
(d) The conservator of the person or estate of the principal.
(e) Any person who would take property of the principal under the laws of intestate succession if the principal died at the time the petition is filed, whether or not the principal has a will.
(f) The court investigator, referred to in Section 1454 of the Probate Code, of the county where the power of attorney was executed or where the principal resides.
(g) The public guardian of the county where the power of attorney was executed or where the principal resides.

2412. A petition may be filed under this article for any one or more of the following purposes:
(a) Determining whether the power of attorney is still effective or has terminated.
(b) Passing on the acts or proposed acts of the attorney in fact.
(c) Compelling the attorney in fact to submit his or her accounts or report his or her acts as attorney in fact to the principal, the spouse of the principal, the conservator of the person or the estate of the principal, or to such other person as the court in its discretion may require, if the attorney in fact has failed to submit an accounting and report within 60 days after written request from the person filing the petition.
(d) Declaring that the power of attorney is terminated upon a determination by the court of all of the following:
(1) The attorney in fact has violated or is unfit to perform the fiduciary duties under the power of attorney.
(2) At the time of the determination by the court, the principal lacks the capacity to give or to revoke a power of attorney.
(3) The termination of the power of attorney is in the best interests of the principal or the principal's estate.

2413. The court may make all orders and decrees and take all other action necessary or proper to dispose of the matters presented by the petition.

2414. Proceedings under this article shall be commenced in the superior court of the county in which the attorney in fact is resident or, if the attorney in fact is not resident in this state, in any county of this state.

2415. Each proceeding under this article shall be commenced by filing a verified petition in the superior court which shall state facts showing that the petition is authorized by this article and, if known to the petitioner, the terms of the power of attorney.

2416. The court may dismiss a petition when it appears that the proceeding is not necessary for the protection of the interests of the principal or the principal's estate.

2417. (a) Upon the filing of a petition under this article, the clerk shall set the petition for hearing.
(b) At least 30 days before the time set for hearing, the petitioner

shall serve notice of time and place of the hearing, together with a copy of the petition, on all of the following:

(1) The attorney in fact if not the petitioner.

(2) The principal if not the petitioner.

(3) Any other persons the court in its discretion requires.

(c) Service shall be made by mailing to the last known address of the person required to be served unless the court in its discretion requires that notice be served in some other manner. Personal delivery is the equivalent of mailing.

(d) Proof of compliance with subdivisions (b) and (c) shall be made at or before the hearing. If it appears to the satisfaction of the court that the notice has been given as required, the court shall so find in its order, and the order, when it becomes final, is conclusive on all persons.

(e) Proceedings under this article shall be governed, whenever possible, by the provisions of this article, and where the provisions of this article do not appear applicable, the provisions of Division 3 (commencing with Section 300) of the Probate Code shall apply.

(f) The court for good cause may shorten the time required for the performance of any act required by this section.

(g) In a proceeding under this article commenced by the filing of a petition by a person other than the attorney in fact, the court may in its discretion award reasonable attorney's fees to:

(1) The attorney in fact if the court determines that the proceeding was commenced without any reasonable cause.

(2) The person commencing the proceeding if the court determines that the attorney in fact has clearly violated the fiduciary duties under the power of attorney or has failed without any reasonable cause or justification to submit accounts or report acts to the principal or conservator of the estate within 60 days after written request from the principal or conservator.

2418. At any stage of a proceeding under this article, the court may appoint a guardian ad litem to represent the interests of a missing or incapacitated principal. Sections 373 and 373.5 of the Code of Civil Procedure do not apply to the appointment of a guardian ad litem under the provisions of this article.

2419. An appeal may be taken from any final order or decree made pursuant to subdivision (a), (b), or (d) of Section 2412 or from an order dismissing the petition or denying a motion to dismiss under Section 2416.

2420. (a) The remedies provided under this article are cumulative and nonexclusive.

(b) This article is not applicable to reciprocal or interinsurance exchanges and their contracts, subscribers, attorneys in fact, agents, and representatives.

2421. (a) Except as provided in subdivision (b), a power of attorney may expressly eliminate the authority of any person listed in Section 2411 to petition the court under this article for any one or more of the purposes enumerated in Section 2412 if both of the

following requirements are met:

(1) The power of attorney is executed by the principal at a time when the principal has the advice of a lawyer licensed to practice law in the state where the power of attorney is executed.

(2) The approval of the lawyer described in paragraph (1) of the power of attorney is included as a part of the instrument that constitutes the power of attorney.

(b) Notwithstanding any provision of the power of attorney, the conservator of the estate of the principal may petition the court under this article for any one or more of the purposes enumerated in Section 2412.

2422. Subject to Sections 2420 and 2421, this article applies notwithstanding any provision of the power of attorney to the contrary.

2423. It is the intent of the Legislature in enacting this article that a power of attorney be exercisable free of judicial intervention subject to the jurisdiction of the courts of this state as invoked pursuant to this article or otherwise invoked pursuant to law.

SEC. 5. (a) Except as provided in subdivision (b), Sections 1, 2, 3, 4, and 4.5 of this act do not apply to a power of attorney created prior to the operative date of this act. Such a power of attorney is governed by the law that would apply had this act not been enacted.

(b) If under the applicable choice of law rules the validity of a durable power of attorney executed outside this state is to be determined under the law of this state, the validity of the durable power of attorney shall be determined under Article 3 (commencing with Section 2400) of Chapter 2 of Title 9 of Part 4 of Division 3 of the Civil Code, whether the power was executed prior to or after the operative date of this act.

CHAPTER 512

An act to amend Section 20999.3 of, and to add Section 20999.25 to, the Business and Professions Code, relating to franchises.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 20999.25 is added to the Business and Professions Code, to read:

20999.25. (a) In the case of leased marketing premises as to which the franchisor owns a fee interest, the franchisor shall not sell, transfer, or assign to another person the franchisor's interest in the premises unless the franchisor has first either made a bona fide offer to sell, transfer, or assign to the franchisee the franchisor's interest in the premises, other than signs displaying the franchisor's insignia

and any other trademarked, servicemarked, copyrighted or patented items of the franchisor, or, if applicable, offered to the franchisee a right of first refusal of any bona fide offer acceptable to the franchisor made by another to purchase the franchisor's interest in the premises.

(b) In the case of leased marketing premises which the franchisor leases from a third party, following notice by the franchisor to the franchisee of termination or nonrenewal of the franchise by reason of the expiration of the franchisor's underlying lease from the third party, the franchisor shall, upon request by the franchisee and subject to the franchisee purchasing or leasing the premises from the third party prior to the date of termination or nonrenewal of the franchise set forth in the notice, make a bona fide offer to sell to the franchisee any interest the franchisor may have in the improvements on the premises, other than signs displaying the franchisor's insignia and any other trademarked, servicemarked, copyrighted or patented items of the franchisor, or, if applicable, offer the franchisee a right of first refusal of any bona fide offer acceptable to the franchisor made by another to purchase the franchisor's interest in the improvements.

(c) Nothing in this section shall be deemed to require a franchisor to continue an existing franchise agreement or to renew a franchise relationship if not otherwise required by federal law.

(d) For the purposes of this section, the following terms shall have the following meanings:

(1) "Marketing premises" means, in the case of any franchise, premises which, under such franchise, are to be employed by the franchisee in connection with the sale, consignment, or distribution of motor fuel.

(2) "Leased marketing premises" means marketing premises owned, leased, or in any way controlled by a franchisor and which the franchisee is authorized or permitted, under the franchise, to employ in connection with the sale, consignment, or distribution of motor fuel.

SEC. 2. Section 20999.3 of the Business and Professions Code is amended to read:

20999.3. (a) Any person who violates any provision of this chapter may be sued in the superior court in the county in which the defendant resides or where a franchise affected by the violation does business, for temporary and permanent injunctive relief and for damages, if any, and the costs of suit.

(b) No action shall be maintained to enforce any liability created under any provision of this chapter 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 occurs first.

CHAPTER 513

An act to amend Section 1050 of the Labor Code, relating to employment.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 1050 of the Labor Code is amended to read:

1050. Any person, or agent or officer thereof, who, after having discharged an employee from the service of such person or after an employee has voluntarily left such service, by any misrepresentation prevents or attempts to prevent the former employee from obtaining employment, is guilty of a misdemeanor.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 514

An act to amend Section 4801 of the Civil Code, relating to spousal support.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 4801 of the Civil Code is amended to read:

4801. (a) In any judgment decreeing the dissolution of a marriage or a legal separation of the parties, the court may order a party to pay for the support of the other party any amount, and for any period of time, as the court may deem just and reasonable. In making the award, the court shall consider the following circumstances of the respective parties:

(1) The earning capacity of each spouse, taking into account the extent to which the supported spouse's present and future earning capacity is impaired by periods of unemployment that were incurred during the marriage to permit the supported spouse to devote time to domestic duties.

(2) The needs of each party.

(3) The obligations and assets, including the separate property, of each.

(4) The duration of the marriage.

(5) The ability of the supported spouse to engage in gainful employment without interfering with the interests of dependent children in the custody of the spouse.

(6) The time required for the supported spouse to acquire appropriate education, training, and employment.

(7) The age and health of the parties.

(8) The standard of living of the parties.

(9) Any other factors which it deems just and equitable.

At the request of either party, the court shall make appropriate findings with respect to the circumstances. The court may order the party required to make the payment of support to give reasonable security therefor. Any order for support of the other party may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. At the request of either party, the order of modification or revocation shall include findings of fact and may be made retroactive to the date of filing of the notice of motion or order to show cause to modify or revoke, or to any date subsequent thereto.

(b) Except as otherwise agreed by the parties in writing, the obligation of any party under any order or judgment for the support and maintenance of the other party shall terminate upon the death of either party or the remarriage of the other party.

(c) When a court orders a person to make specified payments for support of the other party for a contingent period of time, the liability of the person terminates upon the happening of the contingency. If the party to whom payments are to be made fails to notify the person ordered to make the payments, or the attorney of record of the person so ordered, of the happening of the contingency and continues to accept support payments, the supported party shall refund any and all moneys received which accrued after the happening of the contingency, except that the overpayments shall first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the party to whom payments are to be made to notify the person ordered to make such payments, or his or her attorney of record, of the happening of the contingency.

(d) An order for payment of an allowance for the support of one of the parties shall terminate at the end of the period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

(e) In any proceeding under this section the court may order a party to submit to an examination by a vocational training consultant. The order may be made only on motion, for good cause shown, and upon notice to the party to be examined and to all parties, and shall specify the time, place, manner, conditions, scope of the examination

and the person or persons by whom it is to be made. The party refusing to comply with such an order shall be subject to the same consequences provided for failure to comply with an examination ordered pursuant to Section 2032 of the Code of Civil Procedure.

(f) For the purposes of this section, "vocational training consultant" means an individual with sufficient knowledge, skill, experience, training, or education relating to interviewing, the testing and analysis of work skills, the planning of courses of training and study, the formulation of career goals, and the work market to qualify as an expert in vocational training under Section 720 of the Evidence Code.

CHAPTER 515

An act to amend Section 10203.6 of the Insurance Code, relating to insurance.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 10203.6 of the Insurance Code is amended to read:

10203.6. Life insurance conforming to all the following conditions is another form of group life insurance:

(a) Written under a policy issued to a credit union organized and operating under the Federal Credit Union Act of 1934 or Chapter 36 of the California Statutes of 1927 as amended.

(b) Covering the lives of every eligible member of a group of persons who are or become borrowers from one credit union under an agreement to repay the sum borrowed.

(c) The group numbers not less than 50 borrowers yearly.

(d) The amount insured on any one borrower does not exceed the balance of the indebtedness to the credit union and does not exceed fifty thousand dollars ($50,000) on any one life.

(e) The repayment of the loan is to be made under the agreement of loan in installments over a period not exceeding 30 years.

(f) The policy is issued upon the application of and made payable to the credit union, as beneficiary, and the premiums are paid by the credit union, the borrower, or jointly by the credit union and the borrower.

A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

CHAPTER 516

An act to amend Section 89046 of, and to repeal Section 89501 of, the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 89046 of the Education Code is amended to read:

89046. The trustees, with the approval of the Director of General Services, may lease any property of a state university or college for any purpose which they determine is not inconsistent with the functions of the California State University and Colleges, including, but not limited to:

(a) The lease of state university or college property to a nonprofit organization composed exclusively of students of the university or college or of members of the faculty of the university or college or both, for purposes related to the activities of the university or college or for the activities of student or faculty organizations;

(b) The lease of state university or college property to any nonprofit organization for the purpose of constructing and using thereon buildings as living quarters for students of the university or college and as meetingplaces;

(c) The lease to any student or faculty organization of the state university or college of property for the purpose of establishing and maintaining cooperative stores, and cafeterias in connection with such stores.

Any rental received under this section shall be deposited in the State Treasury and credited to the support appropriation of the California State University and Colleges current during the period of occupancy.

SEC. 2. Section 89501 of the Education Code is repealed.

SEC. 3. The amendment of Section 89046 of the Education Code made by Section 1 of this act shall not become operative if Senate Bill No. 653 is chaptered before or after this act and amends Section 89046 of the Education Code.

CHAPTER 517

An act to amend and renumber Section 14886 of, and to add Section 14867 to, the Financial Code, relating to credit unions.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 14886 of the Financial Code is amended and renumbered to read:

14866. 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. 2. Section 14867 is added to the Financial Code, to read:

14867. (a) Shares, including special shares, and certificates for funds may be withdrawn for payment to the owner or for any third party, in the manner and in accordance with procedures as may be established by the board of directors.

(b) The board of directors may waive any requirement of notice of intent to withdraw, except where requirement of the notice is imposed by applicable law.

CHAPTER 518

An act to amend Section 25110 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 25110 of the Vehicle Code is amended to read:

25110. (a) The following vehicles may be equipped with utility flood or loading lamps mounted on the rear, and sides, which project a white light illuminating an area to the side or rear of the vehicle for a distance not to exceed 75 feet at the level of the roadway:

(1) Tow cars which are used to tow disabled vehicles may display utility floodlights but only during the period of preparation for towing at the location from which a disabled vehicle is to be towed.

(2) Ambulances used to respond to emergency calls may display utility flood and loading lights but only at the scene of an emergency or while loading or unloading patients.

(3) Firefighting equipment designed and operated exclusively as such may display utility floodlamps only at the scene of an emergency.

(4) Vehicles used by law enforcement agencies or organizations engaged in the detoxification of alcoholics may display utility flood or loading lights when loading or unloading persons under the

influence of intoxicants for transportation to detoxification centers or places of incarceration.

(5) Vehicles used by law enforcement agencies for mobile blood alcohol testing, drug evaluation, or field sobriety testing in the enforcement of Sections 23101, 23102, 23105, and 23106.

(6) Vehicles used by publicly or privately owned public utilities may display utility flood or loading lights when engaged in emergency roadside repair of electric, gas, telephone, telegraph, water, or sewer facilities.

(b) Lamps permitted under subdivision (a) shall not be lighted during darkness, except while the vehicle is parked, nor project any glaring light into the eyes of an approaching driver.

CHAPTER 519

An act to add Section 11010.7 to the Business and Professions Code, relating to land use.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 11010.7 is added to the Business and Professions Code, to read:

11010.7. The notice of intention specified in Section 11010 shall not apply to nonbinding expressions of intent to purchase or lease which an owner, agent, or subdivider is required to obtain from the tenants of units which are proposed to be converted to a condominium, community apartment project, or stock cooperative project, by ordinance, or as a condition to the approval of a tentative or parcel map pursuant to Division 2 (commencing with Section 66410) of Title 7 of the Government Code.

CHAPTER 520

An act to amend Sections 39332 and 39657 of the Education Code, relating to school facilities.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 39332 of the Education Code is amended to read:

39332. The term of any lease or lease-purchase agreement shall

not exceed the estimated useful life of the item but in no event shall the term exceed 10 years. A lease, but not a lease-purchase agreement, may be renewable at the option of the lessee and the lessor, jointly, at the end of each term at a rate not more than 12 percent annually above the rate set pursuant to the existing agreement. In no event shall the combined period of the original lease and renewals or extensions exceed 10 years. Any contract for the lease or lease-purchase of equipment or service systems which was in existence prior to April 22, 1975, shall remain in effect and such terms are hereby ratified.

SEC. 2. Section 39657 of the Education Code is amended to read:

39657. The governing board by majority vote may adopt a rule, delegating to such officer or employee of the district as the board may designate, the authority to purchase supplies, materials, apparatus and equipment. No such rule shall authorize any officer or employee to make any purchases involving an expenditure by the district of sixteen thousand dollars ($16,000) or more. The rule shall prescribe the limits of the delegation as to time, money, and subject matter. All transactions entered into by such officer or employee shall be reviewed by the governing board every 60 days.

In the event of malfeasance in office, the school district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out as a result of such malfeasance.

CHAPTER 521

An act to amend Section 52 of the Civil Code, relating to personal rights, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 52 of the Civil Code is amended to read:

52. (a) Whoever denies, or who aids, or incites such denial, or whoever makes any discrimination, distinction or restriction on account of sex, color, race, religion, ancestry, or national origin contrary to the provisions of Section 51 or 51.5, is liable for each and every such offense for the actual damages, and such amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than two hundred fifty dollars ($250), and such attorney's fees as may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 51 or 51.5.

(b) Whoever denies the right provided by Section 51.7, or whoever aids, incites, or conspires in such denial, is liable for each

and every such offense for the actual damages, and ten thousand dollars ($10,000) in addition thereto, suffered by any person denied such right. In the case of multiple offenders, the ten thousand dollar ($10,000) fine shall be prorated between them.

(c) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights hereby secured, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General, any district attorney or city attorney, or any person aggrieved by the pattern or practice may bring a civil action in the appropriate court by filing with it a complaint (1) signed by the officer (or in his or her absence the individual acting on behalf of the officer) or by the person aggrieved, (2) setting forth facts pertaining to the pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice, as he or she deems necessary to insure the full enjoyment of the rights herein described.

(d) Whenever an action has been commenced in any court seeking relief from the denial of equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States on account of race, color, religion, sex, or national origin, the Attorney General or any district attorney or city attorney for or in the name of the people of the State of California may intervene in the action upon timely application if the Attorney General or any district attorney or city attorney certifies that the case is of general public importance. In such action the people of the State of California shall be entitled to the same relief as if it had instituted the action.

(e) Actions under this section shall be independent of any other remedies or procedures that may be available to an aggrieved party.

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:

California has experienced an alarming increase in violent acts motivated by racial, religious, and ethnic antagonisms, which has been encouraged by anticivil rights groups and associations, whose strident hostility and proneness to overt action imperiling both person and property has grown in recent months. Accordingly, as it is imperative that all essential legal tools be made available to individuals who must look to our system of law for relief and redress, it is necessary that this act take effect at the earliest possible date.

CHAPTER 522

An act to amend Sections 21107.8 and 22507.8 of the Vehicle Code, relating to parking violations.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 21107.8 of the Vehicle Code is amended to read:

21107.8. (a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained offstreet parking facilities as described in the ordinance or resolution within the city or county that are generally held open for use of the public for purposes of vehicular parking. Upon enactment by a city or county of such an ordinance or resolution, Sections 22350, 23103, and 23109 and the provisions of Division 16.5 (commencing with Section 38000) shall apply to any such facilities, except as provided in subdivision (b).

(b) Notwithstanding the provisions of subdivision (a), no ordinance or resolution enacted thereunder shall apply to any offstreet parking facility described therein unless the owner or operator has caused to be posted in a conspicuous place at each entrance to that offstreet parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that the offstreet parking facility is subject to public traffic regulations and control.

(c) No ordinance or resolution shall be enacted under subdivision (a) without a public hearing thereon and 10 days prior written notice to the owner and operator of the privately owned and maintained offstreet parking facility involved.

(d) Nothing in this section shall preclude the enforcement of Section 22507.8 without the enactment of an ordinance or resolution.

(e) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained offstreet parking facility subject to the provisions of this code under this section except those provisions applicable to private property other than by action under this section.

SEC. 2. Section 22507.8 of the Vehicle Code is amended to read:

22507.8. (a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons, if, immediately adjacent to and visible from such stall or space, there is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background or the space is outlined in blue markings and there is on the ground in the space a similar profile view depicting a wheelchair with occupant, unless the vehicle displays either one of the distinguishing license

plates or a placard issued pursuant to Section 22511.5 or to disabled veterans, as specified in Section 9105.

(b) The provisions of subdivision (a) shall apply to all offstreet parking facilities owned or operated by the state, and to all offstreet parking facilities owned or operated by a local authority. The provisions of subdivision (a) shall also apply to any privately owned and maintained offstreet parking facility.

CHAPTER 523

An act to add and repeal Sections 408.2 and 409 of the Revenue and Taxation Code, relating to county tax records.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 408.2 is added to the Revenue and Taxation Code, to read:

408.2. (a) Except as otherwise provided in Sections 451 and 481 of this code and in Section 6254 of the Government Code, any information and records in the assessor's office which are required by law to be kept or prepared by the assessor, other than homeowners' exemption claims, are public records and shall be open to public inspection. Property receiving the homeowners' exemption shall be clearly identified on the assessment roll. The assessor shall maintain records which shall be open to public inspection to identify those claimants who have been granted the homeowners' exemption.

(b) The assessor may provide any appraisal data in his possession to the assessor of any county and shall provide any market data in his possession to an assessee of property or his designated representative upon request. The assessor shall permit an assessee of property or his designated representative to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property. Except as provided in Section 408.1, an assessee or his designated representative, however, shall not be provided or permitted to inspect information and records, other than market data, which also relate to the property or business affairs of another person, unless such disclosure is ordered by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his assessment.

(c) The assessor shall disclose information, furnish abstracts or permit access to all records in his office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or representatives when conducting

an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the Controller, inheritance tax referees, the State Board of Equalization and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

(d) For purposes of this section, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his assessment of the assessee's property, in whole or in part, on such comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of such property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise, but for purposes of providing such market data, the assessor shall not display any document relating to the business affairs or property of another.

(e) This section shall apply only to a county with a population which exceeds 4,000,000.

(f) This section shall remain in effect only until January 1, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

SEC. 2. Section 409 is added to the Revenue and Taxation Code, to read:

409. (a) Notwithstanding Section 6257 of the Government Code or any other statutory provision, if the assessor, pursuant to the request of any party, provides information or records that the assessor is not required by law to prepare or keep, the county may require that a fee reasonably related to the actual cost of developing and providing that information be paid by the party receiving the information.

The actual cost of providing the information is not limited to duplication or reproduction costs, but may include recovery of developmental and indirect costs, such as overhead, personnel, supply, material, office, storage, and computer costs.

It is the intent of this section that the county may impose this fee for information and records maintained for county use, as well as for information and records not maintained for county use.

Nothing herein shall be construed to require an assessor to provide information to any party beyond that which he or she is otherwise statutorily required to provide.

(b) For purposes of this section, "market data," as defined in Section 408.1, shall be deemed to be information the assessor is required by law to prepare or keep when requested by the assessee or a designated representative of the assessee.

(c) This section shall not apply to requests of the State Board of Equalization for information.

(d) This section shall apply only to a county with a population which exceeds 4,000,000.

(e) This section shall remain in effect only until January 1, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

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 of unique circumstances in Los Angeles County which are not common to other counties. The assessor's office in Los Angeles County has expended considerable time and funds developing a data base from which details concerning properties within the county can be generated. The assessor's office receives numerous requests for specified information available from the data base, but because current law only permits the assessor to charge any party making such a request the cost of duplicating information, the assessor's office must absorb considerable costs in filling such requests. This act is necessary to permit the assessor of Los Angeles County to recover the cost of providing information which he is not by law required to prepare or keep.

CHAPTER 524

An act to amend Sections 9888.2, 9888.3, 9889.17, 9889.18, and 9889.60 of the Business and Professions Code, relating to motor vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 9888.2 of the Business and Professions Code is amended to read:

9888.2. The director shall adopt regulations which prescribe the equipment and other qualifications of any station as a condition to licensing the station as an official station for adjusting lamps or brakes and for installing, repairing, inspecting, or recharging motor vehicle pollution control devices and shall prescribe the qualifications of adjusters and installers employed therein.

After consulting with the Department of the California Highway Patrol and the State Air Resources Board, the director may, by regulation, approve testing and calibrating equipment, which is capable of measuring or calibrating the standards imposed by statute and by rules and regulations, for use in official stations, and may approve the testing laboratories and the equipment they use to certify the performance of testing and calibrating equipment.

SEC. 2. Section 9888.3 of the Business and Professions Code is amended to read:

9888.3. No person shall operate a motor vehicle pollution control device installation and inspection station or an "official" lamp or brake adjusting station unless a license therefor has been issued by the director. No person shall issue, cause or permit to be issued, any certificate purported to be an official lamp adjustment certificate unless he is a licensed lamp adjuster, an official brake adjustment certificate unless he is a licensed brake adjuster, or a certificate of compliance unless he is a licensed motor vehicle pollution control device installer, except as provided in Section 9889.56.

SEC. 3. Section 9889.17 of the Business and Professions Code is amended to read:

9889.17. Any person may install a motor vehicle pollution control device; however, no person who is not a licensed installer shall install such a device for compensation. No such device shall be deemed to meet the requirements of the Vehicle Code or of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, unless it has been inspected and a certificate of compliance has been issued pursuant to Section 9889.18 or 9889.56.

SEC. 4. Section 9889.18 of the Business and Professions Code is amended to read:

9889.18. (a) Whenever a licensed installer in a licensed station, in conformity with the instructions of the director, inspects or repairs a motor vehicle for pollution control, or installs a motor vehicle pollution control device, and determines that the vehicle conforms with the requirements of Section 27157 or 27157.5 of the Vehicle Code or Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle, except when the work is performed in accordance with the requirements of Section 9889.60 and resulting from a recommendation of the department pursuant to Section 9889.51. The certificate of compliance shall contain provisions for the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station. It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance required by this article.

(b) A licensed installer shall not issue a certificate of compliance for any motor vehicle or motor vehicle with a motor vehicle engine which is not certified by the state board, and which is the subject of a transaction prohibited by Section 43152 or 43153 of the Health and Safety Code.

(c) With respect to a motor vehicle or motor vehicle with a new motor vehicle engine not certified by the state board which is in violation of Article 1.5 (commencing with Section 43150) of Chapter 2 of Part 5 of Division 26 of the Health and Safety Code, but which is not the subject of a transaction prohibited by Section 43152 or 43153 of that code, a licensed installer shall issue a certificate of

noncompliance. The certificate of noncompliance shall contain the same information as a certificate of compliance, indicate the basis for nonconformity, and be of a distinctive form or style. The licensed installer shall send copies of any such certificate of noncompliance issued to the State Air Resources Board.

SEC. 5. Section 9889.60 of the Business and Professions Code is amended to read:

9889.60. The department shall, with the cooperation of the State Air Resources Board and after consultation with automobile manufacturers, establish specifications and procedures for the motor vehicle maintenance and repairs recommended by the department pursuant to Section 9889.51 and for low-emission motor vehicle engine tuneups. The specifications and procedures shall be followed whenever any motor vehicle maintenance, repairs, or engine tuneup is performed by a licensed installer working in a motor vehicle pollution control device installation and inspection station licensed pursuant to Section 9888.3. The license of any station which does not follow the specifications and procedures shall be subject to suspension or revocation by the department.

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 the necessity are:

In order that regulation of testing and calibrating equipment for inspections may occur at the earliest opportunity, it is necessary that this act take effect immediately.

CHAPTER 525

An act to amend Section 19140 of the Government Code, relating to the state civil service.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 19140 of the Government Code is amended to read:

19140. In addition to reinstatement required under any other section, an appointing power may in his discretion, reinstate any person having probationary or permanent status who was separated from his position (a) by resignation, (b) by service retirement, (c) by termination from limited-term, temporary, career executive assignment, or exempt appointment, (d) under the provisions of Section 19503, or (e) without a break in continuity of state service to accept another civil service or exempt appointment.

Such reinstatement shall be:

(a) Subject to board rule; and

(b) Within three years unless the employee, other than members of the California Highway Patrol, has remained in state service without a break in the continuity of state service due to a permanent separation; and

(c) Subject to certification regarding eligibility pursuant to Section 20983.5, if applicable; and

(d) To a vacant position

(1) In the class vacated or from which separated, or

(2) In a lower class in the same series, or

(3) In a lower class in a related series requiring similar types of qualifications, knowledge, and abilities, or

(4) In another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range; and

(e) Within five years for a state employee who was a miscellaneous member and who retired prior to January 1, 1979, due to mandatory retirement age provisions then in effect.

For reinstatement after separation, the time spent (a) in a position which is exempt from civil service or (b) as a temporary employee in another governmental agency engaged in a technical cooperation program under an agreement approved by the state or (c) in the recognized military service shall not be considered in computing the three-year period or the five-year period.

CHAPTER 526

An act to amend Sections 19570, 19571, 19574, 19574.1, 19574.5, 19575, 19575.5, 19578, 19582, 19583, 19583.5, and 19584 of the Government Code, relating to state employees.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 19570 of the Government Code is amended to read:

19570. As used in this article "adverse action" means dismissal, demotion, suspension, or other disciplinary action.

SEC. 2. Section 19571 of the Government Code is amended to read:

19571. In conformity with this article and the board rule, adverse action may be taken against any employee, or person whose name appears on any employment list for any cause for discipline specified in this article.

SEC. 3. Section 19574 of the Government Code is amended to read:

19574. The appointing power, or any person authorized by the appointing power, may take adverse action against an employee for one or more of the causes for discipline specified in this article by notifying the employee of the action, pending the service upon the employee of a written notice. Adverse action is valid only if a written notice is served on the employee and filed with the board not later than 15 calendar days after the effective date of the adverse action. The notice shall be served upon the employee either personally or by mail and shall include: (a) a statement of the nature of the adverse action; (b) the effective date of the action; (c) a statement of the causes therefor; (d) a statement in ordinary and concise language of the acts or omissions upon which the causes are based; and (e) a statement advising the employee of his or her right to answer the notice and the time within which that must be done if the answer is to constitute an appeal.

SEC. 4. Section 19574.1 of the Government Code is amended to read:

19574.1. An employee who has been served with notice of adverse action, or an attorney admitted to the practice of law in this state and designated by the employee, shall have the right to inspect any documents in the possession of or under the control of the appointing power which are relevant to the adverse action taken and which would be admissible in evidence at a hearing of the employee's appeal from the adverse action. The employee, or the designated attorney, shall also have the right to interview other employees having knowledge of the acts or omissions upon which the adverse action was based. Interviews of other employees and inspection of documents shall be at times and places reasonable for the employee and for the appointing power.

SEC. 5. Section 19574.5 of the Government Code is amended to read:

19574.5. Pending investigation by the appointing power of accusations against an employee involving misappropriation of public funds or property, drug addiction, mistreatment of persons in a state institution, immorality, or acts which would constitute a felony or a misdemeanor involving moral turpitude, the appointing power may order the employee on leave of absence for not to exceed 15 days. The leave may be terminated by the appointing power by giving 48 hours' notice in writing to the employee.

If adverse action is not taken on or before the date such a leave is terminated, the leave shall be with pay.

If adverse action is taken on or before the date such leave is terminated, the adverse action may be taken retroactive to any date on or after the date the employee went on leave. Notwithstanding the provisions of Section 19574, the adverse action, under such circumstances, shall be valid if written notice is served upon the employee and filed with the board not later than 15 calendar days after the employee is notified of the adverse action.

SEC. 6. Section 19575 of the Government Code is amended to

read:

19575. No later than 20 calendar days after service of the notice of adverse action, the employee may file with the board a written answer to the notice, which answer shall be deemed to be a denial of all of the allegations of the notice of adverse action not expressly admitted and a request for hearing or investigation as provided in this article. With the consent of the board or its authorized representative an amended answer may subsequently be filed. If the employee fails to answer within the time specified or after answer withdraws his appeal the adverse action taken by the appointing power shall be final. A copy of the employee's answer and of any amended answer shall promptly be given by the board to the appointing power.

SEC. 7. Section 19575.5 of the Government Code is amended to read:

19575.5. At any time before an employee's appeal is submitted to the board or its authorized representative for decision, the appointing power may with the consent of the board or its authorized representative serve on the employee and file with the board an amended or supplemental notice of adverse action. If the amended or supplemental notice presents new causes or allegations the employee shall be afforded a reasonable opportunity to prepare his defense thereto, but he shall not be entitled to file a further answer unless the board or its authorized representative so orders. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing or investigation and shall be noted in the record.

SEC. 8. Section 19578 of the Government Code is amended to read:

19578. Whenever an answer is filed to an adverse action other than a suspension without pay for 10 days or less, the board or its authorized representative shall within a reasonable time hold a hearing. The board shall notify the parties of the time and place of the hearing. Such hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code, except that the employee and other persons may be examined as provided in Section 19580, and the parties may submit all proper and competent evidence against or in support of the causes.

SEC. 9. Section 19582 of the Government Code is amended to read:

19582. (a) Hearings may be held by the board, or by any authorized representative, but the board shall render the decision which in its judgment is just and proper.

(b) If a contested case is heard by an authorized representative he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the board as a public record and furnished to each party within 10 days after the proposed decision is filed with the board. The

board itself may adopt the proposed decision in its entirety, or may reduce the adverse action set forth therein and adopt the balance of the proposed decision.

(c) If the proposed decision is not adopted as provided in subdivision (b) each party shall be notified of such action, and the board itself may decide the case upon the record, including the transcript, with or without taking any additional evidence, or may refer the case to the same or another authorized representative to take additional evidence. If the case is so assigned to an authorized representative he shall prepare a proposed decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party. The board itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present oral and written argument before the board itself. If additional oral evidence is introduced before the board itself no board member may vote unless he heard the additional oral evidence.

(d) In arriving at a decision or a proposed decision the board or its authorized representative may consider any prior suspension or suspensions of appellant by authority of any appointing power, or any prior proceedings under this article.

(e) The decision shall be in writing and contain findings of fact and the adverse action, if any. The findings may be stated in the language of the pleadings or by reference thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

SEC. 10. Section 19583 of the Government Code is amended to read:

19583. The board shall render a decision within a reasonable time after the hearing or investigation. The adverse action taken by the appointing power shall stand unless modified or revoked by the board. If the board finds that the cause or causes for which the adverse action was imposed were insufficient or not sustained, or that the employee was justified in the course of conduct upon which the causes were based, it may modify or revoke the adverse action and it may order the employee returned to his or her position either as of the date of the adverse action or as of such later date as it may specify. The decision of the board shall be entered upon the minutes of the board and the official roster.

SEC. 11. Section 19583.5 of the Government Code is amended to read:

19583.5. Any person with the consent of the board or the appointing power may file charges against an employee requesting that adverse action be taken for one or more causes for discipline specified in this article. The employee against whom such charges are filed shall have a right to answer as provided in this article. In all such cases a hearing shall be conducted in accord with this article and if the board finds that the charges are true it shall have the power

to take such adverse action as in its judgment is just and proper.

SEC. 12. Section 19584 of the Government Code is amended to read:

19584. Whenever the board revokes or modifies an adverse action and orders that the employee be returned to his position it shall direct the payment of salary to the employee for such period of time as the board finds the adverse action was improperly in effect.

Salary shall not be authorized or paid for any portion of a period of adverse action that the employee was not ready, able, and willing to perform the duties of his or her position, whether such adverse action is valid or not or the causes on which it is based state facts sufficient to constitute cause for discipline.

From any such salary due there shall be deducted compensation that the employee earned, or might reasonably have earned, during any period commencing more than six months after the initial date of the suspension.

CHAPTER 527

An act to amend Section 13836.1 of the Penal Code, relating to sexual assault investigation.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 13836.1 of the Penal Code is amended to read:

13836.1. Such committee shall consist of 11 members. Five shall be appointed by the executive director of the Office of Criminal Justice Planning, and shall include three district attorneys or assistant or deputy district attorneys, one representative of a city police department or a sheriff or a representative of a sheriff's department, and one public defender or assistant or deputy public defender of a county. Six shall be public members appointed by the Commission on the Status of Women, and shall include one representative of a rape crisis center, and one medical professional experienced in dealing with sexual assault trauma victims The committee members shall represent the points of view of diverse ethnic and language groups.

Members of the committee shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties. Staff support for the committee shall be provided by the Office of Criminal Justice Planning.

CHAPTER 528

An act to amend Section 690.18 of the Code of Civil Procedure, Section 22005 of the Education Code, and Section 21201 of the Government Code, relating to remedies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 690.18 of the Code of Civil Procedure is amended to read:

690.18. (a) Except with regard to a judgment or order for 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 a judgment or order for 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 judgment or order for 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 a judgment or order for 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. 2. 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 a judgment or order for child or spousal support payments when the benefit is payable to such person.

SEC. 3. 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 a judgment or order for 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. 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 the necessity are:

In order to enable certain spouses and children to obtain spousal or child support as soon as possible, consistent with a judgment or order therefor, 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 529

An act to amend Section 4760 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 4760 of the Vehicle Code is amended to read:

4760. Except as provided in subdivision (b), the department shall refuse to renew the registration of any vehicle whose registered owner, rentee, or lessee has been sent or given a notice of violation relating to standing or parking pursuant to paragraph (2) of Section 41103 and has not complied with paragraph (2) of Section 41103, unless he pays to the department, at the time he applies for renewal, the full amount of bail for offenses relating to standing or parking which he has failed to deposit as required by law, as shown by records of the department.

(b) The department shall not refuse to renew the registration of any vehicle owned by a renter or lessor when the renter or lessor applies for renewal without paying to the department, at the time of submitting the application for renewal, the full amount of bail for offenses relating to standing or parking which have not been deposited as required by law as shown by records of the department, if the application for renewal is accompanied by an affidavit of the applicant in a form acceptable to the department stating that the vehicle was in the possession of the rentee or lessee at the time of occurrence of the offenses relating to standing or parking for which the full amount of bail is not enclosed.

CHAPTER 530

An act to amend Section 10248.7 of, to add Sections 10232 and 10232.1 to, and to repeal Section 10248.8 of, the Business and Professions Code, relating to real estate, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 10232 is added to the Business and Professions Code, to read:

10232. (a) Except as otherwise expressly provided, the provisions of Section 10232.1 are applicable to every real estate broker who engages in any of the activities described in subdivisions (d) and (e) of Section 10131 and in Section 10131.1, and who intends or reasonably expects in any successive 12 months to negotiate any combination of new loans and sales or exchanges of existing promissory notes and real property sales contracts of an aggregate amount of more than one million dollars ($1,000,000).

Persons under common management, direction, or control in conducting activities described in subdivisions (d) and (e) of Section 10131 and in Section 10131.1 shall be considered as one person for the purpose of applying the above criteria.

(b) The negotiation of any combination of new loans and sales or exchanges of existing promissory notes and real property sales contracts of an aggregate amount of more than two hundred fifty thousand dollars ($250,000) in any three successive months or more than five hundred thousand dollars ($500,000) in any six successive months shall create a rebuttable presumption that the broker intends to negotiate new loans and sales and exchanges of promissory notes and real property sales contracts in an aggregate amount that will meet the criteria of subdivision (a).

(c) Loans negotiated and promissory notes sold by a broker under authority of a permit issued pursuant to the provisions of Article 6

(commencing with Section 10237) of this chapter or applicable provisions of the Corporate Securities Law of 1968 (Section 25000, et seq., Corporations Code) shall not be counted in determining whether the broker meets the criteria of subdivisions (a) and (b) hereof.

(d) If two or more real estate brokers who are not under common management, direction, or control, cooperate in the negotiation of a loan or the sale or exchange of a promissory note or real property sales contract and share in the compensation for their services, the dollar amount of the transaction shall be allocated according to the ratio that the compensation received by each broker bears to the total compensation received by all brokers for their services in negotiating the loan or sale or exchange.

SEC. 2. Section 10232.1 is added to the Business and Professions Code, to read:

10232.1. (a) A real estate broker who meets the criteria of Section 10232 shall, prior to the use of any proposed advertisement in connection with the conduct of activities described in subdivisions (d) and (e) of Section 10131 and Section 10131.1, submit a true copy thereof to the Department of Real Estate for clearance. If disapproval of the proposed advertisement is not communicated by the department to the broker within 10 calendar days after receipt of the copy of the proposed advertisement by the department, the proposed advertisement shall be deemed approved, but the department shall not thereby be estopped from disapproving a later publication or other use of the same or similar advertising.

The commissioner shall adopt regulations pertaining to the submittal and clearance of such advertising and establishing criteria for approval to insure that the public will be protected against false or misleading representations.

As used herein, "advertisement" includes dissemination in any newspaper, circular, form letter, brochure or similar publication, display, sign, radio broadcast or telecast, which concerns (1) the use, terms, rates, conditions, or the amount of any loan or sale referred to in subdivisions (d) and (e) of Section 10131 or Section 10131.1; or (2) the security, solvency, or stability of any person carrying on the activities described in those sections.

(b) Subdivision (a) is not applicable to advertising that is used exclusively in connection with an offering authorized by permit issued pursuant to the provisions of Article 6 (commencing with Section 10237) of this chapter or applicable provisions of the Corporate Securities Law of 1968 (Section 25000, et seq., Corporations Code).

SEC. 3. Section 10248 7 of the Business and Professions Code is amended to read:

10248.7. The provisions of Section 10248.9 apply to every real estate licensee who meets the requirements of subdivisions (a) to (d), inclusive:

(a) Comes within the provisions of subdivision (d) of Section 10131.

(b) Has negotiated or intends to negotiate loans secured directly or collaterally by a lien on real property. For purposes of this subdivision, loans do not include loans described in Section 10245.

(c) Makes or will make 50 percent or more of the loans specified in subdivision (b) in a calendar year without them being secured directly or collaterally by first trust deeds. For purposes of this subdivision, junior trust deeds which secure notes given back to the seller by the purchaser on account for the purchase price shall not be considered in making the 50-percent test.

(d) Meets any of the following:

(1) Loans negotiated by the licensee in the prior calendar year or anticipated to be negotiated the next calendar year exceed 400.

(2) Advertising and overhead directly related to advertising in connection with his mortgage loan brokerage activities amount to more than 5 percent of gross revenue obtained by the licensee from activities for which a license is required. Notwithstanding this subdivision, any licensee who spends less than ten thousand dollars ($10,000) per year in advertising shall not be subject to the provisions of Section 10248.9.

Licensees or entities under common management, direction or control in carrying on activities which are subject to the provisions of this article shall be considered as one licensee for the purpose of applying the criteria set forth herein.

SEC. 4. Section 10248.8 of the Business and Professions Code is repealed.

SEC. 5. It is the intention of the Legislature that the duties imposed upon the Real Estate Commissioner by this act shall not necessitate the hiring of additional persons to perform those duties but, rather, that those duties shall be performed by the existing staff of the Real Estate Commissioner.

SEC. 6. The Real Estate Commissioner shall submit a report to the Legislature assessing the effectiveness of the advertising review program required by this act no later than June 30, 1983. On or before June 30, 1983, the Real Estate Commissioner shall transmit a copy of the report to the Corporations Commissioner for review. No later than 30 days after receipt of the copy of the report, the Corporations Commissioner shall append his or her remarks to the copy of the report and transmit them to the Legislature.

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 the necessity are:

Since approximately January 1980, the public has been bombarded with advertising that has been designed to induce persons to make loans secured directly or indirectly by real property and to purchase existing real property sales contracts and promissory notes secured by deeds of trust. Much of this advertising has been false or deceptive in representations concerning the expected return, the safety, and other features of the investment. Several of the firms that have been guilty of this deceptive advertising have recently failed, resulting in

the actual or prospective loss of millions of dollars by persons who invested their funds in reliance upon the false and misleading representations by these firms. None of the firms in question and very few of the others that are continuing to solicit money from the public for investments in loans secured by real property or the purchase of deeds of trust or real property sales contracts are required to submit proposed advertising to the Department of Real Estate for screening before publication or dissemination. The public is thus continuing to be exposed to unscreened, deceptive advertising, and responsible, prudent brokers are continuing to be placed in an inequitable competitive position. It is of the utmost importance that there be no unnecessary delay in establishing an effective system for weeding out false and misleading representations from this advertising before members of the public are induced to make investments in reliance upon such advertising, and thus it is necessary that this act take effect immediately.

CHAPTER 531

An act to add Section 28997 to the Public Utilities Code, relating to transit district, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 28997 is added to the Public Utilities Code, to read:

28997. Notwithstanding Section 28990, work on the Oakland Wye complex to the MacArthur Station project and on the Daly City turn-back and storage facilities project may be performed by district personnel during periods of operation of the transit system when interconnection work is to be performed within 12 feet of the centerline of the existing track.

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:

In order to permit the timely completion of necessary work on the transit system of the San Francisco Bay Area Rapid Transit District which must be commenced prior to January 1, 1982, in order to qualify for federal funds, it is necessary that this act take effect immediately.

CHAPTER 532

An act to amend and repeal Section 21684 of the Public Utilities Code, and to repeal Section 2 of Chapter 1156 of the Statutes of 1976, relating to aviation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Section 21684 of the Public Utilities Code, as amended by Chapter 725 of the Statutes of 1980, is amended to read:

21684. (a) No payment shall be made to a public entity pursuant to this article unless the public entity has established a special aviation fund in which all payments received by a public entity under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public entity pursuant to Section 21682 or 21683 unless the public entity deposits in its special aviation fund, for expenditures solely for airport and aviation purposes, a sum from nonstate or nonfederal funds based on a rate established annually by the commission as matching funds. The commission shall establish a rate of at least 10 percent and not exceeding 50 percent of the nonfederal funded portion. However, the rate shall be uniform for all entities and projects within a particular year. In no event shall the sum deposited in the special aviation fund be less than 10 percent of the total eligible project costs.

Notwithstanding the provisions of this subdivision requiring matching funds, the department shall pay a sum of five thousand dollars ($5,000) annually to each city, county, airport district, or the University of California owning and operating an airport in accordance with subdivision (a) of Section 21682.

(b) No payment shall be made for any airport to the University of California pursuant to this article unless the university has established a special aviation fund in which all payments received by the university under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made for any airport to the University of California pursuant to Section 21682 or 21683 unless the university deposits in its special aviation fund, for expenditure solely for airport and aviation purposes, a sum from nonstate or nonfederal funds based on the rate established annually by the commission pursuant to subdivision (a), or unless a city located within 10 miles of the airport, or the county within which the airport is located, pays to the university a sum based on the rate established by the commission pursuant to subdivision (a). However, any sums so deposited by the university or paid by the city or county may be considered jointly as meeting the requirements of this section. The payments received from a city or county pursuant to these sections are to be expended solely for the airport and for aviation purposes related to such airport. All payments received by the university shall be deposited in its special aviation fund.

(c) Payments made by the department pursuant to Section 21682 and funds provided by public entities to match these payments may be accrued for a period of not more than three years. Extension of time for accrual of these funds for major projects shall be obtained from the department.

(d) 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 after that date deletes or extends that date.

SEC. 2. Section 21684 of the Public Utilities Code, as amended by Chapter 1029 of the Statutes of 1975, is amended to read:

21684. (a) No payment shall be made to a public entity pursuant to this article unless the public entity has established a special aviation fund in which all payments received by a public entity under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public entity pursuant to Section 21682 or 21683 unless the public entity deposits in its special aviation fund, for expenditures solely for airport and aviation purposes, a sum at least equal to the amount to be paid by the commission or the department pursuant to these sections.

(1) Notwithstanding the provisions of this subdivision inasmuch as they require matching funds, the department shall pay a sum of five thousand dollars ($5,000) annually to a county with a population of under 1,000, as determined by the last federal decennial census, for the purpose of constructing and maintaining an airport.

(2) Notwithstanding the provisions of this subdivision inasmuch as they require matching funds, the department shall pay the sum of five thousand dollars ($5,000) annually to each city, county, airport district, or the University of California owning and operating an airport or airports in accordance with subdivision (a) of Section 21682.

(b) No payment shall be made for any airport to the University of California pursuant to this article unless the university has established a special aviation fund in which all payments received by the university under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made for any airport to the University of California pursuant to Section 21682 or 21683 unless the university deposits in its special aviation fund each year, for expenditure solely for airport and aviation purposes, a sum from nonstate or nonfederal funds at least equal to the amount to be paid by the commission or the department pursuant to these sections, or unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum at least equal to the amount to be paid by the commission or the department pursuant to these sections. However, any sums so deposited by the university or paid by the city or county may be considered jointly as meeting the requirements of this section. The payments received from a city or county pursuant to these sections are to be expended solely for the airport and for aviation purposes related to such airport. All payments received by the university shall be deposited in its special aviation fund.

(c) Payments made by the department pursuant to Section 21682 and funds provided by public entities to match these payments may be accrued for a period of not more than three years. Extension of time for accrual of these funds for major projects must be obtained from the department.

(d) This section shall become operative on July 1, 1983.

SEC. 3. Section 2 of Chapter 1156 of the Statutes of 1976 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 the necessity are:

The provisions of Section 21684 of the Public Utilities Code, as amended by Chapter 725 of the Statutes of 1980, involving the availability of state funds to public entities operating airports, will be repealed by their own terms on July 1, 1981. In order to extend the effective date of these provisions and gain important additional time within which difficult problems regarding funding for airports may be resolved, it is necessary that this act become effective immediately.

CHAPTER 533

An act to add Section 18613.5 to the Health and Safety Code, relating to mobilehomes.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 18613.5 is added to the Health and Safety Code, to read:

18613.5. The Department of Housing and Community Development, with the review and advice of the Seismic Safety Commission, shall adopt such rules and regulations as are necessary to ensure that purchasers of all mobilehomes installed for human occupancy pursuant to Section 18613 are offered earthquake resistant bracing systems which meet generally accepted seismic safety standards for the reduction of damage and for the protection of the health and safety of the occupants. Such rules and regulations also shall include provisions for establishing a process and a fee schedule for the design review and certification by the department.

To the extent practical, the department shall be responsible for notifying owners of existing licensed mobilehomes that a certification process has been established so that when considering purchase of a bracing system the owners can determine if the product or system is certified by the department.

The fees established by the department shall be sufficient to pay

for the development of the design criteria and standards and the costs for the design review and certification of the products or systems.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 534

An act to amend Section 18162.5 of, and to add Sections 17063.11 and 18161.5 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981.]

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

SECTION 1. The Legislature finds that a key element of California's economic growth and prosperity over the past several decades has been the founding and expansion of new private businesses. A majority of the increase in private employment in California has come as a result of the willingness of private entrepreneurs to take risks in starting and expanding small companies. Similarly, the willingness of private investors to provide the start-up equity capital for entrepreneurs has been a critical element in the ability of new and small companies to transform ideas into jobs and income for California.

The Legislature finds, however, that state and national tax laws, in an inflationary era, provide insufficient incentive for many investors to risk their savings in new businesses, and excessive incentive to place their savings into nonproductive assets which add nothing to the strength of the economy. The purely speculative returns on such investments as gold, silver, gems, paintings, stamps, and antiques represent the diversion of scarce capital from productive investment.

SEC. 2. Section 17063.11 is added to the Revenue and Taxation Code, to read:

17063.11. For the purpose of Section 17063, that portion of capital gains attributable to the sale of small business stock, as defined in Section 18161.5, is not an item of tax preference.

SEC. 3. Section 18161.5 is added to the Revenue and Taxation Code, to read:

18161.5. (a) For purposes of this part, "small business stock" is an

equity security issued by a corporation which has the following characteristics at the time of acquisition by the taxpayer:

(1) The commercial domicile or primary place of business is located within California.

(2) The total employment of the corporation is no more than 500 employees, as measured by the number of employees covered by federal unemployment insurance on December 31 of the year preceding acquisition of the small business stock, a majority of which employees were covered by California unemployment insurance on December 31 of the year preceding acquisition of the small business stock; provided, that, if more than 50 percent of the outstanding equity securities of all classes are held by another corporation, the employment of the controlling corporation shall be counted as employment of the eligible corporation for purposes of this section.

(3) The outstanding issues of the corporations, including those held by the taxpayer, are not listed on the New York Stock Exchange, the American Stock Exchange, or the National Association of Securities Dealers Automated Quotation system.

(4) No more than 25 percent of gross receipts in the immediate prior income year were obtained from rents, interests, dividends, or sales of assets.

(5) The corporation is not engaged primarily in the business of holding land.

(b) For purposes of this part, a "nonproductive asset" is any piece of property which is any of the following:

(1) A precious or strategic metal, including but not limited to, gold, silver, and platinum, except when used by the taxpayer in his or her trade or business.

(2) Jewelry or individual gems, except when used by the taxpayer in his or her trade or business.

(3) Objects of art, except when used by the taxpayer in his or her trade or business.

(4) Antique items, including but not limited to, furniture, automobiles, coins, and ceramic objects, except when used by the taxpayer in his trade or business.

(5) Stamps, except when used by the taxpayer in his or her trade or business.

SEC. 4. Section 18162.5 of the Revenue and Taxation Code is amended to read:

18162.5 (a) In the case of any taxpayer, only the following percentages of the gain or loss recognized upon the sale or exchange of a capital asset, except gains from small business stock or nonproductive assets, shall be taken into account in computing taxable income:

(1) One hundred percent if the capital asset has been held for not more than one year.

(2) Sixty-five percent if the capital asset has been held for more than one year but not more than five years.

(3) Fifty percent if the capital asset has been held more than five years.

(b) In the case of any taxpayer, only the following percentages of the gain recognized upon the sale or exchange of small business stock shall be taken into account in computing taxable income:

(1) One hundred percent if the small business stock has been held for not more than one year.

(2) Sixty-five percent if the small business stock has been held for more than one year but not more than three years.

(3) Zero percent if the small business stock has been held for more than three years, and if at the time of sale, the fair market value (as defined in Section 110) of land owned or controlled by the corporation does not exceed 25 percent of the fair market value of the corporation (as reflected in the price at which the stock was sold).

(c) In the case of any taxpayer, only the following percentages of the gain recognized upon the sale or exchange of nonproductive assets shall be taken into account in computing taxable income:

(1) One hundred percent if the nonproductive asset has been held for not more than one year

(2) Seventy percent if the nonproductive asset has been held for more than one year but not more than five years.

(3) Fifty percent if the nonproductive asset has been held for more than five years.

(d) Subdivisions (a) and (c) shall apply with respect to taxable years beginning after the operative date of the act which adds this subdivision to this section. Subdivision (b) shall apply with respect to small business stock acquired after the operative date of the act which adds this subdivision to this section.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall be applied in the computation of taxes for taxable years beginning on or after January 1, 1982, provided the effective date is more than 90 days prior to December 31, 1982. If the effective date is 90 days or less prior to December 31, 1982, the provisions of this act shall apply in the computation of taxes for taxable years beginning on or after January 1, 1983.

CHAPTER 535

An act to repeal and add Chapter 4 (commencing with Section 30030) of Division 18 of the Elections Code, relating to elections.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981.]

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

SECTION 1. Chapter 4 (commencing with Section 30030) of Division 18 of the Elections Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 30030) is added to Division 18 of the Elections Code, to read:

CHAPTER 4. CONGRESSIONAL DISTRICTS

30030. It is the intent of the Legislature in the enactment of this chapter to implement the United States constitutional mandate as set forth in Section 2 of Article I and the provisions of Article XXI of the California Constitution.

30031. For purposes of this chapter, references to "CT" shall mean "census tract", and references to "Ed" or "Eds" shall mean "enumeration district" or "enumeration districts", respectively, as those demographic units are established by the United States Bureau of the Census for the 1980 census as described by maps and publications of the bureau.

References to "Block Group" and "Blocks", respectively, shall mean those demographic units as established by the United States Bureau of the Census for the 1980 census as described by maps and publications of the Bureau.

In addition, and for purposes of this chapter, references to "city boundaries", "city limits", or "boundaries of the town", respectively, shall refer to the boundaries or limits of the particular city or town as they existed on April 1, 1980, except as is otherwise expressly provided. Reference to a city or town shall refer to the particular incorporated municipality provided for herein.

30032. Congressional District 1: Congressional District 1 shall consist of the following whole counties:

Del Norte
Glenn
Humboldt
Mendocino
Sonoma
Trinity

Congressional District 2: Congressional District 2 shall consist of the following whole counties:

Butte
Colusa
Lake
Napa
Sutter
Tehama
Yuba

together with the part of Shasta County not included in Congressional District 14.

Congressional District 3: Congressional District 3 shall consist of the part of Sacramento County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 1
CT 2

CT 3
CT 4
CT 5
CT 6
CT 7
CT 8
CT 9
CT 10
CT 11
CT 12
CT 13
CT 14
CT 15
CT 16
CT 17
CT 18
CT 19
CT 20
CT 21
CT 22
CT 23
CT 24
CT 25
CT 26
CT 27
CT 28
CT 29
CT 30
CT 31.01
CT 31.02
CT 32.01
CT 32.02
CT 33
CT 34
CT 35.01
CT 35.02
CT 36
CT 37
CT 38
CT 39
CT 40.01
CT 40.02
CT 40.03
CT 41
CT 42.01
CT 42.02
CT 42.03
CT 43
CT 44.01
CT 44.02
CT 45

CT 46.01
CT 46.02
CT 47
CT 48
CT 49.01
CT 49.02
CT 50
CT 51
CT 52.01
CT 52.02
CT 52.03
CT 53
CT 54.01
CT 54.02
CT 55.03
CT 55.04
CT 56.01
CT 56.02
CT 57.01
CT 57.02
CT 58.01
CT 58.02
CT 59.02
CT 76
CT 77
CT 78
CT 79.01
CT 79.02
CT 80.01
CT 80.03
CT 80.04
CT 81.05
CT 81.08
CT 82.04
CT 82.05
CT 86
CT 87
CT 88
CT 89.03
CT 89.04
CT 89.05
CT 89.06
CT 90
CT 91.01
CT 91.02
CT 91.03
CT 91.04
CT 92
CT 93.01
CT 93.02

Partial Census Tracts:
CT 75—Blocks 415 and 416.
CT 81.06—Block Groups 1 and 2.
CT 96—Portions in the City of Sacramento.

Congressional District 4: Congressional District 4 shall consist of Yolo County, together with the part of Sacramento County not contained in Congressional District 3, together with the part of Solano County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 2520
CT 2521.02
CT 2521.99
CT 2522
CT 2523.01
CT 2523.02
CT 2523.03
CT 2523.04
CT 2524.01
CT 2524.02
CT 2525.01
CT 2525.02
CT 2526.04
CT 2526.05
CT 2526.06
CT 2526.07
CT 2526.08
CT 2526.09
CT 2527.01
CT 2527.02
CT 2528
CT 2529.02
CT 2529.03
CT 2529.04
CT 2529.05
CT 2530
CT 2531.01
CT 2531.02
CT 2531.03
CT 2532.01
CT 2532.02
CT 2532.03
CT 2533
CT 2534
CT 2535

Partial Census Tracts:
CT 2501.02—That portion not in the City of Vallejo.
CT 2504—That portion not in the City of Vallejo.
CT 2505.01—That portion not in the City of Vallejo and block 120.
CT 2505.02—That portion not in the City of Vallejo and block 114.

CT 2506.01—That portion not in the City of Vallejo and the incorporated portion of block 107.
CT 2506.02—That portion not in the City of Vallejo.
CT 2507.01—That portion not in the City of Vallejo.
CT 2507.02—That portion not in the City of Vallejo.
CT 2511—That portion not in the City of Vallejo.
CT 2521.01—That portion not in the City of Vallejo.

Congressional District 5: Congressional District 5 shall consist of all of the City and County of San Francisco not contained in Congressional District 6.

Congressional District 6: Congressional District 6 shall consist of the following whole county:

Marin

together with the part of the City and County of San Francisco contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 105
CT 105.99
CT 106
CT 114
CT 115
CT 116
CT 117
CT 118
CT 124
CT 125
CT 158
CT 159
CT 160
CT 161
CT 162
CT 163
CT 164
CT 166
CT 167
CT 168
CT 169
CT 170
CT 171
CT 176.01
CT 176.02
CT 177
CT 178
CT 179.01
CT 179.02
CT 179.99
CT 180
CT 201
CT 202
CT 203
CT 226

CT 226.99
CT 227
CT 230
CT 231
CT 232
CT 233
CT 234
CT 606
CT 606.99
CT 607
CT 608
CT 608.99
CT 609
CT 610
Partial Census Tracts:
CT 101—That portion east of Powell Street.
CT 104—That portion east of Powell Street.
CT 107—That portion east of Powell Street.
CT 113—That portion east of Powell Street.
CT 119—That portion east of Powell Street.
CT 165—That portion south of Grove Street.
CT 264—Blocks 302 and 303.
CT 603—That portion east of Stanyan Street.

together with the part of San Mateo County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 6006
CT 6007
CT 6008
CT 6009
CT 6011
CT 6012
CT 6014
CT 6016.02
CT 6016.03
Partial Census Tracts:
CT 6002—That portion in the City of Daly City.
CT 6003—That portion in the City of Daly City.
CT 6004—That portion in the City of Daly City.
CT 6005—That portion in the City of Daly City.
CT 6013—That portion in the City of Daly City.
CT 6015—That portion contained in blocks 101 and 107.
CT 6016.01—That portion within the city limits of Daly City.

together with the part of Solano County not contained in whole and partial census tracts including those tracts designating population on vessels which are not contained in Congressional District 4.

Congressional District 7: Congressional District 7 shall consist of the part of Contra Costa County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 3010

CT 3020
CT 3031
CT 3032
CT 3040
CT 3050
CT 3060
CT 3071
CT 3072.01
CT 3072.02
CT 3072.03
CT 3080
CT 3090
CT 3100
CT 3110
CT 3120
CT 3131.01
CT 3131.02
CT 3131.03
CT 3132.01
CT 3132.02
CT 3141
CT 3142
CT 3142.99
CT 3150
CT 3150.99
CT 3160
CT 3170
CT 3180
CT 3190
CT 3200.01
CT 3200.02
CT 3211.01
CT 3211.02
CT 3211.03
CT 3212
CT 3220
CT 3230
CT 3240
CT 3250
CT 3260
CT 3270
CT 3280
CT 3290
CT 3300
CT 3310
CT 3320
CT 3331
CT 3332
CT 3340.01
CT 3340.02
CT 3340.03

CT 3350
CT 3361
CT 3362
CT 3371
CT 3372
CT 3373
CT 3381
CT 3382.01
CT 3382.02
CT 3383.01
CT 3383.02
CT 3390
CT 3400.01
CT 3420
CT 3430.01
CT 3430.02
CT 3430.03
CT 3461.02
CT 3462.02
CT 3511
CT 3551.01
CT 3551.02
CT 3551.03
CT 3552
CT 3553.01
CT 3553.02
CT 3553.03
CT 3553.04
CT 3553.05
CT 3560.01
CT 3560.02
CT 3570
CT 3580
CT 3591.01
CT 3591.02
CT 3592.01
CT 3592.02
CT 3601
CT 3602
CT 3620
CT 3630
CT 3640.01
CT 3640.02
CT 3650.01
CT 3650.02
CT 3660
CT 3671
CT 3672
CT 3680
CT 3690
CT 3700

CT 3710
CT 3720
CT 3730
CT 3740
CT 3750
CT 3760
CT 3770
CT 3780
CT 3790
CT 3800
CT 3800.99
CT 3810
CT 3820
CT 3830

Partial Census Tracts:

CT 3400.02—Excluding that portion in the City of Lafayette.

CT 3451.06—That portion contained in Block Group 9.

CT 3461.01—Excluding that portion of Block Group 3 not in the City of Walnut Creek.

CT 3462.01—Excluding Block Group 2.

CT 3470—That portion in the City of Martinez and the City of Pleasant Hill.

CT 3610—Excluding that portion in the City of El Cerrito.

Congressional District 8: Congressional District 8 shall consist of the part of Contra Costa County not contained in Congressional District 7, including those tracts designating population on vessels which are not contained in Congressional District 7, together with that part of Alameda County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 4001
CT 4002
CT 4003
CT 4004
CT 4005
CT 4006
CT 4007
CT 4008
CT 4009
CT 4010
CT 4011
CT 4012
CT 4013
CT 4014
CT 4015
CT 4016
CT 4017
CT 4017.99
CT 4018
CT 4019

CT 4019.99
CT 4020
CT 4021
CT 4022
CT 4023
CT 4024
CT 4025
CT 4026
CT 4027
CT 4028
CT 4029
CT 4030
CT 4031
CT 4032
CT 4032.99
CT 4033
CT 4034
CT 4035
CT 4036
CT 4037
CT 4038
CT 4039
CT 4040
CT 4041
CT 4042
CT 4043
CT 4044
CT 4045
CT 4046
CT 4047
CT 4048
CT 4049
CT 4050
CT 4051
CT 4052
CT 4053
CT 4054
CT 4055
CT 4056
CT 4057
CT 4058
CT 4059
CT 4060
CT 4061
CT 4062
CT 4063
CT 4064
CT 4065
CT 4067

CT 4068
CT 4069
CT 4073
CT 4078
CT 4079
CT 4080
CT 4081
CT 4088
CT 4089
CT 4091
CT 4092
CT 4093
CT 4094
CT 4095
CT 4096
CT 4102
CT 4103
CT 4104
CT 4201
CT 4202
CT 4203
CT 4204
CT 4205
CT 4206
CT 4211
CT 4212
CT 4213
CT 4214
CT 4215
CT 4216
CT 4217
CT 4218
CT 4219
CT 4220
CT 4221
CT 4222
CT 4223
CT 4224
CT 4225
CT 4226
CT 4227
CT 4228
CT 4229
CT 4230
CT 4231
CT 4232
CT 4233
CT 4234
CT 4235

CT 4236
CT 4237
CT 4238
CT 4239
CT 4240
CT 4251
CT 4261
CT 4262

Partial Census Tracts:

CT 4066—Excluding that portion contained in Block Group 1 and blocks 203, 204, 205, and 206.

CT 4090—That portion east of Doolittle Drive.

Congressional District 9: Congressional District 9 shall consist of the part of Alameda County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 4070
CT 4071
CT 4072
CT 4074
CT 4075
CT 4076
CT 4077
CT 4082
CT 4083
CT 4084
CT 4085
CT 4086
CT 4087
CT 4097
CT 4098
CT 4099
CT 4100
CT 4101
CT 4271
CT 4272
CT 4272.99
CT 4273
CT 4273.99
CT 4274
CT 4274.99
CT 4275
CT 4275.99
CT 4276
CT 4277
CT 4278
CT 4279
CT 4280
CT 4281

CT 4282
CT 4283
CT 4284
CT 4285
CT 4286
CT 4301
CT 4302
CT 4303
CT 4304
CT 4305
CT 4306
CT 4307
CT 4308
CT 4309
CT 4310
CT 4311
CT 4312
CT 4321
CT 4322
CT 4323
CT 4324
CT 4325
CT 4326
CT 4327
CT 4328
CT 4329
CT 4330
CT 4331
CT 4332
CT 4333
CT 4334
CT 4335
CT 4336
CT 4337
CT 4338
CT 4339
CT 4340
CT 4352
CT 4353
CT 4354
CT 4355
CT 4356
CT 4357
CT 4358
CT 4359
CT 4360
CT 4361
CT 4362
CT 4363

CT 4364
CT 4365
CT 4366
CT 4367
CT 4368
CT 4369
CT 4370
CT 4371
CT 4372
CT 4373
CT 4374
CT 4375
CT 4376
CT 4377
CT 4378
CT 4379
CT 4380
CT 4381
CT 4382
CT 4383
CT 4384
CT 4402
CT 4403.01
CT 4403.02
CT 4403.03
CT 4403.05
CT 4501
CT 4502
CT 4503
CT 4504
CT 4505
CT 4506.01
CT 4506.02
CT 4506.03
CT 4506.04
CT 4506.05
CT 4506.06
CT 4506.07
CT 4507.01
CT 4507.02
CT 4507.03
CT 4507.04
CT 4511
CT 4512
CT 4513
CT 4514
CT 4515
CT 4516
CT 4517

Partial Census Tracts:
CT 4066—That portion not contained in Congressional District 8.
CT 4090—That portion west of Doolittle Drive.
CT 4351—All except blocks 906 and 918.

Congressional District 10: Congressional District 10 shall consist of the part of Alameda County not contained in Congressional District 8 and Congressional District 9, together with the part of Santa Clara County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 5001
CT 5002
CT 5003
CT 5004
CT 5005
CT 5006
CT 5007
CT 5008
CT 5009
CT 5010
CT 5011
CT 5012
CT 5013
CT 5014
CT 5015
CT 5016
CT 5017
CT 5018
CT 5019
CT 5031.01
CT 5031.02
CT 5031.03
CT 5031.04
CT 5032.03
CT 5032.04
CT 5032.05
CT 5033.04
CT 5033.05
CT 5033.06
CT 5033.07
CT 5034
CT 5035.02
CT 5035.03
CT 5035.04
CT 5035.05
CT 5036.01
CT 5036.02
CT 5037.02
CT 5037.03
CT 5037.04

CT 5037.05
CT 5038.01
CT 5038.02
CT 5039
CT 5040
CT 5041
CT 5042
CT 5043.03
CT 5043.04
CT 5043.05
CT 5043.06
CT 5043.07
CT 5043.08
CT 5044.02
CT 5044.06
CT 5044.07
CT 5044.08
CT 5044.09
CT 5044.10
CT 5044.11
CT 5045.01
CT 5045.03
CT 5049.02
CT 5050.02
CT 5051

Partial Census Tracts:

CT 5020—Excluding that part south of Scott Street and west of Leland Avenue.

CT 5033.08—The part east of White Road.

CT 5046.02—Excluding portions in the City of Sunnyvale.

Congressional District 11: Congressional District 11 shall consist of that portion cf San Mateo County not included in Congressional Districts 12 and 6 together with the part of Santa Clara County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 5106
CT 5107
CT 5108.01
CT 5108.02
CT 5108.03
CT 5109
CT 5110
CT 5111
CT 5112
CT 5113
CT 5114
CT 5115
CT 5116.02
CT 5116.03

Partial Census Tracts:
CT 5046.01—Portions of the City of Palo Alto.
CT 5093.01—Portions of the City of Palo Alto.
CT 5093.02—Portions of the City of Palo Alto.
CT 5094.01—Portions of the City of Palo Alto.
CT 5116.01—Portions not in the City of Los Altos Hills.
CT 5117.01—Portions of the City of Palo Alto.

Congressional District 12: Congressional District 12 consists of the part of San Mateo County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 6056
CT 6057
CT 6114
CT 6115
CT 6125
CT 6126
CT 6127
CT 6128
CT 6129
CT 6130
CT 6131
CT 6132
CT 6133
CT 6134
CT 6138

Partial Census Tracts:
CT 6050—All except portions in the City of Burlingame.
CT 6068—The unincorporated portion of Block Group 1.
CT 6069—Blocks 202, 204, 205, 207, and the unincorporated portion of block 210.
CT 6135—That portion east and south of the west and north boundaries of Feliz Rancho and its extension to the east tract boundary.
CT 6137—That portion east of Skyline Boulevard.

together with that part of Santa Clara County not contained in Congressional Districts 10, 11, and 13, together with that part of Stanislaus County not contained in Congressional District 15.

Congressional District 13: Congressional District 13 shall consist of the part of Santa Clara County contained in the following whole and partial census tracts.

Whole Census Tracts:
CT 5021.01
CT 5021.02
CT 5022
CT 5023
CT 5024
CT 5025
CT 5026.01

CT 5026.02
CT 5027.01
CT 5027.02
CT 5028
CT 5029.01
CT 5029.02
CT 5029.03
CT 5029.05
CT 5029.06
CT 5029.07
CT 5029.08
CT 5030.01
CT 5030.02
CT 5030.03
CT 5032.06
CT 5032.07
CT 5032.08
CT 5033.09
CT 5049.01
CT 5050.01
CT 5052.02
CT 5052.03
CT 5053.01
CT 5053.02
CT 5053.03
CT 5053.04
CT 5053.05
CT 5054.01
CT 5054.02
CT 5054.03
CT 5055
CT 5056
CT 5057
CT 5058
CT 5059
CT 5060
CT 5061.01
CT 5061.02
CT 5061.03
CT 5062.02
CT 5062.03
CT 5062.04
CT 5063.01
CT 5063.02
CT 5063.04
CT 5063.05
CT 5064.01
CT 5064.02
CT 5065.01

CT 5065.02
CT 5065.03
CT 5066.01
CT 5066.03
CT 5066.04
CT 5066.05
CT 5066.06
CT 5067.01
CT 5067.02
CT 5067.03
CT 5068.01
CT 5068.02
CT 5068.03
CT 5068.04
CT 5079.01
CT 5079.03
CT 5119.01
CT 5119.03
CT 5119.04
CT 5119.05
CT 5119.07
CT 5120.02
CT 5120.05
CT 5120.06
CT 5120.07
CT 5120.08
CT 5120.09
CT 5120.10
CT 5120.11
CT 5120.12
CT 5120.13
CT 5120.14
CT 5120.15
CT 5120.16

Partial Census Tracts:

CT 5020—That portion not in Congressional District 10.

CT 5033.08—That portion west of White Road.

CT 5033.10—Blocks 140 and 141.

CT 5052.01—That portion in the City of Santa Clara.

CT 5069—Those parts in the Town of Los Gatos and the City of San Jose, together with those unincorporated parts which on April 1, 1980, belonged to unincorporated pockets entirely surrounded by the Town of Los Gatos or the City of San Jose.

CT 5070—That portion in the Town of Los Gatos and the unincorporated portions of blocks 101 and 102.

CT 5071—That portion in the Town of Los Gatos.

CT 5072.02—That portion in the Town of Los Gatos.

CT 5072.03—Excluding that portion in the City of Monte Sereno.

CT 5072.04—That portion in the Town of Los Gatos and the City

of Campbell.
CT 5078.04—That portion in the City of San Jose.
CT 5079.04—That portion in the City of San Jose.
CT 5080.02—Excluding that portion in the City of Cupertino.
CT 5081.02—That portion in the City of Santa Clara.
CT 5082.02—That portion in the City of Santa Clara.
CT 5085.06—That portion in the City of Santa Clara.
CT 5087.02—That portion in the City of Santa Clara.
CT 5119.06—Blocks 502 through 518 and blocks 520 and 521.
CT 5119.08—Blocks 620 through 632.

Congressional District 14: Congressional District 14 shall consist of the following whole counties:
Alpine
Amador
El Dorado
Lassen
Modoc
Nevada
Placer
Plumas
Sierra
Siskiyou

together with the part of San Joaquin County not included in Congressional District 18 and the part of Shasta County contained in the following whole and partial census tracts:
Whole Census Tracts:
CT 119
CT 125
CT 126
CT 127
Partial Census Tracts:
CT 118—Ed 357.

Congressional District 15: Congressional District 15 shall consist of the following whole counties.
Madera
Mariposa
Merced

together with the part of Fresno County contained in the following whole and partial census tracts.
Whole Census Tracts:
CT 14.04
CT 16
CT 17
CT 39
CT 40
CT 41
CT 42.01
CT 63
CT 65

CT 66
CT 67
CT 68
CT 70
CT 71
CT 72
CT 73
CT 74
CT 75
CT 76
CT 77
CT 78
CT 79
CT 80
CT 81
CT 82
CT 83
CT 84.01
CT 84.02

Partial Census Tracts:

CT 14.01—Portions not in the City of Fresno.
CT 14.03—Portions not in the City of Fresno.
CT 18—Portions not in the City of Fresno.
CT 19—Portions not in the City of Fresno.
CT 38—Portions not in the City of Fresno.
CT 58—All except those portions in the Cities of Clovis and Fresno and Block Groups 1 and 2 and unincorporated portions of Block Group 4 and blocks 920, 922, 923, 927, 928, 929, 933 and the unincorporated portions of blocks 932 and 934.
CT 59.01—Portions north of Kings Canyon Road.
CT 59.02—Portions north of Kings Canyon Road.

together with the part of Stanislaus County contained in the following whole and partial census tracts.

Whole Census Tracts:

CT 6
CT 7
CT 8.01
CT 8.03
CT 8.04
CT 8.05
CT 9.01
CT 9.02
CT 9.05
CT 9.06
CT 10
CT 11
CT 12
CT 13
CT 14

CT 17
CT 18
CT 19
CT 20.01
CT 21
CT 22
CT 25
CT 26
CT 27
CT 32
CT 35

Partial Census Tracts:

CT 4.01—Portions in the City of Modesto and the unincorporated portion of block 301.

CT 5.02—Portions in the City of Modesto and the unincorporated portion of block 122.

CT 9.04—Portions in the City of Modesto.

CT 15—All except Block Groups 4 and 5 and block 301 and the unincorporated portion of block 303.

CT 16—All except blocks 505, 506, 507, 508, 509, 511, 512, 513, 514, 515, 516, 517, 518, and 519.

CT 23—All except blocks 506 and 507.

CT 24—Portions of the City of Modesto, blocks 101 and 102, and the unincorporated portions of 103.

CT 30—Portions of the City of Ceres, Block Group 5, and blocks 403, 405, 406, 407, 601, 602, 613, and 614.

CT 33—Block Groups 6 and 7.

CT 34—Block Groups 1, 2, and 5.

CT 36.03—All except Block Groups 1, 2, and 3.

Congressional District 16: Congressional District 16 shall consist of the following whole counties:

Monterey
San Benito
Santa Cruz

together with the part of San Luis Obispo County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 104
CT 105
CT 106
CT 106.99

Partial Census Tracts:

CT 107—Portions of the City of Morro Bay and Eds 0083, 0084T, 0084U, 0085T, and 0085U, and the trailer park in the northeast corner of Ed 0086 bordered by Ramona Avenue and Broderson Avenue.

CT 108—All except portions south of Los Osos Valley Road.

Congressional District 17: Congressional District 17 shall consist of the following whole counties:

Kings

Tulare
together with the part of Fresno County contained in the following whole and partial census tracts:
Whole Census Tracts:
CT 31.02
CT 44.02
CT 45.03
CT 45.04
CT 45.05
CT 45.06
CT 54.03
CT 54.04
CT 54.05
CT 54.06
CT 54.07
CT 54.08
CT 56.01
CT 56.02
CT 57
CT 64.03
Partial Census Tracts:
CT 31.01—Portions in the City of Clovis.
CT 42.02—All except Block Group 9 and blocks 302 and 304.
CT 43—All except Block Group 9 and blocks 102, 103, 104, 105, 106, 120, 121, and 122.
CT 46—Block Group 1 and blocks 201, 202, 203, 204, 213, 214, 215, and 216.
CT 50—All except blocks 303 and 304.
CT 55.01—All except Ed 339 and blocks 298 and 299.
CT 55.02—All except Ed 335 and that portion of Ed 336 north of Copper Avenue and its easterly extension to the east census tract boundary.
CT 58—Portions in the City of Clovis and unincorporated portions of block 115.
CT 64.01—Portions south of Auberry Road.
together with the part of Kern County contained in the following whole and partial census tracts:
Whole Census Tracts:
CT 11.01
CT 11.02
CT 11.03
CT 23.01
CT 24
CT 43
CT 44
CT 45
CT 46
CT 47
CT 48

CT 49
CT 50
CT 63
Partial Census Tracts:
CT 9.06—All except portions in the City of Bakersfield.
CT 9.07—All except portions in the City of Bakersfield.
CT 10—All except portions in the City of Bakersfield.
CT 12—All except portions in the City of Bakersfield.
CT 13—All except portions in the City of Bakersfield.
CT 14—All except portions in the City of Bakersfield.
CT 21—All except portions in the City of Bakersfield.
CT 23.02—All except portions in the City of Bakersfield.
CT 25—All except portions in the City of Bakersfield.
CT 26—All except portions in the City of Bakersfield.
CT 30—All except portions in the City of Bakersfield.
CT 31.02—All except portions in the City of Bakersfield.
CT 31.03—All except portions in the City of Bakersfield.
CT 32.02—Blocks 121, 122, 130, and all of Block Group 9 except blocks 909 and 910.
CT 51.01—All except Eds 317 and 325.
CT 62—Ed 0351.

Congressional District 18: Congressional District 18 shall consist of the following whole counties:
Calaveras
Mono
Tuolumne
together with the part of Fresno County not contained in Congressional Districts 15 and 17,
together with part of San Joaquin County contained in the following whole and partial census tracts:
Whole Census Tracts:
CT 1
CT 2
CT 3
CT 4
CT 5
CT 6
CT 7
CT 8
CT 9
CT 10
CT 11.01
CT 11.02
CT 13
CT 15
CT 16
CT 17
CT 18
CT 19

CT 20
CT 21
CT 22
CT 23
CT 24
CT 25
CT 26
CT 27.01
CT 27.02
CT 28
CT 29
CT 31.03
CT 33.06
CT 33.07
CT 34.02
CT 36.01
CT 36.02
CT 37
CT 38
CT 48
CT 49.01
CT 49.02
CT 50.01
CT 50.02
CT 51.01
CT 51.03
CT 51.05
CT 51.06
CT 51.07
CT 51.08
CT 51.09
CT 51.10
CT 52.01
CT 52.02
CT 53.02
CT 53.03
CT 53.04
CT 54
CT 55

Partial Census Tracts:

CT 12—Block Groups 2, 3, and 5, and blocks 418, 419, 422, 423, 424, 426, 427, 430, and 431.

CT 47—Portions in Ed 3.

Congressional District 19: Congressional District 19 shall consist of the following whole county:

Santa Barbara

together with the part of Ventura County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 2
CT 4
CT 5
CT 6
CT 7
CT 8
CT 11
CT 12.01
CT 12.02
CT 12.03
CT 12.04
CT 12.05
CT 13
CT 14
CT 15.01
CT 15.02
CT 16.01
CT 16.02
CT 17
CT 18
CT 19
CT 20
CT 21.01
CT 21.02
CT 22
CT 23
CT 24
CT 25
CT 26
CT 27
CT 28.01
CT 28.02
CT 29
CT 30
CT 31
CT 32
CT 33
CT 34
CT 35
CT 37
CT 38
CT 39
CT 40
CT 41
CT 45
CT 47.01
CT 47.03
CT 49
CT 50

Partial Census Tracts:

CT 1—Portions of the Ed 100 north of the southern line of the Sespe Condor Sanctuary west to T5N/T4N and its western extension to the tract boundary.

CT 10—All except portions in the City of Ojai.

CT 47.02—All except Block Group 3 in the City of Oxnard and unincorporated portions of blocks 304 and 305.

Congressional District 20: Congressional District 20 shall consist of the part of Kern County, not contained in Congressional District 17, together with the part of San Luis Obispo County not contained in Congressional District 16, together with the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 9002
CT 9003
CT 9004
CT 9005
CT 9006.01
CT 9006.02
CT 9006.03
CT 9007.01
CT 9007.02
CT 9008.01
CT 9008.02
CT 9009
CT 9010
CT 9011
CT 9101
CT 9102
CT 9103
CT 9104
CT 9105
CT 9106
CT 9107

Partial Census Tracts:

CT 9012.01—Portions not in Congressional District 21.

CT 9100—Portions not in Congressional District 35.

CT 9108.02—Portions of Ed 147 west of the Acton Canyon Wash.

Congressional District 21: Congressional District 21 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 1011
CT 1012
CT 1013
CT 1014
CT 1021.01
CT 1031.01
CT 1031.02

CT 1032.01
CT 1033.01
CT 1033.02
CT 1034
CT 1063
CT 1082
CT 1112.04
CT 1131
CT 1132.01
CT 1132.02
CT 1133.01
CT 1133.02
CT 1133.03
CT 1153.01
CT 1372.02
CT 5990
CT 5991
CT 8002
CT 8003.01
CT 8003.21
CT 8003.22
CT 9203.03
CT 9203.12
CT 9203.21
CT 9203.23

Partial Census Tracts:

CT 1021.02—Portions not in Congressional District 26.
CT 1032.02—Portions not in Congressional District 26.
CT 1041.02—Portions not in Congressional District 26.
CT 1047—Portions not in Congressional District 26.
CT 1061.01—Block Group 1 and blocks 234, 306, 307, 310, 311, 326, 327, 328, and 330.
CT 1061.02—Blocks 210, 211, 212, 214, 216, and 224.
CT 1062—Blocks 104, 105, 106, 107, 108, 109, 110, 128, 215, 216, 219, 221, 222, 223, 224, 234, 240, 241, 246, 247, 248, 260, 261, 262, and 263.
CT 1064—Blocks 206, 305, 307, 308, 309, 310, 311, 313, 431, and 432.
CT 1065—Portions not in Congressional District 26.
CT 1066.01—Portions not in Congressional District 26.
CT 1066.02—Portions not in Congressional District 26.
CT 1066.03—Portions not in Congressional District 26.
CT 1066.04—Portions not in Congressional District 26.
CT 1081—Portions not in Congressional District 26.
CT 1091—Blocks 211, 212, and 213.
CT 1112.01—Portions not in Congressional District 26.
CT 1112.02—Portions not in Congressional District 26.
CT 1112.03—Portions not in Congressional District 26.
CT 1113.01—Portions not in Congressional District 26.
CT 1113.02—Portions not in Congressional District 26.
CT 1114.01—Blocks 110, 111, 112, 113, 114, and 115.

CT 1114.02—Blocks 110, 111, 112, 113, 114, and 115.
CT 1132.03—Portions not in Congressional District 23.
CT 1134.01—Portions not in Congressional District 23.
CT 1134.02—Portions not in Congressional District 23.
CT 1151.01—Portions not in Congressional District 26.
CT 1151.02—Portions not in Congressional District 23.
CT 1152.01—Portions not in Congressional District 23.
CT 1152.02—Portions not in Congressional District 23.
CT 1154.01—Portions not in Congressional District 23.
CT 1173.02—Blocks 201, 203, 204, 205, 206, 207, 208, 209, 301, 302, 303, 305, 309, 310, 311, 312, 313, 320, and 321.
CT 1211—Blocks 101, 104, 106, 109, 110, 111, 114, 117, 122, 201, 202, 203, 206, 213, 216, 221, 223, 224, 225, 226, 227, 229, 301, 302, 303, 509, 511, 512, 521, 527, and 528.
CT 1222—Blocks 105, 114, 115, 116, 117, 118, 119, 120, and 121.
CT 1344.01—Blocks 106, 109, 110, 111, 112, 113, 201, 203, 204, 205, 206, 207, 222, 223, 224, 932, and portions of blocks 105, 107, and 202 south of an easterly extension of Arminta Street.
CT 1344.02—Portions north and east of the following boundaries: Beginning with the southern tract boundary and Platt Avenue, north on Platt Avenue to Highlander Road, west on Highlander Road to Darnoch Way, north on Darnoch Way to Helmsdale Road, north on Helmsdale Road to its intersection with Forest Hills Road, east on Forest Hills Road to Platt Avenue, north on Platt Avenue to an easterly extension of Gerrard Way, west on an easterly extension of Gerrard Way and its westerly extension to an intersection with Rainbow Drive, southwesterly on Rainbow Drive to its intersection with the west tract boundary.
CT 1352.01—Blocks 201, 203, 205, 206, 207, 208, and 209.
CT 1352.02—Blocks 306, 307, 308, 309, 310, and 311.
CT 1352.03—Blocks 414, 415, 416, and 421.
CT 1372.01—Block Group 2.
CT 1373.01—Blocks 102, 106, 107, 108, 109, 113, 115, 118, 119, 120, 121, 122, and 124.
CT 1373.02—Block 205.
CT 1373.03—Blocks 102, 103, 105, 106, 107, 114, 137, 138, and that portion of block 133 south of Canzonet Avenue and its southwesterly extension.
CT 8004—Ed 400.
CT 9302—That portion not in Congressional District 22.
together with the portions of Ventura County not contained in Congressional District 19.

Congressional District 22: Congressional District 22 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 3001
CT 3002
CT 3003

CT 3004
CT 3005
CT 3006
CT 3007.01
CT 3007.02
CT 3008
CT 3009
CT 3010
CT 3011
CT 3012.01
CT 3012.02
CT 3013
CT 3014
CT 3015
CT 3016
CT 3017
CT 3018
CT 3019
CT 3020
CT 3021.01
CT 3021.02
CT 3022
CT 3023
CT 3024
CT 3025.01
CT 3025.02
CT 3102
CT 3103
CT 4303
CT 4304
CT 4305.01
CT 4305.02
CT 4306
CT 4307.01
CT 4307.21
CT 4307.22
CT 4308.01
CT 4308.02
CT 4308.03
CT 4309
CT 4310
CT 4313
CT 4314
CT 4316
CT 4317
CT 4318
CT 4319
CT 4320
CT 4600

CT 4601
CT 4605.01
CT 4605.02
CT 4606
CT 4607
CT 4612
CT 4613
CT 4614
CT 4625
CT 4626
CT 4628
CT 4629
CT 4630
CT 4631.01
CT 4631.02
CT 4632
CT 4635
CT 4636
CT 4637
CT 4639
CT 4640
CT 4641
CT 4642
CT 4800.01
CT 4801.01
CT 4805
CT 4806
CT 4807.01
CT 4807.02
CT 4812.01
CT 9012.02
CT 9200.01
CT 9200.03
CT 9200.21
CT 9200.22
CT 9200.23
CT 9200.24
CT 9201
CT 9202
CT 9203.11
CT 9203.13
CT 9203.22
CT 9301

Partial Census Tracts:

CT 3101—Block Groups 1 and 2 and block 301.

CT 3104—Block Groups 1 and 2 and blocks 301, 302, 310, and 311

CT 3106—Block Groups 1, 2, 3, and 4.

CT 3107—Block Group 7 and blocks 101, 102, 103, 104, 110, 404, 405, 604, 618, and 622.

CT 3108—Blocks 104, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 301, 302, and 303.

CT 3113—Blocks 204, 205, 206, 207, 208, 209, 305, 306, 307, 308, 309, 310, and 311.

CT 3114—Blocks 101, 102, 104, 105, 106, 108, 109, 201, 202, 203, 204, 205, and 206.

CT 3115—Block Group 4 and blocks 101, 102, 103, 304, 305, 306, 501, 502, 503, 504, 505, and 506.

CT 3116—Block Groups 4, 5, and 6 and blocks 116, 117, 206, 207, 208, 209, 210, 302, 303, 309, 317, 318, and 319.

CT 3117—Block Groups 2 and 3 and blocks 107, 108, 109, 110, 111, 403, 404, 405, 406, 407, 408, 409, 410, 411, 501, 607, 608, 609, 610, 611, 612, 613, and 614.

CT 3118—Block Group 2 and blocks 116, 301, and 409.

CT 4311—Portions not in Congressional District 30.

CT 4312—Portions not in Congressional District 30.

CT 4315—Portions not in Congressional District 30.

CT 4321.01—Portions not in Congessional District 30.

CT 4321.02—Portions not in Congressional District 30.

CT 4323—Portions not in Congressional District 30.

CT 4325—Portions not in Congressional District 30.

CT 4633—All except blocks 205, 206, 207, 216, 217, and 218.

CT 4634—Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 213, 214, 217, 218, 219, 220, 221, 301, 302, and 303.

CT 4800.02—Portions not in Congressional District 30.

CT 9012.01—Eds 131, 132, and 133.

CT 9108.01—Block 922 and that portion of the tract south of Iron Canyon Creek.

CT 9200.25—All except blocks 901 and 104 and that portion of block 914 between Nearview Drive and Soledad Canyon Road that is east of Macklin Avenue and Kenroy Avenue.

CT 9302—That portion of Ed 75 except that portion south of Herreres and Olive Canyon and west of Power and Light Road and its southern extension to the south tract boundary east of Power and Light Road.

Congressional District 23: Congressional District 23 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 1153.02
CT 1154.02
CT 1273
CT 1274
CT 1275
CT 1276.01
CT 1276.02
CT 1283.02
CT 1287.02
CT 1311

CT 1312
CT 1313
CT 1314
CT 1315
CT 1316
CT 1317
CT 1318
CT 1319
CT 1321
CT 1322
CT 1323
CT 1324
CT 1325
CT 1326
CT 1327
CT 1328
CT 1329
CT 1331.01
CT 1331.02
CT 1341.01
CT 1341.02
CT 1342.01
CT 1342.02
CT 1343.01
CT 1343.02
CT 1343.03
CT 1345
CT 1346
CT 1347
CT 1348.01
CT 1348.02
CT 1349.01
CT 1349.02
CT 1351.01
CT 1351.02
CT 1371.01
CT 1371.02
CT 1374.01
CT 1374.02
CT 1375.01
CT 1375.02
CT 1375.03
CT 1375.04
CT 1376
CT 1391
CT 1392
CT 1393
CT 1394
CT 1395

CT 1397.03
CT 1398.01
CT 1398.02
CT 2149
CT 2164
CT 2165
CT 2166
CT 2621
CT 2622
CT 2623.01
CT 2623.02
CT 2623.03
CT 2624
CT 2625
CT 2641.01
CT 2641.02
CT 2642
CT 2643.01
CT 2651
CT 2652
CT 2653.01
CT 2653.02
CT 2654.01
CT 2654.02
CT 2655
CT 2656
CT 2657
CT 2671
CT 2672
CT 2673
CT 2674.01
CT 2674.02
CT 2675.01
CT 2675.02
CT 2676
CT 2677
CT 2678
CT 2679
CT 2691
CT 2692
CT 2693
CT 2694
CT 2695
CT 2696
CT 2697
CT 2698
CT 7002
CT 7003
CT 7005

CT 7006
CT 7007
CT 7008
CT 7009.01
CT 7009.02
CT 7010
CT 7011
Partial Census Tracts:
CT 1132.03—Block Group 1 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 214, and 215.
CT 1134.01—Blocks 110, 111, 112, 113, 114, 115, 201, 202, 203, 204, 309, 310, 311, and 312.
CT 1134.02—All except Block Group 1 and blocks 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 405, 406, 407, 408, 409, 410, 606, 607, 608, 609, 610, 611, 617, and 618.
CT 1151.02—Block 119.
CT 1152.01—Blocks 105, 106, 107, 108, 109, 209, 210, and 211.
CT 1152.02—Blocks 105, 106, 107, 115, 116, 119, 212, 213, 214, 215, 216, 219, 301, 302, 303, 305, 306, and 324.
CT 1154.01—Blocks 108, 109, 110, 111, 113, 114, 116, 117, 129, 130, and 131.
CT 1246—Portions not in Congressional District 26.
CT 1272—Portions not in Congressional District 26.
CT 1283.01—Block Group 4 and blocks 304, 305, 306, 309, 310, and 311.
CT 1284—Portions not in Congressional District 26.
CT 1285—Blocks 209, 211, 213, 214, 216, 301, 302, 303, 304, 305, 306, 307, 308, and 309.
CT 1287.01—Portions not in Congressional District 26.
CT 1344.01—That portion not in Congressional District 21.
CT 1344.02—That portion not in Congressional District 21.
CT 1352.01—That portion not in Congressional District 21.
CT 1352.02—That portion not in Congressional District 21.
CT 1352.03—That portion not in Congressional District 21.
CT 1372.01—That portion not in Congressional District 21.
CT 1373.01—That portion not in Congressional District 21.
CT 1373.02—That portion not in Congressional District 21.
CT 1373.03—That portion not in Congressional District 21.
CT 1397.02—Blocks 402, 406, 408, 420, and 421.
CT 2626—Block Groups 1 and 2 and blocks 903, 904, 905, 906, 907, 917, 918, 919, 923, 924, 925, and 927.
CT 2627.02—Blocks 101, 102, 103, 104, and 111.
CT 2643.02—Block Group 1 and blocks 201, 202, 203, 204, 205, 211, 301, 305, and 306.
CT 7004—Portions not included in Congressional District 24.
Congressional District 24: Congressional District 24 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:
Whole Census Tracts:

CT 1223
CT 1224
CT 1231.01
CT 1231.02
CT 1232
CT 1233.01
CT 1238
CT 1239
CT 1241.01
CT 1241.02
CT 1242.01
CT 1242.02
CT 1243
CT 1252
CT 1253
CT 1254
CT 1255
CT 1256
CT 1431
CT 1432
CT 1436.01
CT 1437
CT 1438.01
CT 1438.02
CT 1873
CT 1881
CT 1882.01
CT 1882.02
CT 1883
CT 1891
CT 1892
CT 1893
CT 1894
CT 1895
CT 1896
CT 1897.01
CT 1897.02
CT 1898
CT 1899
CT 1901
CT 1902
CT 1903.01
CT 1903.02
CT 1904
CT 1905
CT 1906
CT 1907
CT 1908
CT 1909

CT 1911
CT 1912.01
CT 1912.02
CT 1913
CT 1914
CT 1915
CT 1916.01
CT 1916.02
CT 1917
CT 1918
CT 1919.01
CT 1919.02
CT 1921
CT 1922
CT 1923
CT 1924
CT 1925
CT 1926
CT 1927
CT 1941
CT 1944
CT 1945
CT 1951
CT 1952
CT 1953
CT 1954
CT 1955
CT 1956
CT 1957
CT 1958
CT 1959
CT 1973
CT 1974
CT 1975
CT 2084
CT 2085
CT 2086
CT 2111
CT 2112
CT 2113
CT 2114
CT 2115
CT 2116
CT 2117
CT 2118
CT 2119
CT 2121
CT 2124
CT 2125

CT 2126
CT 2141
CT 2142
CT 2143
CT 2144
CT 2145
CT 2146
CT 2147
CT 2148
CT 2151
CT 2152
CT 2153
CT 2161
CT 2162
CT 2163
CT 2168
CT 3200
CT 7001

Partial Census Tracts:

CT 1233.02—All except Block Group 4 and blocks 305 and 306.

CT 1871—All except portions southeast of the Glendale Freeway.

CT 1872—All except blocks 201, 202, 203, 204, 205, 206, 209, and 210.

CT 2087—All except blocks 103, 104, 105, and 106.

CT 2127—Portions not in Congressional District 27.

CT 2128—All except blocks 101, 102, 103, 104, 106, 201, 206, 301, 302, and 303.

CT 2169—All except Block Groups 3, 4, and 5, and blocks 205, 206, 207, 208, and 209.

CT 2171—All except Block Groups 2 and 3 and blocks 401, 402, 403, and 404.

CT 2172—Blocks 101, 102, 103, 308, 309, 310, 401, 402, 403, 404, and 408.

CT 7004—All Block Group 1 except blocks 111 and 113.

Congressional District 25: Congressional District 25 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 1811
CT 1812
CT 1813
CT 1814
CT 1815
CT 1816
CT 1831.01
CT 1831.02
CT 1832
CT 1833
CT 1834
CT 1835

CT 1836
CT 1837
CT 1838
CT 1851
CT 1852.01
CT 1852.02
CT 1853
CT 1861
CT 1862
CT 1863
CT 1864
CT 1971
CT 1972
CT 1976
CT 1977
CT 1991
CT 1992
CT 1993
CT 1994
CT 1995
CT 1996
CT 1997
CT 1998
CT 1999
CT 2011
CT 2012
CT 2013
CT 2014.01
CT 2014.02
CT 2015.01
CT 2015.02
CT 2016
CT 2017
CT 2031
CT 2032
CT 2033
CT 2034
CT 2035
CT 2036
CT 2037
CT 2038
CT 2039
CT 2041
CT 2042
CT 2043
CT 2044
CT 2045.01
CT 2045.02
CT 2046

CT 2047
CT 2048
CT 2049
CT 2051
CT 2061
CT 2062
CT 2063
CT 2064
CT 2065
CT 2071
CT 2072
CT 2073
CT 2074
CT 2075
CT 2076
CT 2077
CT 2078
CT 2079
CT 2081
CT 2082
CT 2083
CT 2091
CT 2092
CT 2261
CT 2262
CT 2263
CT 2266
CT 4602
CT 4603
CT 4604
CT 4608
CT 4609
CT 4610
CT 4611
CT 4615
CT 4616
CT 4617
CT 4619
CT 4620
CT 4621
CT 4622
CT 4623
CT 4624
CT 4627
CT 4638
CT 5303
CT 5305
CT 5306
CT 5307

CT 5308
CT 5309
CT 5310
CT 5311
CT 5312
CT 5313
CT 5314
CT 5315
CT 5316.01
CT 5316.02
Partial Census Tracts:
CT 1871—Portions not in Congressional District 24.
CT 1872—Portions not in Congressional District 24.
CT 2241—Portions not in Congressional District 28.
CT 4633—Portions not in Congressional District 22.
CT 4634—Portions not in Congressional District 22.
CT 5304—Portions not in Congressional District 30.

Congressional District 26: Congressional District 26 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 1041.01
CT 1042.01
CT 1042.02
CT 1043
CT 1044
CT 1045
CT 1046
CT 1048
CT 1067
CT 1068
CT 1092
CT 1093
CT 1094
CT 1095
CT 1096.01
CT 1096.02
CT 1097
CT 1098.01
CT 1098.02
CT 1111.01
CT 1111.02
CT 1171
CT 1172.01
CT 1172.02
CT 1173.01
CT 1173.03
CT 1174.01
CT 1174.02

CT 1174.03
CT 1175
CT 1176
CT 1191
CT 1192
CT 1193
CT 1194
CT 1195
CT 1196
CT 1197
CT 1198
CT 1199
CT 1201.01
CT 1201.02
CT 1202
CT 1203
CT 1204
CT 1212
CT 1213
CT 1214
CT 1215
CT 1216
CT 1217
CT 1218
CT 1219
CT 1221
CT 1234
CT 1235
CT 1236.01
CT 1236.02
CT 1237
CT 1244
CT 1245
CT 1247
CT 1248
CT 1249.01
CT 1249.02
CT 1251
CT 1271.01
CT 1271.02
CT 1277
CT 1278.01
CT 1278.02
CT 1279
CT 1281
CT 1282
CT 1286
CT 1288
CT 1289

CT 1396
CT 1397.01
CT 1411
CT 1412
CT 1413.01
CT 1413.02
CT 1414
CT 1415
CT 1416
CT 1417
CT 1433
CT 1434.01
CT 1434.02
CT 1435
CT 1436.02
CT 1439.01
CT 1439.02
CT 1942
CT 1943
CT 2611.01
CT 2611.02
CT 2612
CT 3105
CT 3109
CT 3110
CT 3111
CT 3112
CT 3201
CT 3202
CT 3203

Partial Census Tracts:

CT 1021.02—Blocks 111, 118, 205, 210, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, 405, and 406.

CT 1032.02—Blocks 104, 105, 106, 107, 108, 109, 110, 111, 117, and 118.

CT 1041.02—All except blocks 213, 214, 215, 216, 217, and 220.

CT 1047—All except block 209.

CT 1061.01—Portions not in Congressional District 21.

CT 1061.02—Portions not in Congressional District 21.

CT 1062—Portions not in Congressional District 21.

CT 1064—Portions not in Congressional District 21.

CT 1065—All except blocks 405, 408, 412, 413, 414, 905, 907, 908, 917, 918, 922, 923, 924, 925, 926, 927, and 928.

CT 1066.01—All except blocks 420, 421, 433, and 497.

CT 1066.02—That portion north of a straight line connecting the intersection of Woodley Avenue and Balboa Boulevard with the intersection of the Golden State Freeway and Roxford Street.

CT 1066.03—Blocks 106, 107, 108, 111, 112, and 113.

CT 1066.04—Block Group 1 except blocks 111, 112, and 113; and

blocks 906, 907, 910, 911, 912, and 922.

CT 1081—Blocks 208, 238, 239, and that portion of block 228 east of Amigo Avenue.

CT 1091—Portions not in Congressional District 21.

CT 1112.01—Blocks 105, 107, 108, 109, 122, and 123.

CT 1112.02—Block Group 1 and blocks 201, 202, and 203.

CT 1112.03—Blocks 106, 107, 108, 109, 110, 111, 116, 117, 201, 202, 203, 504, 505, 506, 507, 508, 509, and Block Group 4 except block 402.

CT 1113.01—Blocks 218, 219, 220, and 225.

CT 1113.02—Block Group 1 except blocks 111, 112, and 114; Block Group 2 except blocks 201, 202, and 203.

CT 1114.01—Portions not in Congressional District 21.

CT 1114.02—Portions not in Congressional District 21.

CT 1151.01—Blocks 101, 102, 103, 104, 116, 117, 126, 202, 206, 222, 223, and 227.

CT 1173.02—Portions not in Congressional District 21.

CT 1211—Portions not in Congressional District 21.

CT 1222—Portions not in Congressional District 21.

CT 1233.02—Portions not in Congressional District 24.

CT 1246—Block Group 1.

CT 1272—Blocks 101, 102, 103, 104, 106, 107, 109, 110, 407, 409, 410, 411, and 412.

CT 1283.01—Portions not in Congressional District 23.

CT 1284—Blocks 311, 312, 401, 402, 403, and 404.

CT 1285—Portions not in Congressional District 23.

CT 1287.01—Block Group 1.

CT 1397.02—Portions not in Congressional District 23.

CT 3101—Portions not in Congressional District 22.

CT 3104—Portions not in Congressional District 22.

CT 3106—Portions not in Congressional District 22.

CT 3107—Portions not in Congressional District 22.

CT 3108—Portions not in Congressional District 22.

CT 3113—Portions not in Congressional District 22.

CT 3114—Portions not in Congressional District 22.

CT 3115—Portions not in Congressional District 22.

CT 3116—Portions not in Congressional District 22.

CT 3117—Portions not in Congressional District 22.

CT 3118—Portions not in Congressional District 22.

Congressional District 27: Congressional District 27 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 2129

CT 2131

CT 2132

CT 2167

CT 2183

CT 2184

CT 2185

CT 2193
CT 2194
CT 2195
CT 2196
CT 2197
CT 2198
CT 2199
CT 2627.01
CT 2628
CT 2699.01
CT 2699.02
CT 2701
CT 2702
CT 2703
CT 2711.01
CT 2711.02
CT 2712
CT 2713
CT 2714
CT 2715
CT 2716
CT 2717.01
CT 2717.02
CT 2718
CT 2719
CT 2721
CT 2722
CT 2723.01
CT 2723.02
CT 2731
CT 2732
CT 2733
CT 2734
CT 2735
CT 2736
CT 2737
CT 2738
CT 2739
CT 2741
CT 2742
CT 2751.01
CT 2751.02
CT 2752
CT 2753.01
CT 2753.02
CT 2754
CT 2755
CT 2756
CT 2766.03

CT 2781
CT 2947.99
CT 2949.99
CT 2951.99
CT 2961.99
CT 2962.99
CT 2971.99
CT 2976.99
CT 5756.99
CT 5757.99
CT 6037.02
CT 6038
CT 6039
CT 6040
CT 6041
CT 6200
CT 6200.99
CT 6201
CT 6202
CT 6203.01
CT 6203.02
CT 6203.03
CT 6204
CT 6205.01
CT 6205.02
CT 6206.01
CT 6206.02
CT 6207.01
CT 6207.02
CT 6208
CT 6209.01
CT 6209.02
CT 6210.01
CT 6210.02
CT 6211
CT 6212
CT 6213.01
CT 6213.02
CT 6214
CT 7012.01
CT 7012.02
CT 7013.01
CT 7013.02
CT 7014
CT 7015.01
CT 7015.02
CT 7016.01
CT 7016.02
CT 7017.01

CT 7017.02
CT 7018.01
CT 7018.02
CT 7019
CT 7020
CT 7021
CT 7022.01
CT 7022.02
CT 7023
CT 7029
CT 7029.99
CT 8001
CT 8005
Partial Census Tracts:
CT 2127—Blocks 108, 109, and 110.
CT 2128—Portions not in Congressional District 24.
CT 2169—Portions not in Congressional District 24.
CT 2171—Portions not in Congressional District 24.
CT 2172—Portions not in Congressional District 24.
CT 2201—Portions not in Congressional District 28.
CT 2626—Portions not in Congressional District 23.
CT 2627.02—Portions not in Congressional District 23.
CT 2643.02—Portions not in Congressional District 23.
CT 2774—Portions not in Congressional District 28.
CT 6015—Portions not in Congressional District 28.
CT 6016—Portions not in Congressional District 31.
CT 6017—Portions not in Congressional District 31.
CT 6018—Portions not in Congressional District 28.
CT 6022—Portions not in Congressional District 31.
CT 6023.01—Portions not in Congressional District 31.
CT 6035—Portions not in Congressional District 31.
CT 6036—Portions not in Congressional District 31.
CT 6037.01—Portions not in Congressional District 31.
CT 8004—Portions not in Congressional District 21.

Congressional District 28: Congressional District 28 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 2088
CT 2089
CT 2093
CT 2094
CT 2095
CT 2096
CT 2097
CT 2098
CT 2122
CT 2123
CT 2133

CT 2134
CT 2181
CT 2182
CT 2186
CT 2187
CT 2188
CT 2189
CT 2191
CT 2192
CT 2202
CT 2211
CT 2212
CT 2213
CT 2214.01
CT 2214.02
CT 2215.01
CT 2215.02
CT 2216.01
CT 2216.02
CT 2217.01
CT 2217.02
CT 2218
CT 2219
CT 2221
CT 2222
CT 2223
CT 2224
CT 2225
CT 2226
CT 2227
CT 2242
CT 2243
CT 2244
CT 2245
CT 2246
CT 2247
CT 2264
CT 2265
CT 2267
CT 2284
CT 2311
CT 2312
CT 2313
CT 2314
CT 2315
CT 2316
CT 2317
CT 2318
CT 2324

CT 2341
CT 2342
CT 2343
CT 2344
CT 2345
CT 2346
CT 2347
CT 2348
CT 2349
CT 2351
CT 2352.01
CT 2352.02
CT 2361
CT 2362.01
CT 2362.02
CT 2363
CT 2364
CT 2761
CT 2762
CT 2763
CT 2764
CT 2765
CT 2766.01
CT 2766.02
CT 2767
CT 2768
CT 2769
CT 2771
CT 2772
CT 2773
CT 6005.01
CT 6005.02
CT 6006
CT 6007.01
CT 6007.02
CT 6008.01
CT 6008.02
CT 6009.01
CT 6009.02
CT 6010
CT 6011
CT 6012.01
CT 6012.02
CT 6013.01
CT 6013.02
CT 6013.03
CT 6014.01
CT 6014.02
CT 6019

CT 6020.01
CT 7024
CT 7025
CT 7026
CT 7027
CT 7028.01
CT 7028.02
CT 7028.03
CT 7030.01
CT 7030.02
CT 7031
CT 7032

Partial Census Tracts:

CT 2087—Portions not in Congressional District 24.

CT 2201—Portions east of Carmona and its northern extension.

CT 2241—Block Group 2 and blocks 125, 126, 128, 301, 302, 321, 323, and 325.

CT 2283—All of Block Groups 4 and 5 and all of Block Group 3 except blocks 307 and 308.

CT 2774—Block Group 1.

CT 6015—Portions of the City of Inglewood.

CT 6018—Portions of the City of Inglewood.

Congressional District 29: Congressional District 29 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 2281
CT 2282
CT 2285
CT 2286
CT 2287
CT 2288
CT 2289
CT 2291
CT 2292
CT 2293
CT 2294
CT 2319
CT 2321
CT 2322
CT 2323
CT 2325
CT 2326
CT 2327
CT 2328
CT 2371
CT 2372
CT 2373
CT 2374

CT 2375
CT 2376
CT 2377
CT 2378
CT 2379
CT 2381
CT 2382
CT 2383
CT 2384
CT 2385
CT 2386
CT 2391
CT 2392
CT 2393
CT 2394
CT 2395
CT 2396
CT 2397
CT 2398
CT 2399
CT 2401
CT 2402
CT 2403
CT 2404
CT 2405
CT 2406
CT 2407
CT 2408
CT 2409
CT 2411
CT 2412
CT 2421
CT 2422
CT 2423
CT 2424
CT 2425
CT 2426
CT 2427
CT 2428
CT 2429
CT 2431
CT 5325
CT 5326.01
CT 5326.02
CT 5327
CT 5328
CT 5329
CT 5330
CT 5331.01

CT 5331.02
CT 5332
CT 5335
CT 5345
CT 5347
CT 5348
CT 5349
CT 5350
CT 5351.01
CT 5351.02
CT 5352
CT 5353
CT 5354
CT 5355
CT 5356.01
CT 5356.02
CT 5357
CT 5358.01
CT 5358.02
CT 5359
CT 5360
CT 5361
CT 5362
CT 5504
CT 5505
CT 5506
CT 5507
CT 5508
CT 5509
CT 5510
CT 5511
CT 5512
CT 5513
CT 5514
CT 5515
CT 5516
CT 5517
CT 5518
CT 5534
CT 6001
CT 6002.01
CT 6002.02
CT 6003.01
CT 6003.02
CT 6004
Partial Census Tracts:
CT 2283—Portions not in Congressional District 28.
CT 5324—Portions not in Congressional District 30.

Congressional District 30: Congressional District 30 shall consist of

the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 4041
CT 4043
CT 4044
CT 4045
CT 4046
CT 4322
CT 4324
CT 4326
CT 4327
CT 4328
CT 4329
CT 4332
CT 4333
CT 4336.01
CT 4336.02
CT 4801.02
CT 4802
CT 4803
CT 4804
CT 4808.01
CT 4808.02
CT 4809
CT 4810
CT 4811
CT 4812.02
CT 4813
CT 4814
CT 4815
CT 4816.01
CT 4816.02
CT 4817.01
CT 4817.02
CT 4818
CT 4819.01
CT 4819.02
CT 4820.01
CT 4820.02
CT 4821.01
CT 4821.02
CT 4822
CT 4823.01
CT 4823.02
CT 4824.01
CT 4824.02
CT 4825.01
CT 4825.02

CT 4826
CT 4827
CT 4828
CT 5300.01
CT 5300.02
CT 5301.01
CT 5301.02
CT 5302.01
CT 5302.02
CT 5317.01
CT 5317.02
CT 5318
CT 5319
CT 5320
CT 5321
CT 5322
CT 5323.01
CT 5323.02
CT 5333
CT 5334
CT 5336
CT 5337
CT 5338.01
CT 5338.02
CT 5339
CT 5340
CT 5341
CT 5342
CT 5343
CT 5344.01
CT 5344.02

Partial Census Tracts:

CT 4006—Portions of the City of Azusa.
CT 4008—Portions of the City of Azusa.
CT 4039.01—All except portions of the City of Glendora.
CT 4040—All except portions of the City of Glendora.
CT 4042—Portions of the City of Azusa.
CT 4059—All except portions of the City of Covina northwest of San Dimas Wash.
CT 4300.01—Portions of the City of Azusa.
CT 4311—All except portions of the City of Monrovia.
CT 4312—All except portions of the City of Monrovia.
CT 4315—All except the portions of the cities of Arcadia and Temple City.
CT 4321.01—Portions of the City of El Monte.
CT 4321.02—Portions of the City of El Monte.
CT 4323—All except the portions of the City of Temple City.
CT 4325—All except the portions of the City of Arcadia.
CT 4331—Portions of the City of El Monte.

CT 4334—Portions of the City of El Monte.
CT 4335—Portions of the City of El Monte.
CT 4338—Portions of the City of El Monte.
CT 4339—Portions of the City of El Monte.
CT 4340—Portions of the City of El Monte.
CT 4800.02—Portions of the City of San Gabriel.
CT 5304—Portions of the City of Monterey Park.
CT 5324—Portions not in the City of Huntington Park.

Congressional District 31: Congressional District 31 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 2413
CT 2414
CT 2415
CT 2416
CT 2911
CT 2912
CT 2913
CT 2921
CT 2931
CT 2932.01
CT 2932.02
CT 5400
CT 5401.01
CT 5401.02
CT 5402
CT 5403
CT 5404
CT 5405
CT 5406
CT 5407
CT 5408
CT 5409.01
CT 5409.02
CT 5410.01
CT 5410.02
CT 5411
CT 5412
CT 5413
CT 5414
CT 5415
CT 5416.01
CT 5416.02
CT 5417
CT 5418
CT 5420
CT 5421.01
CT 5421.02

CT 5422
CT 5424.01
CT 5424.02
CT 5425
CT 5426
CT 5427
CT 5428
CT 5429
CT 5430
CT 5431
CT 5432
CT 5433.01
CT 5433.03
CT 5433.21
CT 5433.22
CT 5434
CT 5435.01
CT 5435.02
CT 5435.03
CT 5436.01
CT 5436.02
CT 5436.04
CT 5437.01
CT 5437.02
CT 5437.03
CT 5438.01
CT 5438.02
CT 5439.01
CT 5439.02
CT 5531
CT 5532
CT 5533
CT 5535
CT 5536
CT 5537
CT 5538
CT 5539
CT 5540
CT 5541
CT 5542
CT 5543
CT 5544.01
CT 5544.02
CT 6020.02
CT 6021.01
CT 6021.02
CT 6023.02
CT 6024.01
CT 6024.02

CT 6025.01
CT 6025.02
CT 6025.03
CT 6026
CT 6027
CT 6028
CT 6029
CT 6030.01
CT 6030.02
CT 6031
CT 6032
CT 6033
CT 6034

Partial Census Tracts:

CT 2933—All of Block Group 1 except blocks 106, 110, 111, 112, 113, 117, 118, and 119.

CT 5440—All except the portions in the City of Long Beach.

CT 6016—Portions in the City of Hawthorne.

CT 6017—Portions in the City of Hawthorne.

CT 6022—Portions in the City of Hawthorne.

CT 6023.01—All except blocks 101, 102, 103, 104, 105, 106, 107, 108, 512, and 513.

CT 6035—Portions in the City of Gardena.

CT 6036—Portions in the City of Gardena.

CT 6037.01—Portions in the City of Hawthorne.

Congressional District 32: Congressional District 32 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 2941
CT 2942
CT 2943
CT 2944
CT 2945
CT 2946
CT 2947
CT 2948
CT 2949
CT 2951
CT 2962
CT 2963
CT 2964
CT 2965
CT 2966
CT 2967
CT 2968
CT 2969
CT 2972
CT 5436.03

CT 5545.11
CT 5545.12
CT 5545.13
CT 5545.14
CT 5545.15
CT 5545.16
CT 5545.17
CT 5545.18
CT 5545.19
CT 5545.21
CT 5545.22
CT 5550
CT 5551.01
CT 5551.02
CT 5552.01
CT 5700.01
CT 5700.02
CT 5700.03
CT 5701
CT 5702.01
CT 5702.02
CT 5703.01
CT 5703.02
CT 5704
CT 5705
CT 5706
CT 5707.01
CT 5707.02
CT 5708
CT 5709.01
CT 5709.02
CT 5710
CT 5711.01
CT 5711.02
CT 5712
CT 5713
CT 5714
CT 5715.01
CT 5716
CT 5717
CT 5721
CT 5722.01
CT 5722.02
CT 5723
CT 5724
CT 5725
CT 5726
CT 5727
CT 5728

CT 5729
CT 5730
CT 5731
CT 5732.01
CT 5732.02
CT 5733
CT 5736
CT 5737
CT 5738
CT 5740
CT 5741
CT 5742.01
CT 5742.02
CT 5743
CT 5746.01
CT 5749.01
CT 5751
CT 5752
CT 5753
CT 5754
CT 5755
CT 5758
CT 5759
CT 5762
CT 5763
CT 5764
CT 5765
CT 5768
CT 5769
CT 6099
CT 6700.01
CT 6700.02
CT 6700.03
CT 6701

Partial Census Tracts:

CT 2933—All except portions included in Congressional District 31.

CT 2971—All except portions included in Congressional District 42.

CT 2973—All except portions included in Congressional District 42.

CT 5440—All except portions included in Congressional District 31.

CT 5718—All except portions included in Congressional District 42.

CT 5720.02—All except portions included in Congressional District 42.

CT 5744—All except portions included in Congressional District 42.

CT 5749.02—All except portions included in Congressional District 42.

CT 6707.01—All except portions included in Congressional District 42.

Congressional District 33: Congressional District 33 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 4002.01
CT 4002.02
CT 4003
CT 4004.01
CT 4004.02
CT 4005
CT 4009
CT 4010.01
CT 4010.02
CT 4011.01
CT 4011.02
CT 4012.01
CT 4012.02
CT 4012.03
CT 4013.02
CT 4013.11
CT 4013.12
CT 4015
CT 4016
CT 4017.01
CT 4017.02
CT 4018
CT 4019.01
CT 4019.02
CT 4020
CT 4021.01
CT 4021.02
CT 4022
CT 4023.01
CT 4023.02
CT 4024.01
CT 4024.02
CT 4024.03
CT 4024.04
CT 4025.01
CT 4025.02
CT 4026
CT 4027.01
CT 4027.02
CT 4028
CT 4029.01

CT 4029.02
CT 4030
CT 4032
CT 4033.11
CT 4033.13
CT 4033.14
CT 4033.15
CT 4034
CT 4037.01
CT 4037.21
CT 4037.22
CT 4038
CT 4039.02
CT 4060
CT 4061.01
CT 4061.02
CT 4085.03
CT 4086.21
CT 4086.22
CT 4086.23
CT 4086.24
CT 4086.25
CT 4087.01
CT 4087.02
CT 4088
CT 4300.02
CT 4301.01
CT 4301.02
CT 4302
CT 5001
CT 5002.01
CT 5002.02
CT 5013
CT 5014
CT 5015.01
CT 5015.02
CT 5016
CT 5017
CT 5018
CT 5019
CT 5033.01
CT 5034.01
CT 5034.02
CT 5036.01
CT 5036.02
CT 5037.01
CT 5037.02
CT 5037.03
CT 5038.01

CT 5038.02
CT 5039.01
CT 5039.02
CT 5040.01
CT 5040.02
CT 9109
CT 9110
CT 9300
Partial Census Tracts:
CT 4006—Portions not in Congressional District 30.
CT 4008—Portions not in Congressional District 30.
CT 4033.02—Portions not in the City of Industry.
CT 4033.12—Portions not in the City of Industry.
CT 4035—Portions not in the City of West Covina.
CT 4036—Portions not in the City of West Covina.
CT 4039.01—Portions not in Congressional District 30.
CT 4042—Portions not in Congressional District 30.
CT 4054—Portions not in Congressional District 34.
CT 4057—Portions not in Congressional District 34.
CT 4058—Portions not in Congressional District 34.
CT 4059—Portions not in Congressional District 30.
CT 4062—Portions not in Congressional District 34.
CT 4084.02—Portions not in Congressional District 34.
CT 4085.02—Portions not in Congressional District 34.
CT 4300.01—Portions not in Congressional District 30.
CT 5003—Portions not in Congressional District 34.
CT 5010—Portions not in Congressional District 34.
CT 5012—Portions not in Congressional District 34.
CT 5020.01—Portions not in Congressional District 34.
CT 5020.02—Portions not in Congressional District 34.
CT 5021—Portions not in Congressional District 34.
CT 5029.02—Portions not in Congressional District 34.
CT 5035.02—Portions not in Congressional District 34.
CT 5041.01—Portions not in Congressional District 34.
CT 9108.01—Portions not in Congressional District 22.
CT 9108.02—Portions not in Congressional District 20.
CT 9200.25—Portions not in Congressional District 22.

Congressional District 34: Congressional District 34 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 4047
CT 4048
CT 4049
CT 4050
CT 4051
CT 4052
CT 4053
CT 4055

CT 4056
CT 4063
CT 4064.01
CT 4064.02
CT 4065
CT 4066.01
CT 4066.02
CT 4067
CT 4068
CT 4069
CT 4070
CT 4071.01
CT 4071.02
CT 4072
CT 4073
CT 4074
CT 4075
CT 4076
CT 4077
CT 4078
CT 4079
CT 4080.01
CT 4080.02
CT 4081.01
CT 4081.02
CT 4081.31
CT 4081.32
CT 4082.01
CT 4082.02
CT 4083.01
CT 4083.02
CT 4083.03
CT 4084.01
CT 4085.01
CT 4086.01
CT 4337
CT 5004.01
CT 5004.02
CT 5005
CT 5006
CT 5007
CT 5008
CT 5009
CT 5022
CT 5023
CT 5024
CT 5025
CT 5026.01
CT 5026.02

CT 5027
CT 5028
CT 5029.01
CT 5030
CT 5031.01
CT 5031.02
CT 5032.01
CT 5032.02
CT 5033.02
CT 5035.01
CT 5041.02
CT 5500
CT 5501
CT 5502
CT 5503
CT 5519
CT 5520
CT 5521
CT 5522
CT 5523
CT 5524
CT 5526
CT 5527
CT 5528
CT 5529
CT 5530
CT 5546
CT 5547
CT 5548.01
CT 5548.02
CT 5549

Partial Census Tracts:

CT 4033.02—Portions of the City of Industry.
CT 4033.12—Portions of the City of Industry.
CT 4035—Portions of the City of West Covina.
CT 4036—Portions of the City of West Covina.
CT 4054—All except the portions of the City of Covina.
CT 4057—All except the portions of the City of Covina and block 101.
CT 4058—Portions not in the City of Covina.
CT 4062—Portions of the City of West Covina.
CT 4084.02—Portions of the City of Industry and unincorporated areas north of the Pomona Freeway and west of Workman Mill Road.
CT 4085.02—Block Groups 1, 2, and 3, and blocks 404, 405, 410, and 417.
CT 4331—Portions not included in Congressional District 30.
CT 4334—Portions not included in Congressional District 30.
CT 4335—Portions not included in Congressional District 30.
CT 4338—Portions not included in Congressional District 30.

CT 4339—Portions not included in Congressional District 30
CT 4340—Portions not included in Congressional District 30.
CT 5003—Block Group 1.
CT 5010—All except the portions of the City of Whittier.
CT 5012—Portions not in the City of Whittier.
CT 5020.01—All except the portions of the City of Whittier.
CT 5020.02—All except the portions of the City of Whittier.
CT 5021—All except the portions of the City of Whittier.
CT 5029.02—All except the portions of the City of Whittier.
CT 5035.02—All except the portions of the City of Whittier.
CT 5041.01—Portions of the City of Santa Fe Springs.

Congressional District 35: Congressional District 35 shall consist of the following whole county:

Inyo

together with the part of San Bernardino County not included in Congressional District 36, together with the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tract:

CT 9001

Partial Census Tract:

CT 9100—Portions in Ed 139 north and east of the Southern Pacific Railroad.

Congressional District 36: Congressional District 36 shall consist of the part of Riverside County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 301
CT 302
CT 303
CT 304
CT 305
CT 308
CT 309
CT 314.02
CT 315.02
CT 316
CT 401
CT 402
CT 403
CT 404
CT 405
CT 410
CT 411
CT 412
CT 413
CT 422.02
CT 422.03
CT 423

Partial Census Tracts.

CT 313—All except blocks 302, 303, 309, 310, 319, 320, 321, 322, 323, and 324.

CT 314.01—All except blocks 402, 403, 404, and 405, and Block Group 5, and portions of block 407 west of Marshall Street and its southern extension to the Riverside Freeway.

CT 315.01—All except blocks 109, 113, 115, and Block Group 2 excluding blocks 211 and 212.

CT 406.01—All except blocks 217, 218, 219, 220, 221, 222, 223, 226, and 227.

together with the part of San Bernardino County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 10
CT 11
CT 12
CT 14
CT 15
CT 16
CT 18
CT 23
CT 24
CT 25
CT 26
CT 28
CT 29
CT 30
CT 31
CT 32
CT 33
CT 34
CT 35
CT 36
CT 37
CT 38
CT 39
CT 40
CT 41
CT 42
CT 43
CT 44
CT 45
CT 46
CT 47
CT 48
CT 49
CT 50
CT 51
CT 52
CT 53

CT 54
CT 55
CT 56
CT 57
CT 58
CT 59
CT 60
CT 61
CT 62
CT 63
CT 64
CT 65
CT 66
CT 67
CT 68
CT 69
CT 70
CT 74.01
CT 75
CT 76
CT 77

Partial Census Tracts:

CT 3—Portions in the City of Ontario.

CT 4—Portions in the City of Ontario.

CT 6.01—Portions in the City of Ontario.

CT 13—Portions not in the City of Rancho Cucamonga.

CT 17—Portions in the City of Ontario.

CT 20—Portions in the City of Fontana.

CT 21—Portions in the City of Ontario.

CT 22—Portions in the cities of Fontana and Ontario.

CT 27—Portions in the City of Rialto, except for the noncontiguous portion.

CT 71—All except portions south of Fern Street and its southwesterly extension to an intersection within the city limits of Grand Terrace and portions in the City of Grand Terrace.

CT 72—All except portions in the City of Loma Linda and blocks 324 and 326 and the portion of block 401 in the City of Redlands.

CT 73—Portions in the cities of Colton and San Bernardino.

CT 74.02—All except the unincorporated portions of Block Groups 1, 2, and 3.

CT 79—Portions in the City of San Bernardino.

CT 101—Portions in the City of San Bernardino.

CT 102.02—Portions in the City of San Bernardino.

Congressional District 37: Congressional District 37 shall consist of the part of Riverside County not included in Congressional District 36.

Congressional District 38: Congressional District 38 shall consist of the part of Orange County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 740.03
CT 740.05
CT 740.06
CT 741.01
CT 741.02
CT 741.03
CT 742
CT 743
CT 744.03
CT 745.01
CT 745.02
CT 746.01
CT 746.02
CT 747.01
CT 747.02
CT 748.01
CT 748.02
CT 748.03
CT 748.04
CT 749.01
CT 749.02
CT 750.02
CT 752.01
CT 752.02
CT 868.02
CT 869.01
CT 869.02
CT 877.03
CT 878.01
CT 878.02
CT 878.03
CT 878.05
CT 878.06
CT 879.01
CT 879.02
CT 880.01
CT 880.02
CT 881.01
CT 881.02
CT 881.03
CT 882.01
CT 882.02
CT 882.03
CT 883.01
CT 883.02
CT 884.01
CT 884.02
CT 884.03

CT 885.01
CT 885.02
CT 886.01
CT 886.02
CT 887.01
CT 887.02
CT 888
CT 889.01
CT 889.02
CT 889.03
CT 889.04
CT 889.05
CT 890.01
CT 890.02
CT 891.01
CT 891.02
CT 891.03
CT 992.01
CT 997.01
CT 998.01
CT 998.02
CT 998.03
CT 999.02
CT 999.03
CT 999.04
CT 1100.01
CT 1100.03
CT 1100.04
CT 1100.05
CT 1100.10
CT 1100.11
CT 1100.13
CT 1101.01
CT 1101.02
CT 1101.04
CT 1101.06
CT 1101.08
CT 1101.09
CT 1101.10
CT 1101.11
CT 1101.12
CT 1101.13
CT 1101.14
CT 1102.01
CT 1102.02
CT 1102.03
CT 1103.01
CT 1103.02
CT 1103.03

CT 1103.04
CT 1104.01
CT 1104.02
CT 1105
CT 1106.03
Partial Census Tracts:
CT 525.01—Portions in the City of Santa Ana.
CT 741.04—Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, and 110.
CT 744.01—Portions south of Washington Avenue.
CT 744.04—Portions in the City of Santa Ana.
CT 750.01—Blocks 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, and 225.
CT 761.03—Portions in the City of Garden Grove.
CT 868.01—All except portions in the City of Fullerton.
CT 868.03—Portions east of La Reina Avenue and south of Yale Avenue and its westerly extension to the northern extension of Syracuse Avenue and east of Syracuse Avenue.
CT 869.03—Portions south of Orange Avenue.
CT 870.01—Portions south of Orange Avenue.
CT 870.02—Portions south of Orange Avenue.
CT 875.03—Portions in the City of Garden Grove.
CT 876.02—Portions west of Euclid Avenue and portions in the City of Garden Grove.
CT 877.01—Portions west of Brookhurst Street.
CT 877.04—Portions south of Cerritos Avenue.
CT 992.02—Portions in the City of Santa Ana.
CT 992.03—All except portions in the City of Fountain Valley.
CT 992.04—Block 118.
CT 996.01—Portions northeast of the 405 Freeway.
CT 997.02—All except portions of the City of Huntington Beach.
CT 997.03—Blocks 107, 108, 109, 140, 152, 153, 155, 156, and 157.
CT 1100.06—Portions in the City of Los Alamitos.
CT 1100.07—Portions of the City of Los Alamitos.
CT 1106.01—Portions south of the Atchison, Topeka and Santa Fe Railroad.

Congressional District 39: Congressional District 39 shall consist of the part of Orange County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 11.01
CT 11.02
CT 11.03
CT 12
CT 13.01
CT 13.02
CT 14.01
CT 14.02
CT 14.03
CT 14.04

CT 15.01
CT 15.02
CT 15.03
CT 15.04
CT 15.05
CT 16.01
CT 16.02
CT 17.01
CT 17.02
CT 18.01
CT 18.02
CT 19.01
CT 19.02
CT 19.03
CT 110
CT 111.01
CT 111.02
CT 112
CT 113
CT 114.01
CT 114.02
CT 115.01
CT 115.02
CT 116.01
CT 116.02
CT 117.07
CT 117.08
CT 117.09
CT 117.10
CT 117.11
CT 117.12
CT 117.13
CT 117.14
CT 117.15
CT 117.16
CT 117.17
CT 117.18
CT 218.02
CT 218.05
CT 218.06
CT 218.07
CT 218.08
CT 218.09
CT 218.10
CT 218.11
CT 218.12
CT 218.13
CT 219.03
CT 219.04

CT 219.05
CT 219.06
CT 219.09
CT 758.02
CT 758.03
CT 758.04
CT 758.05
CT 758.07
CT 758.09
CT 758.10
CT 759.01
CT 761.01
CT 761.02
CT 762.01
CT 762.02
CT 762.04
CT 762.05
CT 762.06
CT 762.07
CT 762.08
CT 863.01
CT 863.03
CT 863.04
CT 863.05
CT 863.06
CT 864.02
CT 864.04
CT 864.05
CT 864.06
CT 864.07
CT 865.01
CT 865.02
CT 866.01
CT 866.02
CT 867.01
CT 867.02
CT 871.01
CT 871.02
CT 871.03
CT 871.04
CT 872
CT 873
CT 874.01
CT 874.02
CT 874.03
CT 875.01
CT 875.04
CT 876.01
CT 1106.04

CT 1106.05
Partial Census Tracts:
CT 219.07—Portions in the City of Anaheim.
CT 756.01—Portions in the City of Orange.
CT 758.06—Blocks 101, 102, 103, 104, 105, 106, 107, 108, and 109.
CT 759.02—All except portions in the City of Santa Ana.
CT 760—All except portions in the City of Santa Ana.
CT 761.03—All except portions in Congressional District 38.
CT 868.01—All except portions in Congressional District 38.
CT 868.03—All except portions in Congressional District 38.
CT 869.03—All except portions in Congressional District 38.
CT 870.01—All except portions in Congressional District 38.
CT 870.02—All except portions in Congressional District 38.
CT 875.03—All except portions in Congressional District 38.
CT 876.02—All except portions in Congressional District 38.
CT 877.01—All except portions in Congressional District 38.
CT 877.04—All except portions in Congressional District 38.
CT 1106.01—All except portions in Congressional District 38.

Congressional District 40: Congressional District 40 shall consist of the part of Orange County not contained in Congressional Districts 38, 39, 42, and 43.

Congressional District 41: Congressional District 41 shall consist of the part of San Diego County contained in the following whole and partial census tracts:

Whole Census Tracts:
CT 20.01
CT 28.01
CT 29.01
CT 76
CT 77
CT 78
CT 79.01
CT 79.02
CT 80.01
CT 80.02
CT 81.01
CT 81.02
CT 82
CT 83.01
CT 83.03
CT 83.05
CT 83.06
CT 83.07
CT 83.10
CT 83.11
CT 83.12
CT 83.13
CT 83.14
CT 83.15

CT 83.16
CT 83.17
CT 83.18
CT 83.19
CT 83.20
CT 83.21
CT 83.22
CT 83.23
CT 83.24
CT 85.01
CT 85.02
CT 85.03
CT 85.04
CT 85.05
CT 85.06
CT 85.07
CT 85.09
CT 85.10
CT 85.11
CT 85.12
CT 85.13
CT 91.01
CT 91.02
CT 91.03
CT 91.04
CT 91.05
CT 94
CT 95.01
CT 95.02
CT 95.03
CT 95.04
CT 96.02
CT 96.03
CT 96.04
CT 97.03
CT 97.04
CT 97.05
CT 97.06
CT 98.01
CT 98.02
CT 98.04
CT 98.05
CT 145
CT 146
CT 147
CT 148.01
CT 148.03
CT 148.04
CT 149

CT 150
CT 151
CT 152
CT 166.03
CT 166.06
CT 166.07
CT 166.08
CT 166.09
CT 166.10
CT 166.11
CT 167.01
CT 170.07
CT 170.08
CT 170.09
CT 170.10
CT 170.11
CT 170.12
CT 170.18
CT 171.02
CT 172
CT 173.01
CT 174.01
CT 176
CT 177

Partial Census Tracts:

CT 137—All except blocks 207, 208, 209, 210, and 215.
CT 138—All except blocks 308, 309, 310, and 311.
CT 162.02—All except portions in the City of El Cajon.
CT 166.02—All except portions in the City of El Cajon.
CT 166.05—Portions not in the City of El Cajon.
CT 170.05—All except portions in the City of San Diego.
CT 170.06—All except portions in the City of San Diego.
CT 170.13—All except portions in the City of San Diego.
CT 170.17—All except Block Group 1 with the exclusion of blocks 114, 115, and 116.
CT 175—All except blocks 102, 103, 104, and 105.
CT 207.03—Block 916 and the unincorporated portion of block 917.

Congressional District 42: Congressional District 42 shall consist of the part of Los Angeles County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 2961
CT 2974
CT 2975
CT 2976
CT 5552.02
CT 5715.02
CT 5719

CT 5720.01
CT 5734
CT 5735
CT 5739.01
CT 5739.02
CT 5745
CT 5746.02
CT 5747
CT 5748
CT 5750.01
CT 5750.02
CT 5756
CT 5757
CT 5760
CT 5761
CT 5766
CT 5767
CT 5770
CT 5771
CT 5772
CT 5773
CT 5774
CT 5775.01
CT 5775.02
CT 5776.01
CT 5776.02
CT 5776.03
CT 6500.01
CT 6500.02
CT 6501.01
CT 6501.02
CT 6502
CT 6503
CT 6504
CT 6505.01
CT 6505.02
CT 6506.01
CT 6506.02
CT 6506.03
CT 6507.01
CT 6507.02
CT 6508
CT 6509.01
CT 6509.02
CT 6510.01
CT 6510.02
CT 6511.01
CT 6511.02
CT 6512.01

CT 6512.21
CT 6512.22
CT 6513.01
CT 6513.02
CT 6514
CT 6702.01
CT 6702.02
CT 6703.01
CT 6703.02
CT 6704.01
CT 6704.02
CT 6705
CT 6706
CT 6707.02
Partial Census Tracts:
CT 2971—Blocks 115 and 119.
CT 2973—Block Group 3 and blocks 203, 206, 207, 208 and 210.
CT 5718—All except blocks 115, 117, 120, 127, and 128.
CT 5720.02—Block Group 1 and blocks 201, 202, 203, 204, 205, 206, 207, and 208.
CT 5744—Blocks 101 and 204.
CT 5749.02—All except blocks 101, 206, and 207.
CT 6707.01—All except portions in the City of Lomita.
together with the part of Orange County contained in the following whole and partial census tracts:
Whole Census Tracts:
CT 992.11
CT 992.19
CT 992.20
CT 992.22
CT 992.35
CT 992.36
CT 992.37
CT 993.02
CT 993.03
CT 993.04
CT 993.05
CT 994.02
CT 994.04
CT 994.05
CT 994.06
CT 994.07
CT 994.08
CT 994.10
CT 994.11
CT 994.12
CT 994.13
CT 994.14
CT 994.15

CT 995.02
CT 995.03
CT 995.04
CT 995.05
CT 995.06
CT 995.07
CT 995.08
CT 996.02
CT 996.03
CT 996.04
CT 996.05
CT 999.01
CT 1100.08
CT 1100.12

Partial Census Tracts:

CT 992.04—Portions in the City of Westminster, except block 118.
CT 992.23—Portions in the City of Westminster.
CT 992.39—Blocks 107, 108, 109, 110, 111, 112, 144, and 145.
CT 996.01—Portions not in Congressional District 38.
CT 997.02—Portions not in Congressional District 38.
CT 997.03—Portions not in Congressional District 38.
CT 1100.06—Portions not in Congressional District 38.
CT 1100.07—Portions not in Congressional District 38.

Congressional District 43: Congressional District 43 shall consist of the part of San Diego County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 170.14
CT 170.15
CT 170.16
CT 171.01
CT 173.02
CT 174.02
CT 178.01
CT 178.03
CT 178.04
CT 179
CT 180
CT 181
CT 182
CT 183
CT 183.99
CT 184
CT 185.01
CT 185.02
CT 185.04
CT 185.05
CT 185.06
CT 186.01

CT 186.03
CT 186.04
CT 186.05
CT 187
CT 188
CT 189.01
CT 189.02
CT 190
CT 191.01
CT 191.02
CT 192.01
CT 192.02
CT 193
CT 194
CT 195
CT 196
CT 197
CT 198
CT 199
CT 200.02
CT 200.03
CT 200.04
CT 200.05
CT 201.01
CT 201.02
CT 202.01
CT 202.02
CT 202.03
CT 202.04
CT 202.05
CT 203.01
CT 203.02
CT 203.03
CT 204
CT 205
CT 206.01
CT 206.02
CT 207.01
CT 207.04

Partial Census Tracts:

CT 170.05—Portions not in Congressional District 41.
CT 170.06—Portions not in Congressional District 41.
CT 170.13—Portions not in Congressional District 41.
CT 170.17—Portions not in Congressional District 41.
CT 175—Portions not in Congressional District 41.
CT 207.03—Portions not in Congressional District 41.

together with the part of Orange County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 320.02
CT 320.03
CT 320.06
CT 320.08
CT 320.09
CT 320.10
CT 320.12
CT 320.13
CT 320.14
CT 320.15
CT 421.01
CT 421.02
CT 421.03
CT 421.04
CT 422.01
CT 422.02
CT 423.10
CT 423.11
CT 423.12
CT 423.13
CT 423.14
CT 524.09
CT 524.11

Partial Census Tracts:

CT 320.07—All except Block Group 3 and blocks 237, 244, 252, 253, 254, 255, 256, 257, 258, 259, and 260.

CT 423.03—Portions in the City of San Juan Capistrano.

CT 524.08—Portions not in the City of Irvine.

CT 524.10—Portions not in the City of Irvine.

Congressional District 44: Congressional District 44 shall consist of the part of San Diego County not included in Congressional Districts 41, 43, and 45, including those tracts designating population on vessels which are not contained in Congressional Districts 41, 43, and 45.

Congressional District 45: Congressional District 45 shall consist of the following whole county:

Imperial

together with the part of San Diego County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 2
CT 3
CT 4
CT 5
CT 6
CT 7
CT 9
CT 10
CT 11

CT 12
CT 13
CT 32.07
CT 57
CT 59
CT 60
CT 61
CT 66
CT 68
CT 69
CT 70.01
CT 70.02
CT 71
CT 72
CT 73.01
CT 73.02
CT 74
CT 75
CT 99.01
CT 100.07
CT 101.04
CT 102
CT 103
CT 104
CT 105
CT 106.01
CT 106.02
CT 106.03
CT 106.99
CT 107
CT 108
CT 109
CT 110
CT 111
CT 112
CT 113
CT 123.01
CT 123.02
CT 124.01
CT 124.02
CT 127
CT 128
CT 129
CT 130
CT 133.01
CT 133.05
CT 134.01
CT 134.03
CT 134.04

CT 135.01
CT 135.02
CT 136.01
CT 136.02
CT 139.01
CT 139.02
CT 139.03
CT 153.01
CT 153.02
CT 154.02
CT 154.03
CT 154.04
CT 155
CT 156.01
CT 156.02
CT 157.01
CT 157.02
CT 158
CT 159
CT 160
CT 161
CT 162.01
CT 163
CT 164.01
CT 164.02
CT 165.01
CT 165.02
CT 167.02
CT 168.02
CT 168.03
CT 168.04
CT 168.05
CT 169
CT 208
CT 209.01
CT 209.02
CT 210
CT 211
CT 212.01
CT 212.02
CT 213

Partial Census Tracts:

CT 1—All except blocks 407, 410, 501, 502, and 509.

CT 8—Blocks 307, 308, 309, 312, 313, 314, and 315.

CT 32.04—All except portions in the City of National City and the unincorporated portions of block 203.

CT 65—All except Block Groups 2 and 4 and block 506 and those portions of blocks 502 and 503 that are southeast of an extension of Enterprise Street from Pacific Coast Highway and the San Diego

Freeway.
CT 89—Blocks 206, 207, 208, 209, 210, 211, 214, 215, 216, and 217.
CT 100.06—Blocks 536, 537, 538, 539, 540, 541, 542, and 543.
CT 101.05—Block Groups 7 and 9 and block 540.
CT 137—Portions not in Congressional District 41.
CT 138—Portions not in Congressional District 41.
CT 138—Portions not in Congressional District 41.
CT 162.02—Portions not in Congressional District 41.
CT 166.02—Portions not in Congressional District 41.
CT 166.05—Portions not in Congressional District 41.

SEC. 3. If any section or provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other sections or provisions or applications of the act which can be given effect without the invalid section, provision or application, and to this end the sections of this act and the provisions of the sections of this act are severable.

CHAPTER 536

An act to repeal and add Chapter 3 (commencing with Section 30020) to Division 18 of the Elections Code, relating to reapportionment.

[Approved by Governor September 16, 1981 Filed with Secretary of State September 16, 1981]

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

SECTION 1. The Legislature recognizes its mandated duty and responsibility under Section 1 of Article XXI of the California Constitution and other applicable law to adjust, by statute, the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization Districts by December 31, 1981.

The Legislature also recognizes that the Supreme Courts of California and of the United States have repeatedly indicated that redistricting is primarily a matter for legislative consideration and determination and that judicial relief becomes appropriate only in those situations when a Legislature fails to redistrict according to constitutional requirements in a timely fashion after having had an adequate opportunity to do so.

Furthermore, an expeditious implementation of redistricting plans is clearly in the best interests of the citizens of this state. For example, the number of representatives in the United States House of Representatives to which California is entitled has increased from 43 to 45. It would be wholly unacceptable to the Legislature and the people of the State of California, and in violation of Article XXI of the California Constitution, as adopted by the voters, and Section 2c of Title 2 of the United States Code to require the election of the two

additional representatives in 1982 on a statewide basis.

In order to conduct the 1982 primary election in a constitutionally efficient and timely manner, the Legislature finds that it is imperative that redistricting plans should be implemented without undue delay. This legislative goal will allow the several county clerks, the Secretary of State, candidates, and voters alike involved in the 1982 primary election to prepare for the changes necessitated by redistricting statutes.

The possibilities of judicial delays, involving disparate and numerous trials and appeals to higher courts, jeopardizes the certainty of implementing timely redistricting plans and might threaten to result in the perpetuation of present districts, which are manifestly malapportioned and unconstitutional.

It is recognized by the Legislature, however, that the California Supreme Court possesses original jurisdiction in proceedings for extraordinary relief, including mandamus, under Section 10 of Article VI of the California Constitution. Under this constitutional authority, the California Supreme Court has invoked its original jurisdiction in cases in which the issues presented are of great public importance and must be resolved promptly, and has specifically so acted with regard to redistricting. The California Supreme Court has recognized that cases affecting the values of one person's vote being equal to that of another, the right to vote, and the method of conducting elections are of great public importance and are matters which must be resolved at the earliest possible time. It is also recognized by the California Supreme Court that mandamus is a proper remedy for compelling an officer to conduct an election in accordance with law and a proper method for challenging the constitutionality or validity of statutes.

With the foregoing in mind, it is the intent of the Legislature that this act, among other things, shall serve to facilitate the expeditious judicial review of any redistricting statute enacted pursuant to Article XXI of the California Constitution.

SEC. 2. Notwithstanding any other provision of law to the contrary, any person challenging the validity or constitutionality of a redistricting statute enacted pursuant to Article XXI of the California Constitution shall, within 30 days from the effective date of that redistricting statute, and no later, petition the California Supreme Court for a writ of mandate, specifying the nature of the relief sought, and naming the Secretary of State as respondent.

SEC. 3. Chapter 3 (commencing with Section 30020) of Division 18 of the Elections Code is repealed.

SEC. 4. Chapter 3 (commencing with Section 30020) is added to Division 18 of the Elections Code, to read:

CHAPTER 3. SENATE DISTRICTS

30020. It is the intent of the Legislature in the enactment of this chapter to implement the provisions of Article XXI of the California

Constitution.

30021. For purposes of this chapter, references to "CT" or "CTs" shall mean "census tract" and "census tracts", respectively, and references to "ED" or "EDs" shall mean "enumeration district" or "enumeration districts", respectively, as those demographic units are established by the United States Bureau of the Census for the 1980 census as described by maps and publications of the bureau.

In addition, and for the purposes of this chapter, references to "boundaries" or "city limits", respectively, shall refer to the boundaries or limits of the particular city as they existed on April 1, 1980, except as is otherwise expressly provided.

30022. Senate District 1: Senate District 1 shall consist of the whole Counties of Butte, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas, Sierra, Siskiyou, Sutter, and Yuba.

Senate District 2: Senate District 2 shall consist of the whole Counties of Del Norte, Humboldt, Mendocino, and Solano, together with the part of the County of Sonoma contained in the following whole and partial census tracts:

CT 1501

CTs 1506.01 through 1511

CTs 1512.01 through 1513.01, except those portions located within the city limits of the City of Rohnert Park

CT 1513.04, except those portions located within the city limits of the City of Rohnert Park and that area north of Keiser Avenue and West of Petaluma Hill Road

CT 1514

CTs 1519 through 1520

CTs 1529.02 through 1530.03

CT 1530.04—That portion located within the city limits of the City of Sebastopol

CTs 1531 through 1540

CTs 1542 through 1543

Senate District 3: Senate District 3 shall consist of the County of Marin, together with the part of the City and County of San Francisco contained in the following whole census tracts:

CTs 101 through 170

CT 176.02

CTs 201 through 204

CTs 205 through 214

CTs 351 through 603

Senate District 4: Senate District 4 shall consist of the whole Counties of Colusa, Glenn, Lake, Napa, Shasta, Tehama, Trinity, and Yolo, together with the part of the County of Sonoma contained in the following whole and partial census tracts:

CTs 1502 through 1505

CTs 1512.01 through 1513.04—Those portions not located within Senate District 2

CTs 1515.01 through 1518

CTs 1521 through 1529.01

CT 1530.04, except that portion located within the city limits of the City of Sebastopol

CT 1539 through 1541

Senate District 5: Senate District 5 shall consist of the whole Counties of Alpine, Amador, Calaveras, San Joaquin, and Tuolumne, together with the part of the County of Sacramento contained in the following whole and partial census tracts:

CT 45—That portion of CT 45 located outside the boundaries of the City of Sacramento

CT 46.02

CT 47—That portion of CT 47 located outside the boundaries of the City of Sacramento

CT 48—That portion of CT 48 located outside the boundaries of the City of Sacramento

CT 49.01—That portion of CT 49.01 located outside the boundaries of the City of Sacramento

CT 50

CT 51—That portion of CT 51 located outside the boundaries of the City of Sacramento

CT 80.01

CT 82.01

CTs 82.05 through 91.04

CT 92—That portion of CT 92 located outside the boundaries of the City of Sacramento

CTs 93.01 through 95

CT 96—That portion of CT 96 located outside the boundaries of the City of Sacramento

CTs 97 through 98

Senate District 6: Senate District 6 shall consist of the part of the County of Sacramento contained in the following whole and partial census tracts:

CTs 1 through 44.02

CT 45—That portion of CT 45 located within the city limits of the City of Sacramento

CT 46.01

CT 47—That portion of CT 47 located within the city limits of the City of Sacramento

CT 48—That portion of CT 48 located within the city limits of the City of Sacramento

CT 49.01—That portion of CT 49.01 located within the city limits of the City of Sacramento

CT 49.02

CT 51—That portion of CT 51 located within the city limits of the City of Sacramento

CTs 52.01 through 79.02

CTs 80.03 through 81.12

CTs 82.02 through 82.04

CT 92—That portion of CT 92 located within the city limits of the City of Sacramento

CT 96—That portion of CT 96 located within the city limits of the City of Sacramento

Senate District 7: Senate District 7 shall consist of the part of the County of Contra Costa contained in the following whole and partial census tracts:

CTs 3010 through 3400.01

CT 3400.02—That portion of CT 3400.02 located outside the boundaries of the City of Lafayette

CTs 3420 through 3452.01

CTs 3461.01 through 3462.02

CT 3470—That portion of CT 3470 located within the city limits of the Cities of Martinez and Pleasant Hill

CT 3511

CTs 3551.01 through 3902

Senate District 8: Senate District 8 shall consist of the part of the City and County of San Francisco contained in the following whole census tracts:

CT 171

CT 176.01

CT 177

CTs 178 through 180

CT 204

CTs 215 through 332

CTs 604 through 610

together with the part of the County of San Mateo contained in the following whole and partial census tracts:

CTs 6001 through 6057

CT 6068, except that portion within the city limits of the City of San Mateo

CT 6069, except that portion within the city limits of the City of San Mateo

CT 6135—That portion within ED 1 and generally north and east of ED 1

CT 6136

Senate District 9: Senate District 9 shall consist of the part of the County of Alameda contained in the following whole census tracts:

CTs 4001 through 4089

CTs 4096 through 4286

together with the part of the County of Contra Costa contained in the following whole and partial census tracts:

CT 3400.02—That portion of CT 3400.02 located within the city limits of the City of Lafayette

CT 3410

CT 3452.02

CT 3470—That portion of CT 3470 located outside the boundaries of the Cities of Martinez and Pleasant Hill

CTs 3480 through 3500

CTs 3512 through 3540

CTs 3910 through 3920

Senate District 10: Senate District 10 shall consist of the part of the County of Alameda contained in the following whole census tracts:

CTs 4090 through 4095

CTs 4301 through 4517

Senate District 11: Senate District 11 shall consist of part of the County of San Mateo contained in the following whole and partial census tracts:

CTs 6058 through 6068, except that portion of CT 6068 located outside the boundaries of the City of San Mateo

CT 6069—That portion of CT 6069 located within the city limits of the City of San Mateo

CTs 6070 through 6135, except that portion of CT 6135 within Senate District 8

CTs 6137 through 6138

together with the part of the County of Santa Clara contained in the following whole and partial census tracts:

CT 5046.01—That portion located within the city limits of the City of Palo Alto

CT 5065.02—That portion located within the city limits of the City of Los Gatos

CT 5067.03—That portion located within the city limits of the City of Los Gatos

CT 5068.01

CTs 5068.04 through 5079.03, except that portion of CT 5072.04 within the city limits of the City of Campbell

CT 5080.01

CTs 5081.01 through 5082.01, except that portion of CT 5081.02 located outside the boundaries of the City of Cupertino

CTs 5083.01 through 5083.04

CT 5099.01—That portion located within the city limits of the City of Los Altos

CTs 5100.01 through 5118, except that portion of CT 5100.01 located within the city limits of the City of Mountain View and unincorporated areas wholly surrounded by the City of Mountain View

CTs 5119.03 through 5119.08

Senate District 12: Senate District 12 shall consist of the whole County of Stanislaus, together with the part of the County of Santa Clara contained in the following whole and partial census tracts:

CTs 5021.01 and 5026.01—Those portions located within the city limits of the City of Campbell

CTs 5026.02 through 5029.08

CTs 5030.02 through 5030.03

CTs 5032.06 through 5032.08

CT 5033.05

CTs 5033.07 through 5033.10

CTs 5041 through 5042

CTs 5043.06 through 5044.09

CTs 5044.11 through 5045.03

CT 5050.02—That portion located within the city limits of the City of Milpitas

CTs 5064.02 and 5065.01—That portion located within the city limits of the City of Campbell

CTs 5065.02 through 5065.03, except that portion of CT 5065.02 located within the city limits of the City of Los Gatos

CT 5066.01—That portion located within the city limits of the City of Campbell

CT 5066.03

CT 5066.04—That portion located within the city limits of the City of Campbell

CTs 5066.05 through 5067.03, except that portion of CT 5067.03 located within the city limits of the City of Los Gatos

CTs 5068.02 through 5068.03

CT 5072.04—That portion located within the city limits of the City of Campbell

CT 5119.01

CTs 5120.02 through 5120.08

CT 5120.13

CT 5121—That portion located within the city limits of the City of Morgan Hill

CTs 5123.01 through 5123.02

CT 5124—That portion located within the city limits of the City of Morgan Hill

CT 5127

Senate District 13: Senate District 13 shall consist of the part of the County of Santa Clara contained in the following whole and partial census tracts:

CTs 5001 through 5026.01, except those portions of CTs 5021.01 and 5026.01 located within the city limits of the City of Campbell

CT 5030.01

CTs 5031.01 through 5032.05

CT 5033.04

CT 5033.06

CTs 5034 through 5040

CTs 5043.03 through 5043.05

CT 5044.10

CTs 5046.01 through 5065.01, except that portion of CT 5046.01 located within the city limits of the City of Palo Alto, that portion of CT 5050.02 located within the city limits of the City of Milpitas, and those portions of CTs 5064.02 and 5065.01 within the city limits of the City of Campbell

CT 5066.01, except that portion located within the city limits of the City of Campbell

CT 5066.04, except that portion located within the city limits of the City of Campbell

CT 5079.04

CT 5080.02

CT 5081.02—That portion located outside the boundaries of the

City of Cupertino
CT 5082.02
CTs 5084.01 through 5099.02, except that portion of CT 5099.01 located within the city limits of the City of Los Altos
CT 5100.01—That portion located within the city limits of the City of Mountain View and the unincorporated area wholly surrounded by the City of Mountain View
Senate District 14: Senate District 14 shall consist of the whole Counties of Madera, Mariposa, Merced, and San Luis Obispo, together with the part of the Counties of Fresno and Monterey contained in the following whole and partial census tracts:
CTs 1 through 3
CT 4—That portion of CT 4 located generally west of the right-of-way of Southern Pacific Railroad (between "G" and "H" Streets from Ventura Avenue to East California Avenue
CTs 5 through 11
CTs 19 through 24
CTs 35 through 42.01
CT 42.03
CTs 47.01 through 48
CTs 75 through 84.02
together with the part of the County of Monterey contained in the following whole census tracts:
CTs 113 through 114.02
together with the part of the County of Santa Barbara contained in the following whole and partial census tracts:
CT 18—That portion of CT 18 located outside ED 381
CT 19.01—That portion of CT 19.01 located within EDs 447 and 460
CT 19.03—That portion of CT 19.03 located within ED 445
CT 19.04—That portion of CT 19.04 located within EDs 429, 440, and 441
CTs 20.01 through 20.02
CTs 20.05 through 20.06
CT 20.03—That portion of CT 20.03 located within the the city limits of the City of Santa Maria and unincorporated area not located within Senate District 18
CTs 21 through 23.01
CT 23.02—That portion of CT 23.02 located within the city limits of the City of Santa Maria
CT 24.01
CT 24.02—That portion of CT 24.02 located within the city limits of the City of Santa Maria
Senate District 15: Senate District 15 shall consist of the whole Counties of San Benito and Santa Cruz, together with the part of the County of Monterey contained in the following whole census tracts:
CTs 1 through 112
CTs 115 through 143.02
together with the part of the County of Santa Clara contained in the

following whole and partial census tracts:

CTs 5120.09 through 5120.12

CTs 5120.14 through 5122, except that portion of CT 5121 within the city limits of the City of Morgan Hill

CTs 5124 through 5126, except that portion of CT 5124 within the city limits of the City of Morgan Hill

Senate District 16: Senate District 16 shall consist of the whole Counties of Kern and Kings, together with the part of the County of Los Angeles contained in the following whole and partial census tracts:

CTs 4602 through 4604

CTs 4609 through 4611

CTs 4615 through 4622

CT 9001

CT 9100, except that portion located within the city limits of the City of Palmdale and the unincorporated area surrounded by the City of Palmdale (west of the city limits of the City of Palmdale)

CTs 9109 through 9110

CTs 9300 through 9301, except those portions of CT 9300 located within the city limits of the Cities of Glendora and La Verne and except that portion of CT 9301 west of the Angeles Crest Highway (from the northern Pasadena City Limits to the Angeles Forest Highway), together with the part of the County of San Bernardino contained in the following whole and partial census tracts:

CTs 90.01 through 90.02

CTs 93 through 96.01

CT 96.02—That portion within the city limits of the City of Barstow

CT 96.03

Senate District 17: Senate District 17 shall consist of the whole County of Tulare, together with the part of the County of Fresno contained in the following whole and partial census tracts:

CT 4—That portion of CT 4 not located within Senate District 14

CTs 12 through 18

CTs 25 through 34

CT 42.02

CTs 43 through 46

CTs 49 through 74

Senate District 18: Senate District 18 shall consist of the part of the County of Los Angeles County contained in the following whole and partial census tracts:

CT 1351.01

CTs 1371.02 through 1372.01

CTs 1375.01 through 1376

CTs 2626 through 2627.01

CT 8001

CTs 8004 through 8005

together with the part of Santa Barbara County contained within the following whole and partial census tracts:

CTs 1.01 through 17.02
CT 18—That portion of CT 18 located within ED 381
CT 19.01—That portion of CT 19.01 located outside EDs 447 and 460
CT 19.03—That portion of CT 19.03 located outside ED 445
CT 19.04—That portion of Ct 19.04 located outside EDs 429, 440, and 441
CT 20.03—That portion of Ct 20.03 located outside the boundaries of the City of Santa Maria and generally west of Blosser Road and north of Solomon Road
CT 23.02—That portion of CT 23.02 located outside the boundaries of the City of Santa Maria
CT 24.02—That portion of CT 24.02 located outside the boundaries of the City of Santa Maria
CTs 25 through 30.05
together with the part of Ventura County contained in the following whole and partial census tracts:
CTs 1 through 51
CT 56—That portion generally south of Hueneme Road, Camarillo State Hospital boundary, and west of Potrero Road
CT 73—That portion outside the city limits of the City of Thousand Oaks
Senate District 19: Senate District 19 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:
CT 1061.01
CTs 1062 through 1063
CT 1064—That portion generally north of Polk Street
CT 1065—That portion not contained in Senate District 20
CTs 1066.02 through 1066.04
CTs 1081 through 1082
CTs 1112.01 through 1113.02
CTs 1131 through 1152.01, except that portion of CT 1151.01 and 1152.01 contained in Senate District 20
CT 1152.02—That portion of CT 1152.02 west of Reseda Boulevard
CT 1153.01—That portion north of Nordhoff Street
CT 1154.01—That portion not contained in Senate District 20
CTs 1341.02 through 1349.02
CTs 1351.02 through 1371.01
CTs 1372.02 through 1374.02
CTs 1393 and 1394—Those portions of CTs 1393 and 1394 west of Vanalden Avenue
CTs 8002 through 8003.22
CT 9108.01
CTs 9200.01 through 9203.23
together with the part of the County of Ventura contained in the following whole and partial census tracts:
CTs 52.01 through 72.02, except that portion of CT 56 located within Senate District 18

CT 73—That portion within the city limits of the City of Thousand Oaks

CTs 74.01 through 85

Senate District 20: Senate District 20 shall consist of the part of the County of Los Angeles contained in the following whole census tracts:

CTs 1041.01 through 1048

CT 1061.02

CT 1064—That portion generally south of Polk Street

CT 1065—That portion generally south of Bledsoe Street and Herrick Avenue

CT 1066.01

CTs 1067 through 1068

CTs 1091 through 1111.02

CTs 1114.01 through 1114.02

CT 1151.01—That portion bounded by Plummer Street on the north, Louise Avenue on the west, and Nordhoff Street on the south

CT 1152.01—That portion east of Reseda Boulevard and south of Superior Street

CT 1152.02—That portion not contained in Senate District 19

CT 1153.01—That portion south of Nordhoff Street

CT 1153.02

CT 1154.01—That portion south of the Southern Pacific Railroad and east of White Oak Avenue

CTs 1154.02 through 1249.01, except that portion of 1222 generally north of Glenoaks Boulevard

CT 1251—That portion north of Magnolia Boulevard

CT 1252—That portion north of Magnolia Boulevard

CT 1253

CTs 1256 through 1288

CTs 1311 through 1341.01

CTs 1391 through 1394 except those portions of CT 1393 and CT 1394 west of Vanalden Avenue

CT 1395—That portion not in Senate District 22

CT 1398.01

CTs 3201 through 3203

Senate District 21: Senate District 21 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CTs 1011 through 1034

CT 1222—That portion generally north of Glenoaks Boulevard

CTs 3001 through 3025.02

CTs 4300.01 through 4311

CT 4312—That portion within the city limits of the City of Monrovia

CTs 4313 through 4321.02

CT 4325 that portion within the city limits of the City of Arcadia

CTs 4600 through 4601

CTs 4605.01 through 4608

CTs 4612 through 4614
CTs 4623 through 4801.01
CT 4812.01
CTs 9002 through 9012.02
CT 9100—That portion not in Senate District 16
CTs 9101 through 9107
CT 9108.02
CT 9301—That portion not in Senate District 16
CT 9302

Senate District 22: Senate District 22 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CT 1249.02
CT 1251—That portion south of Magnolia Boulevard
CT 1252—That portion south of Magnolia Boulevard
CTs 1254 through 1255
CT 1289
CT 1395—That portion generally south of Magnolia Boulevard and Ventura Boulevard
CTs 1396 through 1397.03
CTs 1398.02 through 1436.02
CTs 1438.01 through 1439.02
CTs 2164 through 2166
CT 2171
CTs 2183 through 2185
CTs 2198 through 2201
CTs 2611.01 through 2625
CTs 2627.02 through 2731
CT 2737
CTs 2751.01 through 2753.01
CTs 2754 through 2755
CTs 7006 through 7028.03
CT 7030.01, except that portion outside the boundaries of the City of Culver City

Senate District 23: Senate District 23 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CT 1437
CT 1852.01
CT 1853
CTs 1863 through 1922
CTs 1923 and 1924—Those portions east of Wilcox Avenue and North of Clinton Street
CTs 1925 through 1974
CTs 2084 through 2086
CTs 2111 through 2114
CTs 2118 through 2126
CTs 2131 through 2133
CTs 2142 through 2151—Except that portion of CT 2151 east of

Cochran Avenue
CTs 2162 through 2163
CTs 2167 through 2169
CTs 2212 through 2214.01
CT 2215.01
CT 2216.01
CTs 3101 through 3200
CTs 7001 through 7005

Senate District 24: Senate District 24 shall consist of part of the County of Los Angeles contained in the following whole and partial census tracts:
CTs 1811 through 1851
CT 1852.02
CTs 1861 through 1862
CTs 1975 through 2083
CTs 2087 through 2098
CT 2134
CT 2211
CT 2217.01
CTs 2241 through 2243
CTs 2261 through 2263
CTs 4805 through 4807.02
CTs 5303 through 5319, except that portion of CT 5304 located within the city limits of the City of Monterey Park
CTs 5323.01 through 5324, except that portion of CT 5323.01 located within the city limits of the City of Bell and that portion of CT 5324 located within the city limits of the City of Huntington Park
CTs 5333 through 5334
CT 5337
CTs 5339 through 5342

Senate District 25: Senate District 25 shall consist of the whole Counties of Inyo and Mono, together with the part of the county of Los Angeles contained in the following whole and partial census tracts:
CTs 4002.01 through 4017.01, except that portion of CT 4017.01 located within the city limits of the City of Pomona
CTs 4018 through 4020
CTs 4037.01 through 4045
CTs 4059 through 4061.02
CT 9300—That portion located within the city limits of the Cities of Glendora and La Verne
together with the part of the County of San Bernardino contained in the following whole and partial census tracts:
CTs 8.01 through 9
CT 20
CTs 73 through 74.01
CT 75
CTs 78 through 89.02
CTs 91.01 through 92

CT 96.02, except that portion located within the city limits of the City of Barstow

CTs 97.01 through 107

Senate District 26: Senate District 26 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CTs 4046 through 4052

CTs 4069 through 4073, except that portion of CT 4069 located within the city limits of the City of West Covina

CTs 4075 through 4079, except that portion of CT 4079 located within the city limits of the City of West Covina

CT 4081.32

CTs 4082.02 through 4084.01

CT 4084.02—That portion located within the boundaries of Rose Hills Memorial Park

CT 4085.01

CT 4086.01

CT 4312, except that portion located within the city limits of the City of Monrovia

CTs 4322 through 4340, except that portion of CT 4325 located within the city limits of the City of Arcadia

CTs 4801.02 through 4804

CTs 4808.01 through 4811

CTs 4812.02 through 4828

CTs 5003 through 5010, except those portions of CT 5003 and 5010 located within the city limits of the City of Whittier

CT 5012—That portion located outside the city limits of the City of Whittier

CT 5015.01—That portion located within the boundaries of Rose Hills Memorial Park

CT 5016—That portion located within the boundaries of Rose Hills Memorial Park

CTs 5022 through 5026.02, except those portions of CTs 5022 and 5023 located within the city limits of the City of Santa Fe Springs

CTs 5300.01 through 5302.02

CT 5304—That portion located within the city limits of the City of Monterey Park

CTs 5320 through 5322

Senate District 27: Senate District 27 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CT 2214.02

CT 2215.02

CT 2216.02

CTs 2217.02 through 2227

CTs 2244 through 2247

CTs 2264 through 2328

CT 2383

CTs 2391 through 2392

CTs 2394 through 2395
CTs 2397 through 2412
CTs 2414 through 2416
CTs 2423 through 2427
CT 5323.01—That portion located within the city limits of the city of Bell
CT 5324—That portion located within the city limits of the City of Huntington Park
CTs 5325 through 5332
CTs 5335 through 5336
CTs 5338.01 through 5338.02
CTs 5343 through 5352
CTs 5355 through 5362
CTs 5407 through 5408
CTs 5412 through 5413
CTs 5416.01 through 5416.02
CT 5420
CTs 5422 through 5430
CT 5432, except that portion south of Greenleaf Boulevard

Senate District 28: Senate District 28 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CTs 1923 through 1924—Except those portions within Senate District 23
CTs 2115 through 2117
CTs 2127 through 2129
CT 2141
CT 2151—That portion east of Cochran Avenue
CTs 2152 through 2161
CTs 2172 through 2182
CTs 2186 through 2197
CT 2202
CTs 2341 through 2362.02
CTs 2363 through 2382
CTs 2384 through 2386
CT 2393
CT 2396
CT 2413
CTs 2732 through 2736
CTs 2738 through 2742
CT 2753.02
CTs 2756 through 2912
CTs 5409.01 through 5410.01
CT 5411
CTs 6001 through 6025.03
CTs 6027 through 6028
CT 6037.01
CT 6037.02—That portion located within the city limits of the City of Hawthorne

CTs 7029 through 7029.99
CT 7030.01—That portion outside the boundaries of the City of Culver City
CTs 7030.02 through 7032
Senate District 29: Senate District 29 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:
CTs 2947 through 2947.99
CTs 2949 through 2976.99
CT 5552.02
CT 5712
CTs 5719 through 5720.01
CTs 5734 through 5750.02
CTs 5756 through 5762
CTs 5765 through 5768
CTs 5770 through 5991
CTs 6099 through 6514
CTs 6702.01 through 6707.02, except that portion of CT 6707.01 located within the city limits of the City of Lomita
Senate District 30: Senate District 30 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:
CTs 2421 through 2422
CTs 2428 through 2431
CTs 2913 through 2946
CTs 2948
CTs 5353 through 5354
CTs 5400 through 5406
CTs 5410.02
CTs 5414 through 5415
CTs 5417 through 5418
CTs 5421 through 5421.02
CTs 5431
CT 5432—That portion south of Greenleaf Boulevard
CTs 5433.01 through 5440
CTs 5535 through 5539
CTs 5701 through 5706, except that portion of CT 5706 located within the boundaries of the city of Lakewood
CTs 5715.01 through 5718, except that portion of CT 5715.01 located within the boundaries of the City of Lakewood
CTs 5720.02 through 5733
CTs 5751 through 5755
CTs 5763 through 5764
CT 5769
CT 6026
CTs 6029 through 6036
CTs 6037.02 through 6041, except that portion of CT 6037.02 located within the boundaries of the City of Hawthorne
CTs 6700.01 through 6701

CT 6707.01—That portion located within the city boundaries of the City of Lomita

Senate District 31: Senate District 31 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CT 4033.02

CTs 4033.12 through 4036, except that portion of CT 4033.13 located within the boundaries of the City of Pomona

CTs 4053 through 4058

CTs 4062 through 4068

CT 4069—That portion located within the city limits of the City of West Covina

CT 4074

CT 4079—That portion located within the city limits of the City of West Covina

CTs 4080.01 through 4081.31

CT 4082.01

CT 4084.02, except that portion located within the boundaries of Rose Hills Memorial Park

CTs 4085.02 through 4085.03

CTs 4086.21 through 4087.02

CTs 5001 through 5002.02

CT 5003—That portion located within the city limits of the City of Whittier

CT 5010—That portion located within the city limits of the City of Whittier

CTs 5012 through 5021, except that portion of CT 5012 located outside the boundaries of the City of Whittier and those portions of CT 5015.01 and 5016 located within the boundaries of Rose Hills Memorial Park

CT 5029.02—That portion located within the city limits of the City of Whittier

CT 5033.01

CTs 5034.01 through 5034.02

CT 5035.01—That portion located within the city limits of the City of Whittier

CTs 5035.02 through 5041.01, except that portion of CT 5041.01 located within the city limits of the City of Santa Fe Springs

together with the part of Orange County contained in the following whole census tracts:

CTs 11.01 through 15.04

CTs 218.02 through 218.06

CTs 218.08 through 218.09

CT 218.12

CT 219.07

CTs 320.02 through 320.09

CTs 320.11 through 320.15

CTs 423.07 through 423.08

CTs 524.04 through 524.05

CTs 524.07 through 524.11
CT 626.08
CTs 626.21 through 626.22

Senate District 32: Senate District 32 shall consist of the part of the County of Orange contained in the following whole and partial census tracts:

CTs 18.01 through 19.03
CT 110—That portion of CT 110 bounded by Malvern Avenue to the North, Basque Avenue to the East, and Commonwealth Avenue to the South. Also that portion south of Commonwealth Avenue but west of Brookhurst Road
CTs 111.01 through 111.02
CT 112—That portion of CT 112 south of Chapman Avenue, east of Woods Avenue, and south of Williamson Avenue
CT 113—That portion of CT 113 south of Chapman Avenue
CT 114.02—That portion of CT 114.02 south of Commonwealth Avenue and west of Raymond Avenue
CT 115.02—That portion of CT 115.02 east of State College Boulevard
CTs 116.01 through 116.02
CTs 117.12 through 117.13
CT 740.03
CTs 740.05 through 741.04
CTs 742 through 744.03
CTs 745.01 through 749.02
CT 750.01—That portion of CT 750.01 south of Washington Avenue and west of Main Street
CT 750.02
CT 751—That portion of CT 751 south of Civic Center Drive
CTs 752.01 through 752.02
CT 759.01—That portion of CT 759.01 west of Shaffer Street
CT 760—That portion of CT 760 north of LA Veta Avenue and east of Main Street
CT 761.01—That portion of CT 761.01 east of North Main Street and that portion bounded by Palm Drive, Maple Avenue and North Main Street
CT 761.03
CT 762.04
CTs 863.01 through 863.03
CTs 865.01 through 868.02
CT 869.01
CTs 869.03 through 992.03
CT 992.11
CTs 994.10 through 994.11
CTs 996.01 through 996.02
CTs 996.04 through 998.03
CTs 999.02 through 999.04

Senate District 33: Senate District 33 shall consist of the part of the County of Los Angeles contained in the following whole and partial

census tracts:

CT 5022—That portion located within the city limits of the City of Sante Fe Springs

CT 5023—That portion located within the city limits of the City of Santa Fe Springs

CTs 5027 through 5032.02, except that portion of CT 5029.02 located within the city limits of the City of Whittier

CT 5033.02

CT 5035.01—That portion located outside the city limits of the City of Whittier

CT 5041.01—That portion located within the city limits of the City of Sante Fe Springs

CT 5041.02

CTs 5500 through 5534

CTs 5540 through 5552.01

CTs 5700.01 through 5700.03

CTs 5706—That portion located within the city limits of the City of Lakewood

CTs 5707.01 through 5711.02

CT 5713 through 5714

CT 5715.01—That portion located within the city limits of the City of Lakewood

together with the part of the County of Orange contained in the following whole census tracts:

CT 868.03

CT 869.02

CTs 1100.01 through 1100.05

CTs 1100.10 through 1100.11

CTs 1100.13 through 1106.04

Senate District 34: Senate District 34 shall consist of the part of Los Angeles County contained in the following whole census tracts:

CT 4017.01—That portion within the city limits of the City of Pomona

CT 4017.02

CTs 4021.01 through 4032

CT 4033.11

CT 4033.13—That portion within the city limits of the City of Pomona

CT 4088

together with the part of San Bernardino County contained in the following whole census tracts:

CTs 1 through 7

CTs 10 through 19

CTs 21 through 72

CT 74.02

CTs 76 through 77

Senate District 35: Senate District 35 shall consist of parts of the County of Orange contained in the following whole and partial census tracts:

CTs 15.05 through 17.02
CT 110—That portion of CT 110 not contained in Senate District 32
CT 112—That portion of CT 112 not contained in Senate District 32
CT 113—That portion of CT 113 not contained in Senate District 32
CT 114.01
CT 114.02—That portion of CT 114.02 not contained in Senate District 32
CT 115.01
CT 115.02—That portion of CT 115.02 not contained in Senate District 32
CTs 117.07 through 117.11
CTs 117.14 through 117.18
CT 218.07
CTs 218.10 through 218.11
CTs 218.13 through 219.06
CTs 219.08 through 219.09
CT 524.06
CTs 525.01 through 525.10
CTs 626.10 through 626.16
CTs 631.01 through 633
CTs 636.01 through 636.02
CTs 637 through 639.08
CT 740.04
CT 741.05
CT 744.04
CT 750.01—That portion of CT 750.01 not contained in Senate District 32
CT 751—That portion of CT 751 not contained in Senate District 32
CTs 753.01 through 758.10
CT 759.02
CT 759.01—That portion of CT 759.01 not contained in Senate District 32
CT 760—That portion of CT 760 not contained in Senate District 32
CT 761.02
CT 761.01—That portion of CT 761.01 not contained in Senate District 32
CTs 762.01 through 762.02
CTs 762.05 through 762.08
CTs 863.04 through 864.07
CT 992.04
CT 992.12
CTs 992.22 through 992.35
CT 1106.05

Senate District 36: Senate District 36 shall consist of the part of the

County of Riverside contained in the following whole census tracts:
CTs 301 through 426
CTs 427.04 through 431, except that portion of CT 427.04 located within the city limits of the City of Hemet
CT 435.01—That portion located outside the boundaries of the City of Hemet
CTs 435.02 through 436
CTs 438.03 through 443
CT 444—That portion located within the boundaries of the City of Palm Springs and EDs 543, 544, 545A, and 545B
CTs 445.01 through 462
Senate District 37: Senate District 37 shall consist of the part of the County of Orange contained in the following whole census tracts:
CT 320.10
CTs 421.01 through 423.06
CTs 423.09 through 423.14
CTs 626.04 through 626.07
CTs 626.17 through 626.20
CTs 626.23 through 630.08
CTs 634 through 635
CT 636.03
CTs 992.14 through 992.20
CTs 992.36 through 994.04
CTs 994.05 through 994.06
CTs 994.12 through 995.08
CTs 996.03 through 996.05
CTs 1100.06 through 1100.08
CT 1100.12
together with the part of the County of Riverside contained in the following whole and partial census tracts:
CTs 427.02 through 427.03
CT 427.04—That portion located within the boundaries of the City of Hemet
CTs 432 through 435.01, except that portion of CT 435.01 outside the boundaries of the City of Hemet
CT 444, except that portion located within the boundaries of the City of Palm Springs and EDs 543, 544, 545A, and 545B
together with the part of the County of San Diego contained in the following whole census tracts:
CT 155
CT 168.02 through 168.03
CTs 168.04 through 169
CTs 170.07 through 170.11
CTs 187 through 191.02
CT 192.02
CT 207.03—Except that portion within the boundaries of the City of Escondido
CTs 208 through 209.01
CTs 212.01 through 212.02

Senate District 38: Senate District 38 shall consist of the part of the County of San Diego contained in the following whole census tracts:

CTs 77 through 85.10
CTs 85.12 through 87.01
CTs 90 through 91.04
CTs 170.05 through 170.06
CTs 170.12 through 186.05
CT 192.01
CTs 193 through 207.01
CT 207.04

Senate District 39: Senate District 39 shall consist of the whole County of Imperial, together with the part of the County of San Diego contained in the following whole and partial census tracts:

CTs 1 through 7
CTs 9 through 13
CTs 19 through 20.02
CT 28.01
CT 29.01
CT 57
CTs 59 through 61
CTs 65 through 76
CT 85.11
CTs 87.02 through 89
CTs 91.05 through 99.01
CT 100.07—That portion located outside the boundaries of the City of San Diego
CTs 106.01 through 113
CTs 135.01 through 137
CTs 145 through 154.04
CTs 156.01 through 167.02
CTs 209.02 through 211
CT 213

Senate District 40: Senate District 40 shall consist of the part of the County of San Diego contained in the following whole and partial census tracts:

CT 8
CTs 14 through 18
CTs 21 through 27.06
CT 28.02
CTs 29.02 through 56
CT 58
CTs 62 through 64
CTs 99.02 through 100.06
CT 100.07—That portion located within the city limits of the City of San Diego
CTs 101.03 through 105
CTs 114 through 134.04
CTs 138 through 144

SEC. 5. If any provision of this act or the application thereof to

any person or circumstance is held invalid, the 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.

CHAPTER 537

An act to amend Section 3514 of, and to repeal and add Chapter 1 (commencing with Section 30000) and Chapter 2 (commencing with Section 30010) of Division 18 of, the Elections Code, relating to elections.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 3514 of the Elections Code is amended to read:

3514. Notwithstanding any other provision of law, no initiative or referendum shall be placed on a statewide special election ballot which qualifies less than 131 days before the date of the election.

This section shall apply to any referendum certified by the Secretary of State after September 1, 1981.

SEC. 2. Chapter 1 (commencing with Section 30000) of Division 18 of the Elections Code is repealed.

SEC. 3. Chapter 1 (commencing with Section 30000) is added to Division 18 of the Elections Code, to read:

CHAPTER 1. GENERAL

30000. Any maps describing the boundaries of the districts, as contained in this division, which have been prepared by the Legislature or a committee of the Legislature in connection with the enactment of this division may be deposited with the Secretary of State in order to illustrate the boundary lines set forth in this division. Maps deposited with the Secretary of State pursuant to this section may be used by the Secretary of State and the several county clerks for purposes of assisting in the interpretation of this division and to facilitate the Secretary of State and the county clerks in their administrative functions involved in the conduct of elections.

30001. Each house of the Legislature shall be a proper party to, and, if not originally named as a party, shall have the right to intervene in, any action involving the validity or application of any statute which provides for changes in the boundaries of any legislative districts of Members of that particular house.

SEC. 4. Chapter 2 (commencing with Section 30010) of Division 18 of the Elections Code is repealed.

SEC. 5. Chapter 2 (commencing with Section 30010) is added to Division 18 of the Elections Code, to read:

CHAPTER 2. ASSEMBLY DISTRICTS

30010. It is the intent of the Legislature in the enactment of this chapter to implement the provisions of Article XXI of the California Constitution.

If any census tract, block, block group, or enumeration district is omitted, listed more than once, or is only partially provided for, it is the intent of the Legislature that the districts be defined in such a manner as to not omit any area of California from a district and to comply with the standard of Article XXI of the California Constitution requiring that districts be reasonably equal.

30011. For purposes of this chapter, references to "CT" shall mean "census tract", as that demographic unit is established by the United States Bureau of the Census for the 1980 census as described by maps and publications of the bureau. References to "Block", "Blocks", "Block Groups", "Enumeration District", or "Enumeration Districts", refer to those demographic units as established by the United States Census Bureau for the 1980 census as described by maps and publications of the bureau.

In addition, any reference to a "city," "city boundaries," or "city limits" shall refer to the boundaries or limits of the particular city as they existed on April 1, 1980.

Assembly District 1: Assembly District 1 shall consist of the following whole counties:

Glenn
Lassen
Modoc
Plumas
Shasta
Siskiyou
Tehama
Trinity

together with the part of Butte County contained within the following whole census tracts:

CT 14
CT 15
CT 16
CT 34
CT 35
CT 36

Assembly District 2: Assembly District 2 shall consist of the following whole counties:

Del Norte
Humboldt
Mendocino

together with the part of Sonoma County contained within the

following whole census tracts:
CT 1529.01
CT 1530.01
CT 1530.02
CT 1530.03
CT 1530.04
CT 1531
CTs 1532 through 1543

Assembly District 3: Assembly District 3 shall consist of the following whole counties:
Colusa
Nevada
Sierra
Sutter
Yuba

together with the part of Butte County contained within the following whole census tracts:
CT 1
CT 2
CT 3
CT 4
CT 5
CT 6
CT 7
CT 8
CT 9
CT 10
CT 11
CT 12
CT 13
CT 17
CT 18
CT 19
CT 20
CT 21
CT 22
CT 23
CT 24
CT 25
CT 26
CT 27
CT 28
CT 29
CT 30
CT 31
CT 32
CT 33

Assembly District 4: Assembly District 4 shall consist of the whole County of Solano, together with the part of Yolo County contained

within the following whole census tracts:

Whole Census Tracts:

CT 101.01
CT 102.01
CT 102.02
CT 103
CT 104
CT 105.01
CT 105.03
CT 105.04
CT 105.05
CT 105.06
CT 106.02
CT 106.03
CT 106.04
CT 107.01
CT 107.02

Assembly District 5: Assembly District 5 shall consist of the part of Sacramento County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 72.01
CT 72.02
CT 72.03
CT 72.04
CT 74.02
CT 74.03
CT 74.04
CT 74.06
CT 74.07
CT 74.08
CT 80.01
CT 80.03
CT 81.02
CT 81.03
CT 81.05
CT 81.06
CT 81.07
CT 81.08
CT 81.09
CT 81.10
CT 81.11
CT 81.12
CT 82.02
CT 82.03
CT 82.04
CT 82.05

Partial Census Tracts:

CT 59.01—That portion contained within the following Blocks:

101, 102, 104, 106, 107, 110, 111, 112, 115, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 229, 230, 231, 232, and 233.

CT 64—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 204, 207, 208, 216, 218, 219, 220, 221, 601, 605, 610, 613, and 614.

CT 65—That portion contained within the following Blocks: 101, 102, 103, 105, 106, 108, 109, 110, 111, 120, 121, 505, 509, 510, 511, 515, and 516.

CT 67—That portion contained within the following Blocks: 101, 104, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 126, 127, 129, 140, 141, 142, 143, 144, 145, 146, and 148.

CT 74.09—That portion contained within the following Blocks: 342, 343, 349, 350, 351, 352, 362, 363, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 501, 502, 503, 504, 505, 506, 507, 508, and 509.

CT 75—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 301, 302, 303, 304, 305, 306, 307, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 501, 502, 503, 510, 520, 601, 602, 701, 702, 703, 704, 705, 706, 707, 708, 709, and 710.

CT 76—That portion contained within the following Blocks: 102, 104, 105, 106, 107, 108, 109, 110, 111, 130, 131, 132, 133, 134, 135, 136, and 137.

CT 79.01—That portion contained within the following Blocks: 302, 303, 305, 306, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 403, 404, 405, 406, 407, 408, 411, 412, 413, 414, 415, 416, 420, 421, 422, 423, 424, 425, 426, 427, and 428.

CT 79.02—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 218, 219, 220, 221, 222, 223, 224, 225, 604, 606, 607, 608, 609, 610, 620, 621, 631, 701, 702, 703, 705, 706, 709, 710, 711, 712, 717, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, and 739.

CT 80.04—That portion contained within the following Blocks: 207, 209, 214, 215, 216, 217, 218, 220, 306, 307, 309, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 701, 702, 703, 706, 707, 708, 709, 710, 711, and 712.

together with the part of Placer County contained within the following whole census tracts:

CT 203
CT 204
CT 205
CT 206.01
CT 206.02
CT 206.03

CT 207
CT 208
CT 209
CT 210
CT 211
CT 215

Assembly District 6: Assembly District 6 shall consist of the part of Sacramento County contained within the following whole and partial census tracts:

Whole Census Tracts:
CT 1
CT 2
CT 3
CT 4
CT 15
CT 16
CT 17
CT 19
CT 28
CT 29
CT 30
CT 31.01
CT 31.02
CT 32.02
CT 35.01
CT 35.02
CT 36
CT 37
CT 38
CT 41
CT 44.01
CT 44.02
CT 45
CT 46.01
CT 46.02
CT 47
CT 52.01
CT 52.02
CT 52.03
CT 54.01
CT 54.02
CT 55.03
CT 55.04
CT 56.01
CT 56.02
CT 57.01
CT 57.02
CT 58.01
CT 58.02

CT 59.02
CT 77
CT 78
CT 88
CT 89.03
CT 89.05
CT 90
CT 91.01
CT 91.02
CT 91.03
CT 91.04

Partial Census Tracts:

CT 13—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, and 215.

CT 14—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, and 219.

CT 18—That portion contained within the following Blocks: 102, 103, 104, 105, 112, 113, 114, 115, 201, 202, 203, 204, 207, 215, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 320, 321, 322, 323, 324, 325, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 509, 601, 602, 603, 604, 605, 606, 608, 609, 611, 612, 617, 618, 619, and 620.

CT 53—That portion contained within Blocks 915 and 918.

CT 69—That portion contained within the following Blocks: 201, 202, 220, and 221.

CT 76—That portion contained within the following Blocks: 112, 113, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 312, 313, 314, 315, 316, 318, 319, 320, 321, 322, 323, 324, 325, 401, 402, 403, 404, 405, 406, 407, and 408.

CT 79.01—That portion contained within the following Blocks: 307, 308, 309, 401, 502, 503, 504, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 518, 519, 520, 521, 524, 525, 526, 527, and 528.

CT 79.02—That portion contained within the following Blocks: 601, 602, 603, 605, 622, 623, 624, 625, 626, 627, 628, 629, and 630.

CT 80.04—That portion contained within the following Blocks: 219, 221, 222, 223, 224, 225, 226, 704, and 705.

CT 89.04—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 119, 125, 126, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, and 212.

CT 89.06—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 124, 125, 126, 127, 128, 129, 130, 302, 303, 304, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 340, and 341.

Assembly District 7: Assembly District 7 shall consist of the following whole counties:

Alpine
Amador
Calavaras
El Dorado
Mono
Tuolumne

together with the part of Placer County not contained in Assembly District 5, and together with the part of Sacramento County contained within the following whole and partial census tracts;

Whole Census Tracts:

CT 32.01
CT 42.02
CT 42.03
CT 48
CT 49.01
CT 49.02
CT 50
CT 51
CT 82.01
CT 83
CT 84
CT 85
CT 86
CT 87
CT 92
CT 94

Partial Census Tracts:

CT 43—That portion contained within the following Blocks: 125, 126, 127, 128, 129, 130, 131, 132, 133, 145, 146, 147, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, and 213.

CT 89.04—That portion contained within Block 902.

CT 89.06—That portion contained within the following Blocks: 338 and 339.

CT 93.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 305, 911, 912, 913, 914, 915, 916, 917, 932, 933, and 934.

CT 96—That portion contained within the following Blocks: 111, 112, 113, 114, 115, 116, 123, 124, 125, 127, 128, 129, 130, 131, 201, 202, 203, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 326, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 344, and 345.

Assembly District 8: Assembly District 8 shall consist of the following whole counties:

Lake
Napa

together with the part of Sonoma County contained within the

following whole census tracts:
CT 1501
CT 1502
CT 1503.01
CT 1503.02
CT 1504
CT 1505
CT 1514
CT 1515.01
CT 1515.02
CT 1516
CT 1517
CT 1518
CT 1519
CT 1520
CT 1521
CT 1522
CT 1523
CT 1524
CT 1525.01
CT 1525.02
CT 1526
CT 1527
CT 1528
CT 1529.02
together with the part of Yolo County contained within the following whole census tracts:
CT 101.02
CT 108
CT 109
CT 110
CT 111
CT 112.01
CT 112.02
CT 113
CT 114
CT 115

Assembly District 9: Assembly District 9 shall consist of the whole County of Marin, together with the part of Sonoma County not contained in Assembly District 2 or 8.

Assembly District 10: Assembly District 10 shall consist of the part of Contra Costa County contained within the following whole and partial census tracts:

Whole Census Tracts:
CT 3010
CT 3020
CT 3031
CT 3032
CT 3040

CT 3050
CT 3060
CT 3071
CT 3072.01
CT 3072.02
CT 3072.03
CT 3080
CT 3551.02
Partial Census Tracts:
CT 3551.01—That portion contained within the following Blocks: 116, 117, 118, 119, 120, 202, 203, 204, 299, 901, and 903.
together with the part of San Joaquin County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT 41.02
CT 42.01
CT 42.02
CT 43.02
CT 43.03
CT 43.04
CT 44
CT 45
CT 46
CT 47
Partial Census Tracts:
CT 40—That portion contained within Enumeration District 10.
together with the part of Sacramento County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT 5
CT 6
CT 7
CT 8
CT 9
CT 10
CT 11
CT 12
CT 20
CT 21
CT 22
CT 23
CT 24
CT 25
CT 26
CT 27
CT 33
CT 34
CT 39
CT 40.01

CT 40.02
CT 40.03
CT 42.01
CT 55.02
CT 60
CT 61
CT 62.01
CT 62.02
CT 63
CT 66
CT 68
CT 70.01
CT 70.02
CT 71
CT 73
CT 93.02
CT 95
CT 97
CT 98

Partial Census Tracts:

CT 13—That portion contained within the following Blocks: 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 315.

CT 14—That portion contained within the following Blocks: 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 315.

CT 18—That portion contained within the following Blocks: 501, 502, 503, 504, 505, 506, 507, 508, 510, 511, 512, 513, 514, 515, 516, and 517.

CT 43—That portion contained within the following Blocks: 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124.

CT 53—That portion contained within the following Blocks: 101, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 150, 151, 152, 153, 154, 155, 202, 203, 204, 205, 206, 207, 208, 209, 301, 302, 304, 305, 916, and 917.

CT 59.01—That portion contained within the following Blocks: 225, 227, and 228.

CT 64—That portion contained within the following Blocks: 301, 302, 303, 304, 305, 309, 310, 311, 312, 315, 316, 318, 319, 320, 321, 322, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 520, 521, 522, 523, 524, and 525.

CT 65—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 420, 421, and 422.

CT 67—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,

233, 234, 240, 241, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 320, 321, 902, 903, 904, and 906.

CT 69—That portion contained within the following Blocks: 101, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 130, 131, 301, 303, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 345, 401, 402, 403, 404, 405, 406, 407, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, and 623.

CT 74.09—That portion contained within the following Blocks: 525, 527, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 614, 615, 616, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 902, 903, and 904.

CT 75—That portion contained within the following Blocks: 504, 511, 512, 513, 514, 516, 517, 518, 519, 525, 526, 603, 604, 606, 612, 613, 614, 615, 616, 617, 618, and 619.

CT 93.01—That portion contained within the following Blocks: 303, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 324; and together with that portion contained within Enumeration District 3.

CT 96—That portion contained within the following Blocks: 204, 209, 215, 216, 217, 218, 219, 220, 221, 222, 223, 399, 902, 903, 905, 908, 909, 912, 914, 916, 919, 921, 922, 932, 933, 937, 938, 939, 942, 943, 944, and 945; and together with that portion contained within Enumeration District 3.

Assembly District 11: Assembly District 11 shall consist of the part of Contra Costa County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 3090
CT 3100
CT 3110
CT 3120
CT 3131.01
CT 3131.02
CT 3131.03
CT 3132.01
CT 3132.02
CT 3141
CT 3142
CT 3142.99
CT 3150
CT 3150.99
CT 3160
CT 3170
CT 3180
CT 3190
CT 3200.01

CT 3200.02
CT 3200.99
CT 3211.01
CT 3211.03
CT 3332
CT 3340.01
CT 3340.02
CT 3340.03
CT 3371
CT 3381
CT 3560.01
CT 3570
CT 3580
CT 3591.01
CT 3591.02
CT 3592.01
CT 3592.02
CT 3601
CT 3602
CT 3610
CT 3620
CT 3630
CT 3640.01
CT 3640.02
CT 3650.01
CT 3650.02
CT 3660
CT 3671
CT 3672
CT 3680
CT 3690
CT 3700
CT 3710
CT 3720
CT 3730
CT 3740
CT 3750
CT 3760
CT 3770
CT 3780
CT 3780.99
CT 3790
CT 3800
CT 3810
CT 3820
CT 3830

Partial Census Tracts:

CT 3211.02—That portion contained within the following Blocks: 104, 105, 137, 201, 202. 203, 204, 205, 206, 207, 208, 209, and 210.

CT 3212—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201, 202, 203, 204, 205, 206, 207, 209, and 217.

CT 3270—That portion contained within the following Blocks: 403, 405, 407, 409, 410, 411, 412, 501, 502, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 604, 606, 607, 608, 610, 611, 612, 613, 614, and 616.

CT 3310—That portion contained within the following Blocks: 106, 107, 108, 109, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 313, 315, 316, and 317.

CT 3320—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, 120, 205, 206, 207, 208, 209, 210, 211, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 312, 401, 404, 405, 406, 407, 408, 410, 411, 412, 413, 415, 416, 443, 501, 502, 504, 512, 513, 514, and 515.

CT 3331—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 220, 221, 222, 223, 224, 225, 226, 228, and 229.

CT 3350—That portion contained within the following Blocks: 101, 102, 103, 105, 106, 107, 108, 111, 112, 113, 114, 116, 117, 118, 201, 202, 203, and 204.

CT 3372—That portion contained within the following Blocks: 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 204, 205, 206, 210, 211, 214, 215, 216, 217, 218, 219, 220, 221, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 330, 331, 332, 333, 334, 335, and 336.

CT 3373—That portion contained within the following Blocks: 101, 201, 202, 203, 204, 211, 212, 213, 217, 305, 306, and 307.

CT 3382.01—That portion contained within the following Blocks: 117, 118, 125, 129, 130, 131, 132, 133, 201, 202, and 206.

CT 3552—That portion contained within Block 905.

CT 3553.01—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 403, 405, 406, 407, 501, 502, and 503.

CT 3553.04—That portion contained within Blocks 502 and 503.

Assembly District 12: Assembly District 12 shall consist of the part of Alameda County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4001
CT 4002
CT 4003
CT 4004
CT 4011
CT 4012
CT 4038

CT 4039
CT 4040
CT 4041
CT 4042
CT 4043
CT 4044
CT 4045
CT 4046
CT 4047
CT 4048
CT 4049
CT 4050
CT 4051
CT 4201
CT 4202
CT 4203
CT 4204
CT 4205
CT 4206
CT 4211
CT 4212
CT 4213
CT 4214
CT 4215
CT 4216
CT 4217
CT 4218
CT 4219
CT 4220
CT 4221
CT 4222
CT 4223
CT 4224
CT 4225
CT 4226
CT 4227
CT 4228
CT 4229
CT 4230
CT 4231
CT 4232
CT 4233
CT 4234
CT 4235
CT 4236
CT 4237
CT 4238
CT 4239
CT 4240

CT 4261
CT 4262
Partial Census Tract:
CT 4080—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, and 901.
together with the part of Contra Costa County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT 3220
CT 3230
CT 3240
CT 3250
CT 3280
CT 3290
CT 3300
CT 3361
CT 3362
CT 3560.02
CT 3840
CT 3851
CT 3852
CT 3860
CT 3870
CT 3880
CT 3891
CT 3892
CT 3901
CT 3902
CT 3910
CT 3920
Partial Census Tracts:
CT 3211.02—That portion contained within the following Blocks: 119, 124, 129, 130, and 131.
CT 3212—That portion contained within the following Blocks: 211, 212, 213, 215, and 216.
CT 3260—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, and 207.
CT 3270—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119, 120, 122, 124, 126, 201, 202, 203, 205, 207, 208, 209, 210, 211, 212, 213, 214, 216, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 314, 315, and 901.
CT 3310—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 110, 111, 115, 201, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 408, 501, 502, 503, 504, 505, 506, 507, 508, 509, and 510.
CT 3320—That portion contained within the following Blocks: 503, 505, 506, 507, 508, 509, 510, and 511.
CT 3350—That portion contained within the following Blocks: 206, 208, 209, 211, 212, 216, 217, 219, 301, 302, 303, 304, 305, 306, 307, 308,

309, 310, 311, 312, 313, 314, 316, 402, 403, 404, 405, 406, 407, 410, 411, 412, 413, and 414.

CT 3372—That portion contained within Blocks 337 and 338.

CT 3470—That portion contained within the following Blocks: 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119, 120, and 901.

CT 3910—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 204, 207, 208, and 209.

Assembly District 13: Assembly District 13 shall consist of the part of Alameda County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4005
CT 4006
CT 4007
CT 4008
CT 4009
CT 4010
CT 4013
CT 4014
CT 4015
CT 4016
CT 4017
CT 4017.99
CT 4018
CT 4019
CT 4019.99
CT 4020
CT 4021
CT 4022
CT 4023
CT 4024
CT 4025
CT 4026
CT 4027
CT 4028
CT 4029
CT 4030
CT 4031
CT 4032
CT 4032.99
CT 4033
CT 4034
CT 4035
CT 4036
CT 4037
CT 4052
CT 4053
CT 4054

CT 4055
CT 4056
CT 4057
CT 4058
CT 4059
CT 4060
CT 4061
CT 4062
CT 4063
CT 4064
CT 4065
CT 4066
CT 4067
CT 4068
CT 4070
CT 4071
CT 4072
CT 4073
CT 4074
CT 4075
CT 4076
CT 4077
CT 4078
CT 4082
CT 4083
CT 4084
CT 4085
CT 4086
CT 4087
CT 4088
CT 4089
CT 4251
CT 4271
CT 4272
CT 4272.99
CT 4273
CT 4273.99
CT 4274
CT 4274.99
CT 4275
CT 4275.99
CT 4276
CT 4277
CT 4278
CT 4279
CT 4280
CT 4281
CT 4282
CT 4283

CT 4284
CT 4285
CT 4286

Partial Census Tracts:

CT 4069—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 305, 306, 307, and 308.

CT 4079—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 202, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 403, 404, 405, 406, 407, and 408.

CT 4080—That portion contained within the following Blocks: 201, 202, 204, 206, 208, 902, 904, 905, and 906.

CT 4081—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 107, 108, 901, 902, 903, 904, 907, 908, 909, 910, 912, 913, and 926.

CT 4090—That portion contained within the following Blocks: 401, 403, 404, 405, 406, 407, 501, 502, 503, 504, 505, 916, 917, 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, and 938.

CT 4094—That portion contained within the following Blocks: 305, 402, and 403.

CT 4095—That portion contained within the following Blocks: 107, 108, 109, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, and 401.

CT 4096—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 505, 506, 507, 508, 509, 510, 511, and 512.

CT 4097—That portion contained within the following Blocks: 101, 102, 103, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 409, and 410.

Assembly District 14: Assembly District 14 shall consist of the part of Alameda County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4091
CT 4092
CT 4093
CT 4098
CT 4099
CT 4100
CT 4101
CT 4102
CT 4103
CT 4104
CT 4302
CT 4303
CT 4304
CT 4305
CT 4306
CT 4307

CT 4308
CT 4309
CT 4310
CT 4311
CT 4312
CT 4321
CT 4322
CT 4323
CT 4324
CT 4325
CT 4326
CT 4327
CT 4328
CT 4329
CT 4330
CT 4331
CT 4332
CT 4333
CT 4334
CT 4335
CT 4336
CT 4337
CT 4338
CT 4339
CT 4340
CT 4351
CT 4352
CT 4353
CT 4354
CT 4355
CT 4356
CT 4357
CT 4358
CT 4359
CT 4360
CT 4361
CT 4362
CT 4363
CT 4364
CT 4365
CT 4366
CT 4367
CT 4368
CT 4369
CT 4370
CT 4371
CT 4372
CT 4373
CT 4374

CT 4375
CT 4376
CT 4377
CT 4378
CT 4379
CT 4381
CT 4383
CT 4384

Partial Census Tracts:

CT 4069—That portion not contained in Assembly District 13.

CT 4079—That portion not contained in Assembly District 13.

CT 4081—That portion not contained in Assembly District 13.

CT 4090—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 308, 506, 507, 508, and 509.

CT 4094—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 302, 303, 304, 306, 307, 401, 404, 405, 406, 407, 408, 501, 502, 503, 504, 505, 506, 507, 508, and 509.

CT 4095—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 402, 403, 404, 405, 406, and 407.

CT 4096—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 501, 502, 503, and 504.

CT 4097—That portion contained within the following Blocks: 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, and 306.

CT 4380—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, and 209.

CT 4382—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 402, 403, 404, 405, 406, 407, 408, 409, 501, 502, 503, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 601, 602, 603, 604, 605, 610, 611, 612, 614, 615, 616, 617, 901, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 935, 936, 937, 938, 939, and 940.

Assembly District 15: Assembly District 15 shall consist of the part of Alameda County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 4501
CT 4502
CT 4503
CT 4506.03
CT 4506.04
CT 4506.05

CT 4506.06
CT 4507.02
CT 4507.03
CT 4507.04
CT 4511.00
CT 4512
CT 4513
CT 4514
CT 4515
CT 4516
CT 4517

Partial Census Tracts:

CT 4504—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, and 320.

CT 4506.01—That portion contained within the following Blocks: 919, 929, and 930.

CT 4506.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 306, 307, 308, 317, 915, 947, 948, 949, 950, 955, and 960.

CT 4506.07—That portion contained within the following Blocks: 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 223, 302, 303, 304, 305, 306, 307, 308, 309, 901, 924, and 945.

together with the part of Contra Costa County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 3382.02
CT 3383.01
CT 3383.02
CT 3390
CT 3400.01
CT 3400.02
CT 3410
CT 3420
CT 3430.01
CT 3430.02
CT 3430.03
CT 3440
CT 3451.01
CT 3451.02
CT 3451.03
CT 3451.04
CT 3451.05
CT 3451.06
CT 3452.01
CT 3452.02

CT 3461.01
CT 3461.02
CT 3462.01
CT 3462.02
CT 3480
CT 3490
CT 3500
CT 3511
CT 3412
CT 3521.01
CT 3521.02
CT 3522.01
CT 3522.02
CT 3530.01
CT 3530.02
CT 3540
CT 3551.02
CT 3551.03
CT 3553.02
CT 3553.03
CT 3553.05

Partial Census Tracts:

CT 3020—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 906, and 908.

CT 3260—That portion contained within the following Blocks: 208, 209, 210, 211, 213, 214, 215, and 217.

CT 3331—That portion contained within the following Blocks: 216, 217, and 218.

CT 3373—That portion contained within the following Blocks: 102, 106, 107, 108, 109, 110, 111, 112, 113, 114, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, and 129.

CT 3382.01—That portion contained within the following Blocks: 107, 108, 109, 110, 112, 113, 114, 115, 121, 122, 123, 124, 126, 135, 136, 203, 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 220, 221, 222, 223, 224, 225, and 227.

CT 3470—That portion contained within Block 122.

CT 3551.01—That portion contained within the following Blocks: 116, 117, 118, 119, 120, 901, 903, and 904.

CT 3552—That portion contained within Blocks 901 and 902.

CT 3553.01—That portion contained within Blocks 401 and 402.

CT 3553.04—That portion contained within the following Blocks: 402, 403, 404, 405, 406, 407, 415, 501, 508, 509, 510, and 901

Assembly District 16: Assembly District 16 shall consist of the part of the City and County of San Francisco contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 101
CT 102
CT 103

CT 104
CT 105
CT 105.99
CT 106
CT 107
CT 108
CT 109
CT 112
CT 113
CT 114
CT 115
CT 116
CT 117
CT 118
CT 119
CT 121
CT 123
CT 125
CT 176.01
CT 176.02
CT 177
CT 178
CT 179.01
CT 179.02
CT 179.99
CT 180
CT 201
CT 202
CT 203
CT 205
CT 206
CT 207
CT 208
CT 209
CT 210
CT 211
CT 212
CT 213
CT 214
CT 215
CT 218
CT 226
CT 226.99
CT 227
CT 228
CT 229
CT 230
CT 231
CT 232

CT 233
CT 234
CT 251
CT 252
CT 253
CT 254
CT 255
CT 256
CT 257
CT 258
CT 259
CT 260
CT 261
CT 262
CT 263
CT 264
CT 605
CT 606
CT 606.99
CT 607
CT 608
CT 608.99
CT 609
CT 610

Partial Census Tracts:

CT 204—That portion contained within the following Blocks: 117, 118, 201, 206, 208, and 209.

CT 216—That portion contained within Block 117.

CT 217—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 208, 209, and 212.

CT 307—That portion contained within the following Blocks: 210, 213, 214, 215, 216, 217, 218, and 219.

CT 311—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, 302, 306, 307, 308, 309, 403, 404, 405, 406, 407, 408, 410, 504, 505, 506, 507, 508, 509, and 510.

Assembly District 17: Assembly District 17 shall consist of the part of the City and County of San Francisco contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 110
CT 111
CT 120
CT 122
CT 124
CT 126
CT 127
CT 128

CT 129
CT 130
CT 131
CT 132
CT 133
CT 134
CT 135
CT 151
CT 152
CT 153
CT 154
CT 155
CT 156
CT 157
CT 158
CT 159
CT 160
CT 161
CT 162
CT 163
CT 164
CT 165
CT 166
CT 167
CT 168
CT 169
CT 170
CT 171
CT 301.01
CT 301.02
CT 302
CT 305
CT 310
CT 312
CT 313
CT 314
CT 401
CT 402
CT 426
CT 427
CT 428
CT 451
CT 452
CT 476
CT 477
CT 478
CT 479
CT 601
CT 602

CT 603

Partial Census Tracts:

CT 204—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 202, 205, 210, 211, 305, 309, 311, 313, 314, 316, 402, 404, 405, 406, 407, 408, 412, 501, 502, 504, 505, 506, 507, 508, 509, 511, 512, 601, 602, 603, 604, 605, 606, 608, 609, 611, and 612.

CT 216—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201, 202, 203, 205, 206, 207, 208, 209, and 210.

CT 217—That portion contained within the following Blocks: 106, 201, 202, 203, 204, 205, 206, 207, 210, and 211.

CT 303—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 304, 305, 306, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 601, 602, 603, 604, 605, 606, 607, 611, 612, 613, 614, 615, 616, 701, 702, 703, 704, 705, 706, 707, 708, 709, and 710.

CT 306—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 208, 209, 211, 301, 302, 304, 307, 308, 309, 310, 311, and 312.

CT 307—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 201, 203, 205, 206, 207, 208, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, and 319.

CT 309—That portion contained within the following Blocks: 301, 303, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 401, 402, 403, 406, and 407.

CT 311—That portion contained within the following Blocks: 310, 311, 401, 402, 409, 501, 502, 503, 511, and 512.

CT 326—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 605, 607, 608, 609, and 610.

CT 327—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 201, 202, 203, 204, 205, 206, 304, 305, 306, 703, 704, 705, 706, 707, and 708.

CT 351—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, and 401.

CT 352—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 301, 302, and 406.

Assembly District 18: Assembly District 18 shall consist of the part of Alameda County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4301

CT 4401

CT 4402

CT 4403.01
CT 4403.02
CT 4403.03
CT 4403.04
CT 4403.05
CT 4403.06
CT 4403.07
CT 4403.08
CT 4403.09
CT 4411
CT 4412
CT 4413
CT 4414
CT 4415
CT 4416
CT 4417
CT 4418
CT 4419.01
CT 4419.02
CT 4420
CT 4421
CT 4422
CT 4423
CT 4424
CT 4425
CT 4426
CT 4427
CT 4428
CT 4429
CT 4430
CT 4431
CT 4432
CT 4433
CT 4441
CT 4442
CT 4443
CT 4444
CT 4445
CT 4446
CT 4505
CT 4507.01

Partial Census Tracts:

CT 4380—That portion contained within Blocks 901 and 902.

CT 4382—That portion contained within the following Blocks: 902, 905, 906, 908, 909, 910, 911, 912, 913, 914, and 915.

CT 4504—That portion contained within the following Blocks: 301, 302, 303, 304, 305, 306, and 308.

CT 4506.01—That portion contained within the following Blocks: 915, 917, 918, 926, 927, 928, 931, 932, 933, 934, 935, 936, 937, 938, 939,

940, 941, 942, and 950.

CT 4506.02—That portion contained within Block 925.

CT 4506.07—That portion contained within Blocks 923 and 951.

together with the part of Santa Clara County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5043.04
CT 5043.05
CT 5043.06
CT 5043.07
CT 5044.02
CT 5044.06
CT 5044.07
CT 5044.08
CT 5044.09
CT 5044.10
CT 5044.11
CT 5045.01
CT 5045.03

Partial Census Tracts:

CT 5038.01—That portion contained within the following Blocks: 401, 402, 403, 404, 405, 407, 408, 409, 410, 416, 417, 419, 424, 425, 426, 435, and 436.

CT 5038.02—That portion contained within the following Blocks: 117, 121, 122, 123, 124, 125, 126, and 127.

CT 5043.03—That portion contained within the following Blocks: 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 601, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, and 620.

CT 5043.08—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 120, 121, 122, 123, 124, 913, 915, 916, 920, 926, 927, and 928.

CT 5049.02—That portion contained within Block 915.

CT 5050.02—That portion contained within Blocks 120 and 122.

Assembly District 19: Assembly District 19 shall consist of the part of the City and County of San Francisco contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 304
CT 308
CT 328
CT 329
CT 330
CT 331
CT 332
CT 353
CT 354
CT 604

Partial Census Tracts:

CT 303—That portion contained within the following Blocks: 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, and 413.

CT 306—That portion contained within Block 210.

CT 309—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 108, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 213, 214, 215, 216, 217, 218, 219, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 702, 703, 704, 705, 706, 707, 708, 709, 710, 712, 713, 714, and 715.

together with the part of San Mateo County contained within the following whole and partial census tracts:

CT 326—That portion contained within the following Blocks: 401, 402, 403, 404, 405, 406, 407, 501, 502, 503, 504, 505, 506, 507, 601, 602, 603, 604, and 606.

CT 327—That portion contained within the following Blocks: 301, 302, 303, 401, 402, 403, 404, 405, 406, 501, 502, 503, 504, 505, 506, 601, 602, 603, 604, 605, 606, 607, 608, 701, and 702.

CT 351—That portion contained within the following Blocks: 402, 403, 404, 405, 406, 407, 501, 502, 503, 504, 505, 506, 507, 601, 602, 603, 604, 605, 606, 607, 701, 702, 703, 704, 705, 706, 707, 708, and 709.

CT 352—That portion contained within the following Blocks: 303, 304, 305, 306, 401, 402, 403, 404, 405, 501, 502, 503, 504, 505, 506, 601, 602, 603, 604, 605, 606, 701, 702, 703, 704, 705, 706, 801, 802, 803, 804, 805, 806, 807, and 808.

Whole Census Tracts:

CT 6001
CT 6002
CT 6003
CT 6004
CT 6005
CT 6006
CT 6007
CT 6008
CT 6009
CT 6010
CT 6011
CT 6012
CT 6013
CT 6014
CT 6015
CT 6016.01
CT 6016.02
CT 6016.03
CT 6017
CT 6018
CT 6019
CT 6020
CT 6021

CT 6022
CT 6023
CT 6024
CT 6025
CT 6026
CT 6027
CT 6028
CT 6029
CT 6030
CT 6031
CT 6032
CT 6033
CT 6034
CT 6036
CT 6037
CT 6038
CT 6039
CT 6040
CT 6041.01
CT 6041.02
CT 6042
CT 6043
CT 6045

Partial Census Tracts:

CT 6044—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 322, 323, and 325.

CT 6046—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 201, and 208.

CT 6047—That portion contained within the following Blocks: 102, 103, and 104.

CT 6048—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 114, 115, and 116.

Assembly District 20: Assembly District 20 shall consist of the part of San Mateo County contained in the following whole and partial census tracts:

Whole Census Tracts:

CT 6049
CT 6050
CT 6051
CT 6052
CT 6053
CT 6054
CT 6055
CT 6056
CT 6057
CT 6058
CT 6059
CT 6060
CT 6061

CT 6062
CT 6063
CT 6064
CT 6065
CT 6066
CT 6067
CT 6068
CT 6069
CT 6070
CT 6071
CT 6072
CT 6073
CT 6074
CT 6075
CT 6076
CT 6077
CT 6078
CT 6079
CT 6080.01
CT 6080.02
CT 6080.03
CT 6080.04
CT 6081
CT 6082
CT 6083
CT 6084
CT 6085
CT 6086
CT 6087
CT 6088
CT 6089
CT 6090
CT 6091
CT 6092
CT 6093
CT 6094
CT 6095
CT 6096.01
CT 6096.02
CT 6096.03
CT 6097
CT 6099
CT 6101
CT 6114
CT 6126
CT 6127
CT 6128
CT 6129
CT 6130

CT 6131
CT 6132
CT 6133
CT 6134
CT 6135
CT 6136
CT 6137
CT 6138

Partial Census Tracts:

CT 6044—That portion contained within the following Blocks: 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 218, 219, 220, 221, 222, 223, 224, 301, 303, 304, 305, 307, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321.

CT 6046—That portion contained within the following Blocks: 202, 203, 204, 205, 206, and 207.

CT 6047—That portion contained within the following Blocks: 101, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, and 205.

CT 6048—That portion contained within the following Blocks: 112, 113, 201, 202, 203, 204, 205, 206, 207, ;208, 209, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 408, and 409.

CT 6098—That portion contained within the following Blocks: 101, 102, 105, 106, 107, 108, 214, 216, 217, 219, 220, 222, 223, 229, 230, 231, 232, 233, 234, 302, 309, 310, 311, 312, 313, 401, 402, 403, 404, 501, 502, 503, 504, 505, 506, 507. 508, 509, 510, 511, and 512.

CT 6100—That portion contained within the following Blocks: 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 130, 131, 132, 133, 134, 135, 136, 201, 202, 234, 235, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314.

CT 6103—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 908, 909, 910, 912, 913, and 914.

CT 6111—That portion contained within the following Blocks: 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 129, 130, 131, 132, 133, 134, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 233, 234, 236, 301, 302, 303, 304, and 305.

CT 6112—That portion contained within the following Blocks: 101, 102, 107, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, and 134.

CT 6113—That portion contained within the following Blocks: 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 304, 305, and 306.

CT 6115—That portion contained within the following Blocks: 101, 102, 103, 105, 107, 108, 111, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 312, 313, 314, 315, 316, 317, 318, 319, and 320.

CT 6124—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 108, 109, and 110.

CT 6125—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118,

119, 120, 121, 122, 123, 125, 126, 127, 128, 211, 212, 215, 216, 217, 218, and 219.

Assembly District 21: Assembly District 21 shall consist of the part of San Mateo County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 6104
CT 6105
CT 6106
CT 6107
CT 6108
CT 6109
CT 6110
CT 6116
CT 6117
CT 6118
CT 6119
CT 6120
CT 6121
CT 6122
CT 6123

Partial Census Tracts:

CT 6098—That portion contained within the following Blocks: 301, 303, 304, 305, 306, 307, 308, and 314.

CT 6100—That portion contained within the following Blocks: 137, 138, 139, 140, 141, 142, 143, 144, 145, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 230, 231, 232, and 233.

CT 6102—That portion contained within the following Blocks: 101, 102, 104, 105, 240, 241, 242, 243, 244, 245, 303 through 321, 323 through 330, 332, 333, 334, 335, 336, 337, 339, 340, 341 through 367, 410, 413, 414 through 420, 422 through 437, 501, 502, 503, 506, 507, 508, 509, 510 through 516, 518 through 523, 526 through 530, 532, 533, 534, 537, 538, 539, 540 through 546, 548, 549, 550, 551, 553, 555, 557, 558, 559, 560 through 567, 601, 602, 603, 604, 605, 606, 607, 608, 801, 802, 901, 902, and 903.

CT 6103—That portion contained within the following Blocks: 901, 902, 903, 904, and 906.

CT 6111—That portion contained within the following Blocks: 216, 217, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, and 237.

CT 6112—That portion contained within the following Blocks: 104, 105, 106, 108, 109, 110, and 111.

CT 6113—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, and 303.

CT 6115—That portion contained within the following Blocks: 216, 217, 218, 219, and 220.

CT 6124—That portion contained within Block 107.

CT 6125—That portion contained within the following Blocks: 101, 214, 403, 404, 405, 406, 407, 408, 409, 502, 503, 504, 505, 506, and 507. together with the part of Santa Clara County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5046.01
CT 5047
CT 5048.02
CT 5048.03
CT 5048.04
CT 5082.01
CT 5084.01
CT 5084.02
CT 5085.03
CT 5085.04
CT 5085.05
CT 5085.06
CT 5086
CT 5087.01
CT 5087.02
CT 5087.03
CT 5088
CT 5089
CT 5090
CT 5091.02
CT 5091.03
CT 5091.04
CT 5091.05
CT 5092.01
CT 5092.02
CT 5093.01
CT 5093.02
CT 5094.01
CT 5094.02
CT 5095
CT 5096
CT 5097
CT 5098.01
CT 5098.02
CT 5099.02
CT 5106
CT 5107
CT 5108.01
CT 5108.02
CT 5108.03
CT 5109
CT 5110
CT 5111
CT 5112

CT 5113
CT 5114
CT 5115
CT 5116.02
CT 5116.03

Partial Census Tracts:

CT 5081.01—That portion contained within the following Blocks: 102, 103, 104, 105, 221, and 917.

CT 5082.02—That portion contained within the following Blocks: 329, 330, 331, 332, 333, 334, 335, and 337.

CT 5083.04—That portion contained within the following Blocks: 112, 113, and 114.

CT 5099.01—That portion contained within the following Blocks: 101, 102, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, and 209.

CT 5100.01—That portion contained within Block 606.

CT 5102—That portion contained within Blocks 103 and 118.

CT 5104—That portion contained within Block 101.

CT 5116.01—That portion contained within the following Blocks: 101, 102, 106, 110, 111, 116, 119, 130, 131, 132, 142, 143, 144, 147, 148, 149, 150, 151, 152, 153, 154, 157, 158, 159, 160, 161, 163, 164, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 205, 206, 220, 226, 228, 229, 241, 246, 247, 401, 410, 411, 412, 413, 414, 415, 416, 501, 502, 503, 504, 505, 506, 601, 602, 603, 604, and 607.

Assembly District 22: Assembly District 22 shall consist of the part of Santa Clara County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5062.02
CT 5062.04
CT 5063.04
CT 5063.05
CT 5064.02
CT 5065.03
CT 5066.01
CT 5066.03
CT 5066.04
CT 5066.05
CT 5066.06
CT 5067.01
CT 5067.03
CT 5069
CT 5070
CT 5071
CT 5072.02
CT 5072.03
CT 5072.04
CT 5073.01
CT 5073.02

CT 5074.01
CT 5074.02
CT 5075
CT 5076
CT 5077.01
CT 5077.02
CT 5077.03
CT 5078.01
CT 5078.03
CT 5078.04
CT 5079.01
CT 5079.03
CT 5079.04
CT 5080.01
CT 5080.02
CT 5081.02
CT 5082.02
CT 5083.01
CT 5083.03
CT 5100.02
CT 5101
CT 5103
CT 5105
CT 5117.01
CT 5117.02
CT 5117.03
CT 5117.04
CT 5118
CT 5119.05
CT 5119.06

Partial Census Tracts:

CT 5021.01—That portion contained within the following Blocks: 302, 312, and 313.

CT 5026.01—That portion contained within Block 309.

CT 5026.02—That portion contained within the following Blocks: 401, 402, 403, 405, 406, 407, 408, 502, 503, 609, 611, 614, 615, 616, 617, 618, 620, 621, 622, 623, 624, 625, and 626.

CT 5027.01—That portion contained within the following Blocks: 101, 102, 103, 104, and 201.

CT 5027.02—That portion contained within the following Blocks: 204, 205, and 206.

CT—5063.02—That portion contained within the following Blocks: 120, 121, 205, 206, 207, 208, 209, 215, 216, 217, 218, and 219.

CT—5065.01—That portion contained with Block 228.

CT—5065.02—That portion contained within the following Blocks: 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 249, and 251.

CT 5067.02—That portion contained within the following Blocks: 102, 106, 107, 108, 109, 110, 111, 112, 113, 201, 203, 204, 205, 209, 221, 222, 225, and 226.

CT 5068.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401, 402, 403, 404, 405, and 406.

CT 5068.02—That portion contained within Block 316.

CT 5068.03—That portion contained within the following Blocks: 111, 115, 116, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 329, 330, 331, 332, 333, 334, 335, 336, 337, and 338.

CT 5068.04—That portion contained within the following Blocks: 101, 102, 103, 104, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 201, 202, 203, 205, 206, 207, 208, 209, 210, 213, 214, 218, 220, 221, 222, 223, 225, 226, 227, 228, 229, and 234.

CT 5081.01—That portion contained within the following Blocks: 107, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 216, 217, 218, 219, 220, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, and 238.

CT 5083.04—That portion contained within the following Blocks: 109, 110, 115, 116, 117, 118, 119, 121, 122, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, and 422.

CT—5099.01—That portion contained within the following Blocks: 111, 112, and 113.

CT 5100.01—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 108, 201, 202, 203, 205, 206, 207, 208, 209, 301, 302, 303, 304, 306, 307, 310, 311, 312, 401, 402, 404, 405, 406, 409, 410, 412, 416, 417, 502, 504, 505, 506, 507, 508, 509, 510, 511, 512, 514, 515, 601, 602, 603, 604, 605, 609, 610, 611, and 612.

CT 5102—That portion contained within the following Blocks: 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 121, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 317.

CT 5104—That portion contained within the following Blocks: 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, and 312.

CT 5116.01—That portion contained within Blocks 605 and 606.

CT 5119.01—That portion contained within Block 224.

CT 5119.03—That portion contained within the following Blocks: 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 339, 340, 341, 342, 343, and 347.

CT 5119.04—That portion contained within the following Blocks: 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 450, 451, 452, 453, 454, 455, and 458.

CT 5123.02—That portion contained within the following Blocks: 212, 251, 253, 254, 255, 420, 421, and 428.

Assembly District 23: Assembly District 23 shall consist of the part

of Santa Clara County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5001
CT 5002
CT 5003
CT 5004
CT 5005
CT 5006
CT 5007
CT 5008
CT 5009
CT 5010
CT 5011
CT 5012
CT 5013
CT 5014
CT 5015
CT 5016
CT 5017
CT 5018
CT 5019
CT 5020
CT 5024
CT 5031.01
CT 5035.02
CT 5035.04
CT 5035.05
CT 5036.01
CT 5036.02
CT 5037.02
CT 5037.03
CT 5037.04
CT 5037.05
CT 5040
CT 5046.02
CT 5049.01
CT 5049.02
CT 5050.01
CT 5050.02
CT 5051
CT 5052.01
CT 5052.02
CT 5052.03
CT 5053.01
CT 5053.02
CT 5053.03
CT 5053.04
CT 5053.05

CT 5054.01
CT 5054.02
CT 5054.03
CT 5055
CT 5056
CT 5057
CT 5058
CT 5059
CT 5060
CT 5061.01
CT 5061.02
CT 5061.03
CT 5062.03
CT 5063.01
CT 5064.01

Partial Census Tracts:

CT 5021.01—That portion not contained in Assembly District 24.

CT 5021.02—That portion contained within the following Blocks: 104, 106, 107, 108, 109, 118, 119, 123, 125, 303, 304, 305, 307, 308, and 310.

CT 5022—That portion contained within the following Blocks: 102, 107, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 131, 132, 133, 134, 136, 145, and 146.

CT 5023—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 314, 401, 402, 403, and 404.

CT 5025—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 501, 502, 503, 504, 505, 506, 507, 508, 602, 603, 604, 605, 606, 608, 609, 612, and 613.

CT 5030.01—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 115, 116, 117, 118, 119, and 120.

CT 5031.03—That portion contained within the following Blocks: 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 301, 304, 305, and 911.

CT 5034—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 107, 108, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 308, 309, 310, 311, 312, 401, 402, 403, 404, and 405.

CT 5035.03—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 108, 109, 110, 111, 112, 115, 116, 117, 201, 203, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 308, 309, 311, 315, 316, and 317.

CT 5039—That portion contained within the following Blocks: 405, 406, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 601, 602, 603, 604,

605, 606, 607, and 608.

CT 5041—That portion contained within the following Blocks: 207, 208, 301, 302, 303, 304, 305, 306, 401, 402, 404, 405, 406, 407, 503, 504, 505, 506, 507, 508, 509, 510, 511, and 512.

CT 5043.03—That portion contained within the following Blocks: 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 602, 603, 604, 605, 606, 607, 621, 622, 623, 624, 625, 626, 627, 628, and 629.

CT 5063.02—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 107, 108, 118, 119, 201, 202, 203, 210, 211, 212, 213, 214, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314.

CT 5065.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 115, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, and 227.

Assembly District 24: Assembly District 24 shall consist of the part of Santa Clara County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5028
CT 5029.01
CT 5029.02
CT 5029.03
CT 5029.06
CT 5029.07
CT 5029.08
CT 5030.02
CT 5030.03
CT 5031.02
CT 5031.04
CT 5032.03
CT 5032.04
CT 5032.05
CT 5032.06
CT 5032.07
CT 5032.08
CT 5033.04
CT 5033.05
CT 5033.06
CT 5033.07
CT 5033.08
CT 5033.09
CT 5033.10
CT 5042
CT 5120.02
CT 5120.05
CT 5120.06
CT 5120.07
CT 5120.13

CT 5127

Partial Census Tracts:

CT 5021.01—That portion contained within the following Blocks: 101, 104, 304, 307, 315, 310, 314, 316, 204, 203, 202, 205, 211, 207, 208, 209, 210, 206, 111, 115, 106, 107, 201, and 108.

CT 5021.02—That portion contained within the following Blocks: 126, 115, 102, 110, 211, 113, 114, 112, 120, 209, 210, 116, 202, 203, 204, 205, 206, 207, and 208.

CT 5022—That portion contained within the following Blocks: 126, 127, 128, 105, 129, 130, 139, 144, 135, 142, 143, 311, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, and 210.

CT 5023—That portion contained within the following Blocks: 413, 412, 408, 407, 406, 405, 312, 311, 313, 409, 410, 411, and 414.

CT 5025—That portion contained within the following Blocks: 709, 708, 706, 707, 705, 704, 703, 702, 701, 611, and 610.

CT 5026.01—That portion contained within the following Blocks: 111, 113, 114, 116, 117, 118, 119, 120, 112, 115, 109, 110, 301, 302, 303, 304, 210, 207, 206, 205, 203, 204, 201, 202, 108, 107, 106, 104, 105, 311, 306, 310, 308, and 312.

CT 5026.02—That portion contained within the following Blocks: 505, 404, 409, 501, 504, 507, 506, 604, 619, 606, 603, 602, 601, 509, 510, 607, and 508.

CT 5027.01—That portion contained within the following Blocks: 107, 208, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 106, 105, 408, 409, 402, 403, 404, 405, 406, 407, 306, 307, and 305.

CT 5027.02—That portion contained within the following Blocks: 217, 218, 219, 220, 221, 209, 215, 222, 103, 104, 210, 211, 212, 213, 226, 304, 305, 309, 307, 308, 310, 306, 301, 302, 303, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 208, 216, 201, 202, and 203.

CT 5029.05—That portion contained within the following Blocks: 124, 125, 140, 138, 137, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 135, 213, 214, 212, 215, 216, 203, 204, 205, 206, 207, 208, 209, 201, 121, 122, 123, 210, and 211.

CT 5030.01—That portion contained within the following Blocks: 301, 303, 304, 308, 215, 214, 216, 217, 212, 213, 302, 211, 210, 209, 208, 113, 114, 207, 206, 205, 204, 203, 121, 122, 321, 322, 324, 316, 317, 318, 319, 320, 323, 313, 311, 312, 307, 306, 305, 309, 310, and 315.

CT 5031.03—That portion not contained in Assembly District 23.

CT 5034—That portion contained within the following Blocks: 414, 412, 415, 411, 413, 410, 409, 408, 407, 416, and 417.

CT 5035.03—That portion contained within the following Blocks: 408, 409, 410, 313, 305, 314, 402, 403, 404, and 405.

CT 5038.01—That portion contained within the following Blocks: 406, 418, 310, 422, 423, 420, 421, 415, 411, 412, 413, 414, 308, 309, and 307.

CT 5038.02—That portion contained within the following Blocks: 211, 212, 202, 203, 204, 206, 207, 208, 209, 210, 205, 216, 217, 213, 201, 214, 215, 301, 302, 303, 304, 305, 306, 218, 109, 110, 111, 112, 113, 108, 101, 102, 103, 104, 105, 106, and 107.

CT 5039—That portion contained within the following Blocks: 303, 304, 305, 306, 307, 401, 402, 404, 201, 203, 112, 111, 109, 110, 108, 105, 403, 101, 102, 103, 204, 205, 206, 207, 301, and 302.

CT 5041—That portion contained within the following Blocks: 202, 201, 211, 205, 209, 210, 103, 101, 102, 106, 104, 105, 502, and 501.

CT 5043.08—That portion contained within Block 917.

CT 5065.02—That portion contained within the following Blocks: 248, 250, and 252.

CT 5067.02—That portion contained within the following Blocks: 213, 223, 224, 207, 206, 211, 105, 114, 116, 117, 118, 104, 119, 103, and 212.

CT 5068.01—That portion contained within Block 407.

CT 5068.02—That portion contained within the following Blocks: 201, 202, 214, 210, 211, 212, 213, 209, 301, 302, 305, 407, 408, 409, 410, 306, 307, 309, 310, 315, 402, 401, 403, 404, 405, 406, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 218, 203, 204, 206, 207, 208, 217, 411, 412, 413, 414, 415, 303, 304, 219, and 220.

CT 5068.03—That portion contained within the following Blocks: 315, 316, 317, 318, 319, 110, 112, 117, 118, 114, 101, 102, 103, 104, 105, 107, 108, 113, 320, 321, 322, 323, 324, 109, 325, 326, 327, and 328.

CT 5068.04—That portion contained within Blocks 105 and 108.

CT 5119.01—That portion contained within the following Blocks 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 115, 114, 203, 204, 201, 202, 209, 210, 223, 222, and 208.

CT 5120.08—That portion contained within the following Blocks: 403, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 731, 728, 729, 727, 726, 725, 702, 701, 703, 704, 705, 706, 707, 720, 721, 719, 708, 723, 730, 724, 803, 804, 426, 425, 413, 414, 418, 419, 420, 424, 417, 421, 422, 415, 416, 412, and 423.

CT 5120.09—That portion contained within the following Blocks: 131, 130, 129, 128, 127, 126, 125, 124, 123, 122, 145, 146, 147, 164, 160, 165, 163, 162, 161, 142, 144, 204, 205, 206, 207, 158, 156, 155, 208, 157, 139, 141, 143, 140, 138, 148, 113, 114, 115, 116, 121, 137, 136, 152, 151, 135, 149, 150, 153, 154, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 134, 132, and 133.

CT 5120.10—That portion contained within the following Blocks: 211, 210, 216, 217, 218, 237, 236, 235, and 234.

CT 5120.11—That portion contained within the following Blocks: 350, 351, 342, 341, 340, 339, 338, 270, 355, 354, 368, 367, 369, 366, 365, 364, 363, 913, 912, 911, 903, 914, 323, 322, 305, 306, 307, 308, 309, 345, 915, 916, 940, 917, 918, 919, 920, 921, 922, 923, 924, 361, 360, 359, 362, 352, 353, 356, 357, 358, 343, 349, 347, 348, 346, 344, 310, 334, 371, 333, 336, and 332.

CT 5120.14—That portion contained within the following Blocks: 132, 111, 107, 108, 109, 110, 135, 136, 121, 104, 103, 124, 123, 126, 125, 102, 134, 133, 129, 128, 127, 130, and 131.

CT 5120.15—That portion contained within the following Blocks: 333, 337, 336, 339, 338, 343, 340, 347, 351, 356, 358, 350, 349, 348, 342, 341, 334, 335, 331, 357, and 332.

CT 5120.16—That portion contained within the following Blocks: 501, 403, 404, 402, 406, 407, 408, 405, and 401.

Assembly District 25: Assembly District 25 shall consist of the whole County of San Benito; together with the part of Santa Clara County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5119.07
CT 5119.08
CT 5120.12
CT 5121
CT 5122
CT 5123.01
CT 5123.02
CT 5124
CT 5125.01
CT 5125.02
CT 5126

Partial Census Tracts:

CT 5029.05—That portion contained within the following Blocks: 115, 116, 117, 118, 119, and 120.

CT 5119.01—That portion contained within the following Blocks: 102, 103, 104, 106, 107, 108, 109, 110, 111, 113, 116, 118, 119, 120, and 121.

CT 5119.03—That portion contained within the following Blocks: 228, 230, 231, 232, 241, 242, 243, 244, 246, 247, 269.

CT 5119.04—That portion contained within the following Blocks: 224, 225, 226, 227, 233, 234, 235, 236, 237, 238, 239, and 240.

CT 5120.08—That portion contained within the following Blocks: 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, and 722.

CT 5120.09—That portion contained in Block 112.

CT 5120.10—That portion contained within the following Blocks: 212, 213, 214, 215, 221, 231, 232, 233, 239, 238, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266.

CT 5120.11—That portion contained within the following Blocks: 324, 325, 326, 327, 328, 329, 333, 331, and 370.

CT 5120.14—That portion contained within the following Blocks: 225, 226, 227, 228, 229, 238, 239, 240, 241, 242, 243, 244, 246, 247, 248, 249, 250, 251, and 255.

CT 5120.15—That portion contained within the following Blocks: 230, 231, 232, 233, 234, 235, 236, 237, 251, 252, 256, 257, 344, 345, 346, 352, 353, 354, and 355.

CT 5120.16—That portion contained within the following Blocks: 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 502, 503, 504, 505, 506, 507, 508, 509, 511, 512, 513, 514, 515, 516, 517, and 520.

together with the part of Monterey County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1
CT 2
CT 3
CT 4
CT 5
CT 6
CT 7
CT 8
CT 9
CT 10
CT 11
CT 12
CT 13
CT 14
CT 15
CT 16
CT 17
CT 18
CT 105.01
CT 105.02
CT 106.01
CT 106.02
CT 108
CT 109
CT 111
CT 112

Partial Census Tracts:

CT 103.01—That part located east of Paradise Road, together with the part located south of Castroville Boulevard, situated between Paradise Road and Dolan road, together with the part located south of Dolan Road

CT 103.02—That part located east of State Highway 183.

together with the part of Merced County contained within the following whole and partial census tracts:

CT 3
CT 4
CT 20
CT 21
CT 22
CT 23
CT 24

Partial Census Tracts:

CT 2—That portion contained within the following Enumeration Districts: 379, 380, 382, and 383

CT 5—That portion contained within Enumeration District 377, together with that portion contained within Block 377, together with that portion contained within Groups 3, 4, and 5; and together with that portion contained with the following Blocks: 124, 125, 208,k 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 110, 111, 112, 113, 114, 118,

119, 120, 121, 122, and 123.

CT 9—That portion contained within Enumeration District located west of Bert-Crane Road and Dan McNamara Road.

Assembly District 26: Assembly District 26 shall consist of the part of San Joaquin County not contained within Assembly District 10.

Assembly District 27: Assembly District 27 shall consist of the whole County of Stanislaus; together with the part of Merced County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1
CT 7
CT 8

Partial Census Tracts:

CT 2—That portion contained within Enumeration District 381.

CT 5—All except that portion contained in Assembly District 25.

CT 6—All except that portion contained within Blocks 306, 307, 308, and 309.

CT 9—That portion not contained in Assembly District 25 or 30.

Assembly District 28: Assembly District 28 shall consist of the whole County of Santa Cruz; together with the part of Monterey County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 101
CT 102.01
CT 102.02
CT 104
CT 118
CT 119
CT 120
CT 121
CT 122
CT 123
CT 124.01
CT 124.02
CT 125
CT 125.99
CT 126
CT 127
CT 128
CT 129
CT 130
CT 131
CT 133
CT 134
CT 135
CT 136
CT 137
CT 138

CT 139
CT 140
CT 142
CT 143.01
CT 143.02
Partial Census Tracts:
CT 103.01—That portion located west of Paradise Road, together with the part located north of Castroville Boulevard, situated between Paradise Road and Dolan Road, together with the part located north of Dolan Road.
CT 103.02—That portion located west of State Highway 183.
CT 117—That portion located west of State Highway 1.
CT 132—That portion located within the City of Monterey.
CT 141—That portion located west of State Highway 1 as it was aligned on August 30, 1973.

Assembly District 29: Assembly District 29 shall consist of the whole County of San Luis Obispo; together with the part of Santa Barbara County not included in Assembly District 35 or 37; and together with the part of Monterey County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT 107
CT 110
CT 113
CT 114.01
CT 114.02
CT 115
CT 116
Partial Census Tracts:
CT 117—That portion located east of State Highway 1.
CT 132—That portion located outside the City of Monterey.
CT 141—That portion located east of State Highway 1, as it was aligned on August 30, 1973.

Assembly District 30: Assembly District 30 shall consist of the whole of Kings County;
together with the part of Madera County not contained in Assembly District 32; and
together with the part of Merced County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT's 10 through 19
Partial Census Tract:
CT 9—That portion contained within Block Group 3 and that portion of Enumeration District 422 east of Bert Crane Road and Dan McNamara road;
together with the part of Fresno County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT 1

CT 2
CT 3
CT 7
CT 8
CT 9
CT 10
CT 11
CT 18
CT 19
CT 20
CT 21
CT 22
CT 38
CT 39
CT 40
CT 41
CT 42.01
CT's 74 through 83
CT 84.01
CT 84.02

Partial Census Tracts:

CT 4—That portion contained within the following Blocks: 401, 402, 403, 404, 405, 406, 407, 408, 415, 416, 418, 419, 420, 421, 436, 437, 438, 439, 441, and 442.

CT 5—That portion contained within the following Blocks: 302, 303, 304, 305, 306, 311, 312, 313, 321, 322, 323, 324, 325, 326, 402, 403, 404, 405, 406, 407, 410, and 420.

CT 6—That portion contained within the following Blocks: 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 601, 602, 603, 604, 605, 606, 607, 609, 611, 614, 616, 618, 619, and 620.

CT 17—That portion contained within Enumeration District 404; together with the parts of Enumeration Districts 402 and 403 west of Clovis Avenue.

CT 23—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 301, 302, 303, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 327, 328, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, and 421.

CT 24—That portion contained within the following Blocks: 412, 413, 414, and 415.

CT 73—That portion contained within Enumeration Districts 463 and 464.

Assembly District 31: Assembly District 31 shall consist of the part

of Fresno County not contained in Assembly District 30 or Assembly District 32.

Assembly District 32: Assembly District 32 shall consist of the whole County of Mariposa;

together with the part of Tulare County not contained in Assembly District 33; and together with the part of Madera County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1.01

CT 1.02

Partial Census Tracts:

CT 10—That portion contained within the following Enumeration Districts: 380, 381, 383, and 384.

CT 5.01—That portion contained within the following Enumeration Districts: 358, 359, 360, and 364.

together with the part of Fresno County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 44.01

CT 44.02

CT 45.03

CT 45.04

CT 45.05

CT 45.06

CT 46

CT 54.04

CT 54.05

CT 54.06

CT 54.07

CT 55.01

CT 55.02

CT 64.01

CT 64.02

CT 72

Partial Census Tracts:

CT 42.02—That portion contained within the following Blocks: 117, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 136, 138, 139, 140, 142, 143 ,144, 145, 146, 147, 301, 302, 303, 304, 305, 306, 307, 308, and 309.

CT 43—All except that portion contained within Block 908.

CT 54.03—That portion contained within the following Blocks: 116, 117, 118, 130, 202, 203, 204, 205, 206, 207, 208, and 209.

CT 59.01—That portion north of Kings Canyon Road.

CT 59.02—All except that portion contained within Enumeration District 329.

CT 64.03—That portion north of Kings Canyon Road and east of Hills Valley Road.

Assembly District 33: Assembly District 33 shall consist of the part of Kern County contained within the following whole and partial

census tracts:
Whole Census Tracts:
CT 9.03
CT 9.04
CT 9.05
CT 9.06
CT 9.07
CT 10
CT 11.01
CT 11.02
CT 11.03
CT 14
CT 20
CT 21
CT 22
CT 23.01
CT 23.02
CT 24
CT 25
CT 26
CT 27
CT 29
CT 30
CT 31.01
CT 31.02
CT 31.03
CT 32.01
CT 32.02
CT 33.01
CT 34
CT 35
CT 36
CT 37
CT 40
CT 41
CT 42
CT 43
CT 44
CT 45
CT 46
CT 47
CT 48
CT 49
CT 50
CT 62
CT 63
CT 64
Partial Census Tracts:
CT 7—That portion contained within the following Blocks: 317,

318, 319, 320, 401, 402, 403, and 411.

CT 9.01—That portion contained within the following Blocks: 123, 124, 125, 127, 128, 129, 136, 137, 138, 140, 141, 142, 203, 207, 208, 211, 212, 213, 214, 215, 216, 217, 218, 230, 231, 232, 250, 251, 252, 253, 254, 299, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 401, 402, 403, 405, 406, 407, 408, 409, and 410.

CT 9.02—That portion contained within the following Blocks: 113, 114, 115, and 116.

CT 12—That portion contained within the following Blocks: 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, and 613.

CT 13—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, and 515.

CT 15—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 501, 502, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513.

CT 16—That portion contained within the following Blocks: 421, 422, 423, 424, 425, 426, 427, 428, 429, 501, 504, and 505.

CT 19.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 306, 307, 308, 309, 310, 311, 312, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 417, and 418.

CT 28.01—That portion contained within the following Blocks: 222, 223, 224, 225, 226, 227, 228, 229, 230, 235, 240, 320, 323, and 324.

CT 28.03—That portion contained within the following Blocks: 109, 110, 111, 112, 113, 114, 117, 118, 119, 121, 123, 124, 125, 126, 127, 135, 136, 137, 138, 141, and 142.

CT 51.01—That portion of Enumeration District 319 south of the Atchison, Topeka, and Santa Fe Railroad from Bealeville Road to Highway 58.

CT 60—That portion of Enumeration District 356 north of a line created by extending Highway 223 nearly due east from Arvin to a point intersecting the Atchison, Topeka, and Santa Fe Railroad ½

mile southeast of the Highway 58/Atchison, Topeka, and Santa Fe Railroad overcrossing.

together with the part of Tulare County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 21
CT 22
CT 23
CT 24
CT 26
CT 28
CT 29
CT 30
CT 31
CT 32
CT 42
CT 43
CT 44
CT 45

Partial Census Tracts:

CT 25—That portion contained within Enumeration District 380.

CT 33—That portion contained within Enumeration District 89.

CT 34—That portion contained within Blocks 107 and 108; and that portion contained within Enumeration Districts 101 and 123A.

CT 35—That portion contained within Enumeration District 108T.

Assembly District 34: Assembly District 34 shall consist of the whole County of Inyo; together with the part of Kern County not contained in Assembly District 33; and together with the part of San Bernardino County contained within the following whole census tracts:

CT 89.01 through 91.02
CT 93 through 99
CT 103
CT 105 through 107

Assembly District 35: Assembly District 35 shall consist of the part of Santa Barbara County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1.01
CT 1.02
CT 1.03
CT 2
CT 3
CT 4
CT 5.01
CT 5.02
CT 6
CT 7

CT 8
CT 9
CT 10
CT 11
CT 12.01
CT 12.02
CT 13.01
CT 13.02
CT 14
CT 15
CT 16.01
CT 16.02
CT 17.01
CT 17.02
CT 25
CT 29.01
CT 29.02
CT 29.03
CT 29.04
CT 29.05
CT 29.06
CT 29.07
CT 29.09
CT 29.10
CT 30.01
CT 30.02
CT 30.04
CT 30.05

Partial Census Tracts:

CT 26.01—That portion contained within Enumeration District 345 located west of the right-of-way of the Southern Pacific Railroad.

CT 28.05—That portion contained within Enumeration District 422 lying west of the right-of-way of the Southern Pacific Railroad. together with the part of Ventura County contained within the following whole and and partial census tracts:

Whole Census Tracts:

CT 3
CT 4
CT 5
CT 6
CT 7
CT 8
CT 12.05
CT 30
CT 31
CT 32
CT 33
CT 34
CT 35

CT 37
CT 38
CT 39
CT 40
CT 41
CT 48
CT 49
CT 50
CT 51

Partial Census Tracts:

CT 12.04—That portion contained within Enumeration District 126 situated above the Hartman turnoff.

CT 29—That portion contained within the City of Oxnard east of Patterson Road and its extension.

CT 47.01—That portion not contained in Assembly District 36.

CT 75.03—That portion not contained in Assembly District 37.

Assembly District 36: Assembly District 36 shall consist of the part of Ventura County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 12.01
CT 12.02
CT 12.03
CT 13
CT 14
CT 15.01
CT 15.02
CT 16.01
CT 16.02
CT 17
CT 18
CT 19
CT 20
CT 21.01
CT 21.02
CT 22
CT 23
CT 24
CT 25
CT 26
CT 27
CT 28.01
CT 28.02
CT 36.03
CT 36.04
CT 36.05
CT 36.06
CT 42
CT 43.01

CT 43.02
CT 44
CT 45
CT 46
CT 47.02
CT 47.03
CT 52.01
CT 52.02
CT 53.01
CT 53.02
CT 54.01
CT 54.02
CT 55.01
CT 55.02
CT 56
CT 57
CT 58
CT 59.01
CT 59.02
CT 59.03
CT 60
CT 61
CT 62
CT 63
CT 64
CT 65
CY 66
CT 67
CT 68
CT 69
CT 70
CT 71
CT 72.01
CT 72.02
CT 73
CT 74.01
CT 74.02
CT 75.01
CT 76

Partial Census Tracts:

CT 29—That portion not contained in Assembly District 35.

CT 47.01—That portion contained within the following Blocks: 101, 102, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401, 402, 403, 404, 405, 406, 407, 408, and 409.

CT 75.03—That portion not contained in Assembly District 37.

Assembly District 37: Assembly District 37 shall consist of the part of Ventura County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1
CT 2
CT 9
CT 10
CT 11
CT 75.02
CT 77
CT 78
CT 79
CT 80.01
CT 80.02
CT 80.03
CT 81
CT 82
CT 83.01
CT 83.02
CT 84.01
CT 84.02
CT 85
Partial Census Tracts:
CT 75.03—That portion contained within the City of Simi Valley.
together with the part of Santa Barbara County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT 19.03
CT 19.04
CT 27.02
CT 27.03
CT 27.05
CT 27.06
CT 27.07
CT 27.08
CT 28.02
CT 28.06
CT 28.07
Partial Census Tracts:
CT 26.01—That portion contained within the City of Lompoc.
CT 28.05—That portion not contained in Assembly District 35.
together with the part of Los Angeles County contained within the following whole census tracts:
Whole Census Tracts:
CT 9000
CT 9001
CT 9002
CT 9003
CT 9004
CT 9005
CT 9006.01
CT 9006.02

CT 9006.03
CT 9007.01
CT 9007.02
CT 9008.01
CT 9008.02
CT 9009
CT 9010
CT 9011
CT 9012.01
CT 9012.02
CT 9101
CT 9102
CT 9103
CT 9104
CT 9105
CT 9106
CT 9107
CT 9108.01
CT 9108.02
CT 9109
CT 9110
CT 9200.01
CT 9200.03
CT 9200.21
CT 9200.22
CT 9200.24
CT 9200.25
CT 9201
CT 9202

Assembly District 38: Assembly District 38 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1032.02
CT 1063
CT 1066.02
CT 1066.03
CT 1066.04
CT 1081
CT 1082
CT 1112.01
CT 1112.03
CT 1112.04
CT 1131
CT 1132.01
CT 1132.02
CT 1132.03
CT 1133.01
CT 1133.02

CT 1133.03
CT 1134.01
CT 1134.02
CT 1222
CT 1341.02
CT 1342.01
CT 1342.02
CT 1343.01
CT 1343.02
CT 1343.03
CT 1344.01
CT 1346
CT 1347
CT 1349.01
CT 1351.02
CT 1352.01
CT 1371.01
CT 1371.02
CT 1373.01
CT 8002
CT 8003.01
CT 8003.21
CT 8003.22
CT 9200.23
CT 9203.03
CT 9203.11
CT 9203.12
CT 9203.13
CT 9203.21
CT 9203.22
CT 9203.23
CT 9301
CT 9302

Partial Census Tracts:

CT 1021.01—That portion contained within the following Blocks: 903, 904, 905, 906, 909, 921, 926, 927, 928, and 930.

CT 1021.02—That portion contained within the following Blocks: 106, 114, 117, 118, 201, 202, 203, 205, 206, 207, 208, 210, 211, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, 405, 406, and 407.

CT 1033.02—That portion contained within the following Blocks: 104, 106, 107, 109, 117, 122, and 125.

CT 1034—That portion contained within the following Blocks: 506, 507, 508, 509, 510, 511, 512, 520, and 526.

CT 1062—That portion contained within the following Blocks: 104, 109, 110, 128, 215, 216, 219, 221, 222, 224, 233, 234, 235, 240, 241, 246, 247, 248, 260, 261, 262, and 263.

CT 1064—That portion contained within the following Blocks: 204, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 406, 417, 422, 424, 429, 430, 431, 432, and

433.

CT 1065—That portion contained within the following Blocks: 301, 302, 304, 306, 311, 312, 313, 314, 401, 402, 403, 405, 408, 412, 413, 414, 415, 416, 905, 907, 908, 917, 918, 922, 923, 924, 925, 926, 927, and 928.

CT 1066.01—That portion contained within Blocks 420 and 421.

CT 1112.02—That portion contained within the following Blocks: 101, 103, 104, 109, 110, 111, 112, 113, 114, 115, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 324, 325, and 326.

CT 1113.01—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, and 226.

CT 1113.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114.

CT 1152.01—That portion contained within Blocks 109 and 111.

CT 1153.01—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 202, 204, 205, 206, 207, 208, 209, 210, 211, and 212.

CT 1153.02—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113.

CT 1316—That portion not contained in Assembly District 40.

CT 1317—That portion not contained in Assembly District 40.

CT 1326—That portion not contained in Assembly District 40.

CT 1341.01—That portion not contained in Assembly District 40.

CT 1344.02—That portion not contained in Assembly District 43.

CT 1345—That portion not contained in Assembly District 40.

CT 1348.01—That portion not contained in Assembly District 40.

CT 1348.02—That portion not contained in Assembly District 40.

CT 1349.02—That portion not contained in Assembly District 40.

CT 1351.01—That portion not contained in Assembly District 40.

CT 1352.02—That portion not contained in Assembly District 43.

CT 1352.03—That portion not contained in Assembly District 43.

CT 1372.01—That portion not contained in Assembly District 40.

CT 1372.02—That portion not contained in Assembly District 43.

CT 1373.02—That portion not contained in Assembly District 43.

CT 1373.03—That portion not contained in Assembly District 43.

CT 1374.01—That portion not contained in Assembly District 43.

CT 1375.01—That portion not contained in Assembly District 43.

CT 1375.02—That portion not contained in Assembly District 43.

Assembly District 39: Assembly District 39 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1041.01

CT 1041.02

CT 1042.01

CT 1042.02

CT 1043
CT 1044
CT 1045
CT 1046
CT 1047
CT 1048
CT 1061.01
CT 1061.02
CT 1067
CT 1068
CT 1091
CT 1092
CT 1093
CT 1094
CT 1095
CT 1096.01
CT 1096.02
CT 1097
CT 1098.01
CT 1098.02
CT 1111.01
CT 1111.02
CT 1114.01
CT 1114.02
CT 1151.01
CT 1151.02
CT 1152.02
CT 1154.01
CT 1154.02
CT 1171
CT 1172.01
CT 1172.02
CT 1173.01
CT 1173.02
CT 1173.03
CT 1174.01
CT 1174.02
CT 1174.03
CT 1175
CT 1191
CT 1192
CT 1193
CT 1194
CT 1195
CT 1196
CT 1197
CT 1198
CT 1199
CT 1201.01

CT 1201.02
CT 1211
CT 1212
CT 1213
CT 1214
CT 1216
CT 1217
CT 1218
CT 1219
CT 1221
CT 1223
CT 1224
CT 1231.01
CT 3201
CT 3202
CT 3203

Partial Census Tracts:

CT 1062—That portion contained within the following Blocks: 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 119, 120, 121, 125, 126, 127, 202, 205, 208, 211, 213, 249, 250, 251, and 252.

CT 1064—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 205, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513.

CT 1065—That portion contained within the following Blocks: 101, 102, 104, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 307, 308, 309, and 310.

CT 1066.01—That portion contained within the following Blocks: 106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 214, 215, 218, 219, 221, 301, 302, 303, 305, 306, 307, 308, 309, 312, 313, 314, 315, 316, 317, 318, 401, 402, 406, 410, 413, 414, 433, 435, 491, 492, 495, 496, 497, and 498.

CT 1112.02—That portion contained within the following Blocks: 102, 105, 106, 107, 108, 116, 117, 118, 119, 120, 121, 201, 202, and 203.

CT 1113.01—That portion contained within the following Blocks: 218, 219, 220, and 225.

CT 1113.02—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 214, 217, 219, and 220.

CT 1152.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 110, 112, 113, 114, 115, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 212, and 213.

CT 1153.01—That portion contained within Blocks 201 and 226.

CT 1153.02—That portion contained within the following Blocks: 101, 102, 103, 114, 115, 116, and 117.

Assembly District 40: Assembly District 40 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1176
CT 1202
CT 1203
CT 1204
CT 1215
CT 1231.02
CT 1232
CT 1233.01
CT 1233.02
CT 1234
CT 1235
CT 1236.01
CT 1236.02
CT 1237
CT 1238
CT 1239
CT 1241.01
CT 1241.02
CT 1242.01
CT 1242.02
CT 1243
CT 1244
CT 1245
CT 1246
CT 1247
CT 1248
CT 1271.01
CT 1271.02
CT 1272
CT 1273
CT 1274
CT 1275
CT 1276.01
CT 1276.02
CT 1277
CT 1278.01
CT 1278.02
CT 1279
CT 1281
CT 1282
CT 1283.01
CT 1283.02
CT 1284
CT 1285
CT 1286
CT 1287.01
CT 1287.02
CT 1288
CT 1311

CT 1312
CT 1313
CT 1314
CT 1315
CT 1318
CT 1319
CT 1321
CT 1322
CT 1323
CT 1324
CT 1325
CT 1327
CT 1328
CT 1329
CT 1331.01
CT 1391
CT 1392

Partial Census Tracts:

CT 1246—That portion contained within the following Blocks: 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, 302, 303, 304, 305, 308, 309, 310, 413, 414, and 415.

CT 1249.02—That portion contained within the following Blocks: 102, 103, 106, 107, 202, 203, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, and 309.

CT 1316—That portion contained within the following Blocks: 108, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 403, 404, 405, and 406.

CT 1317—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 210, 211, 218, and 219.

CT 1326—That portion contained within the following Blocks: 201, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, and 306.

CT 1341.01—That portion contained within Block Group 1 and within the following Blocks: 213, 214, 215, and 218; together with that part of Block 217 located north and west of Hemmingway Street with the western extension.

CT 1345—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 210, and 218.

CT 1348.01—That portion contained within the following Blocks: 109, 110, 111, 112, 201, 202, 203, and 204.

CT 1348.02—That portion contained within the following Blocks: 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 302, 303, 304, and 305.

CT 1349.01—That portion contained within the following Blocks: 101, 102, 103, and 112.

CT 1349.02—That portion contained within the following Blocks: 101, 103, 104, 106, 107, 312, 313, 318, 319, 320, 321, 323, and 324; together with that part of Block 110 located east of Oso Avenue, with the southern extension.

CT 1351.01—That portion contained within the following Blocks: 306, 307, 310, 311, 312, 316, 317, 318, 319, and 321.

CT 1372.01—That portion of Block 101 located north and east of the intersection of Rolling Road and Collins Street, western extension.

CT 1395—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 107, 108, 111, 112, 312, 313, and 314.

CT 1396—That portion contained within the following Blocks: 101, 102, 103, 105, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 140, and 141.

CT 1411—That portion contained within Block 405.

CT 1433—That portion contained within Block 511.

CT 1434.01 That portion contained within the following Blocks: 101, 102, 104, 105, 106, 108, 109, 110, 111, 112, 113, 201, 202, 203, 206, 207, 208, 209, 210, 211, 212, 213, and 214.

CT 1435—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 214, 301, 302, 303, 309, 312, and 313.

Assembly District 41: Assembly District 41 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1011
CT 1012
CT 1013
CT 1014
CT 1031.01
CT 1031.02
CT 1032.01
CT 1033.01
CT 1812
CT 1813
CT 1814
CT 3001
CT 3002
CT 3003
CT 3004
CT 3005
CT 3006
CT 3007.01
CT 3007.02
CT 3008
CT 3009
CT 3010
CT 3011
CT 3012.01
CT 3012.02
CT 3013
CT 3014

CT 3015
CT 3016
CT 3017
CT 3018
CT 3019
CT 3020
CT 3021.01
CT 3021.02
CT 3022
CT 3023
CT 3024
CT 3025.01
CT 3025.02
CT 3101
CT 3102
CT 3103
CT 3104
CT 4603
CT 4604
CT 4605.01
CT 4605.02
CT 4606
CT 4607
CT 4610

Partial Census Tracts:

CT 1021.01—That portion not contained in Assembly District 38.

CT 1021.02—That portion not contained in Assembly District 38.

CT 1033.02—That portion not contained in Assembly District 38.

CT 1034—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 207, 208, 209, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 501, 502, 503, 504, 505, 514, 524, and 527.

CT 1811—That portion contained within the following Blocks: 102, 116, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 130, 204, 205, 206, 207, 208, 211, 212, 213, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, 313, 314, 315, 316, and 317.

CT 1815—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 117, 118, 201, 202, 203, 204, 205, 207, 208, 301, and 302.

CT 1816—That portion contained within the following Blocks: 202, 208, 209, 301, and 306.

CT 1861—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 107, 109, 110, 201, 202, 203, 204, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, 405, 406, 413, 416, 421, 502, 503, 505, 506, 507, 508, 509, 510, 511, 514, 515, 601, 602, 603, 604, 605, 606, 607, 608, and 609.

CT 1862—That portion contained within the following Blocks: 101, 111, 505, 506, and 507.

CT 1863—That portion contained within the following Blocks: 101,

102, 103, 104, 105, 106, 107, 108, 110, and 121.

CT 1864—That portion contained within the following Blocks: 101, 104, 105, 106, 107, 108, 110, 111, 112, 201, and 202.

CT 3106—All except that portion contained within Assembly District 45.

CT 3107—All except that portion contained within Assembly District 45.

CT 3108—All except that portion contained within Assembly District 45.

CT 3109—All except that portion contained within Assembly District 45.

CT 3110—All except that portion contained within Assembly District 45.

CT 3111—All except that portion contained within Assembly District 45.

CT 3112—All except that portion contained within Assembly District 45.

CT 3113—All except that portion contained within Assembly District 45.

CT 3114—All except that portion contained within Block 110.

CT 3115—All Except that portion contained within Assembly District 45.

CT 3116—All except that portion contained within Assembly District 45.

CT 3117—All except that portion contained within Assembly District 45.

CT 3118—All except that portion contained within Assembly District 45.

CT 4602—That portion contained within Blocks 508 and 509.

Assembly District 42: Assembly District 42 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4300.01
CT 4300.02
CT 4301.01
CT 4301.02
CT 4302
CT 4303
CT 4304
CT 4305.01
CT 4305.02
CT 4306
CT 4307.01
CT 4307.21
CT 4307.22
CT 4308.01
CT 4308.02
CT 4308.03

CT 4309
CT 4310
CT 4316
CT 4317
CT 4600
CT 4601
CT 4611
CT 4612
CT 4613
CT 4624
CT 4625
CT 4626
CT 4627
CT 4628
CT 4629
CT 4630
CT 4631.01
CT 4631.02
CT 4632
CT 4633
CT 4634
CT 4635
CT 4636
CT 4637
CT 4640
CT 4641
CT 4642
CT 4800.02
CT 4801.02
CT 4802
CT 4805
CT 4806
CT 4807.01
CT 4807.02
CT 4811
CT 4812.02
CT 4814
CT 4823.01

Partial Census Tracts:

CT 4311—That portion contained within the following Blocks: 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 128, 129, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 217, 219, 220, 221, 222, 225, 301, 302, 303, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 325, 326, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 418, 419, 606, 607, and 610.

CT 4313—That portion contained within the following Blocks: 216, 217, and 222.

CT 4315—That portion contained within the following Blocks: 103,

308, 401, and 405.

CT 4318—That portion not contained in Temple City.

CT 4602—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 107, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 406, 407, 408, 409, 410, 501, 502, 503, 504, 505, 506, 507, 601, 602, 603, 604, 605, 606, and 607.

CT 4614—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, and 117.

CT 4617—That portion contained within the following Blocks: 224, 405, and 406.

CT 4619—That portion contained within the following Blocks: 117, 201, 202, 203, 204, 205, 206, 207, 208, 215, 218, 219, 220, 221, 223, 224, 307, 308, 311, 312, 315, 316, 318, 319, 320, 321, 402, 421, 422, 423, 424, 425, 601, 602, 603, 604, 605, 606, 607, and 612.

CT 4622—That portion contained within the following Blocks: 208, 209, 307, 310, 311, 315, 318, 319, and 320.

CT 4623—That portion contained within the following Blocks: 101, 102, 103, 104, 107, 110, 111, 112, 113, 201, 202, 205, 206, 209, 210, 212, 213, 301, 302, 303, 310, 311, 510, 511, 512, and 513.

CT 4639—That portion contained within the following Blocks: 101, 102, 103, 105, 106, 107, 108, 109, 111, 113, 114, 115, 201, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 301, 302, 303, 304, 305, 306, 307, 308, and 310.

CT 4800.01—That portion not contained in Temple City.

Assembly District 43: Assembly District 43 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1249.01
CT 1251
CT 1252
CT 1289
CT 1331.02
CT 1374.01
CT 1374.02
CT 1375.03
CT 1375.04
CT 1376
CT 1393
CT 1394
CT 1396
CT 1397.01
CT 1397.02
CT 1397 03
CT 1398.01
CT 1398.02
CT 1411
CT 1412
CT 1413.01

CT 1413.02
CT 1414
CT 1415
CT 1416
CT 1417
CT 1434.02
CT 1436.02
CT 1438.02
CT 1439.01
CT 1439.02
CT 2164
CT 2611.01
CT 2611.02
CT 2612
CT 2621
CT 2622
CT 2623.01
CT 2623.02
CT 2623.03
CT 2624
CT 2641.01
CT 2641.02
CT 2642
CT 2643.01
CT 2651
CT 2652
CT 2653.01
CT 2653.02
CT 2654.01
CT 2654.02
CT 2675.01
CT 2675.02
CT 7005
CT 7006
CT 7007
CT 7008
CT 7009.01
CT 7009.02
CT 7010
CT 7011
CT 8001

Partial Census Tracts:

CT 1249.02—That portion contained within the following Blocks: 101, 104, 105, 108, 201, and 204.

CT 1254—That portion contained within the following Blocks: 106, 107, 108, 109, 110, 206, 207, 208, 209, 210, 211, 302, 303, 304, 305, 306, 308, 309, 310, 313, 401, 402, 403, 405, 408, 409, 411, 412, and 413.

CT 1344.02—That portion contained within the following Blocks: 302, 303, 310, 318, and 319.

CT 1352.02—That portion contained within the following Blocks: 201, 202, 203, and 323.

CT 1352.03—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 205, 206, 207, 208, 209, 210, 211, 212, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 319, 401, 402, 404, 405, 406, 407, 409, 410, 411, 412, 413, 414, 415, 416, 420, and 421.

CT 1372.02—That portion contained within the following Blocks: 106, 107, 108, and 120.

CT 1373.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 202, 203, 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 223, 224, 225, 226, and 227.

CT 1373.03—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 124, 125, 126, 131, 133, and 139.

CT 1374.01—That portion contained within the following Blocks: 213, 214, 215, 301, 302, 304, 305, 306, 307, 308, and 310.

CT 1375.01—That portion contained within the following Blocks: 201, 202, 203, and 204.

CT 1375.02—That portion contained within the following Blocks: 119, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, and 323.

CT 1395—That portion not contained in Assembly District 40.

CT 1396—That portion not contained in Assembly District 40.

CT 1433—That portion not contained in Assembly District 40.

CT 1434.01—That portion not contained in Assembly District 40.

CT 1435—That portion not contained in Assembly District 40.

CT 2628—That portion not contained in Assembly District 44.

CT 2673—That portion not contained in Assembly District 44.

CT 2674.01—That portion not contained in Assembly District 44.

CT 2674.02—That portion contained within the following Blocks: 103, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, and 211.

CT 2676—That portion not contained in Assembly District 44.

CT 7004—That portion not contained in Assembly District 45.

Assembly District 44: Assembly District 44 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 2165
CT 2166
CT 2625
CT 2626
CT 2627.01
CT 2627.02
CT 2643.02
CT 2655

CT 2656
CT 2657
CT 2671
CT 2672
CT 2677
CT 2678
CT 2679
CT 2691
CT 2692
CT 2693
CT 2694
CT 2695
CT 2696
CT 2697
CT 2698
CT 2699.01
CT 2699.02
CT 2701
CT 2702
CT 2703
CT 2711.01
CT 2711.02
CT 2712
CT 2713
CT 2714
CT 2715
CT 2716
CT 2717.01
CT 2717.02
CT 2718
CT 2719
CT 2721
CT 2722
CT 2731
CT 2732
CT 2733
CT 2736
CT 2737
CT 7012.01
CT 7012.02
CT 7013.01
CT 7013.02
CT 7014
CT 7015.01
CT 7015.02
CT 7016.01
CT 7016.02
CT 7017.01
CT 7017.02

CT 7018.01
CT 7018.02
CT 7019
CT 7020
CT 7021
CT 7022.01
CT 7022.02
CT 7023
CT 8004
CT 8005

Partial Census Tracts:

CT 2628—That portion contained within the following Blocks: 115, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 212, 213, 302, 304, 305, 309, 310, 311, 312, 314, 325, 326, 327, and 328.

CT 2673—That portion contained within the following Blocks: 103, 104, 105, 115, 118, 119, 202, 203, 204, 205, 206, 207, 210, 211, 212, 213, 301, 302, 303, and 304.

CT 2674.01—That portion contained within Block 107.

CT 2674.02—That portion contained within Blocks 101 and 102.

CT 2676—That portion contained within the following Blocks: 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 312, and 313.

CT 2723.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, and 206.

CT 2723.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, and 107.

CT 2738—That portion contained within Block 101.

Assembly District 45: Assembly District 45 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1253
CT 1255
CT 1256
CT 1431
CT 1432
CT 1436.01
CT 1437
CT 1438.01
CT 1881
CT 1882.01
CT 1893
CT 1894
CT 1895
CT 1896
CT 1897.01
CT 1897.02
CT 1898

CT 1899
CT 1901
CT 1902
CT 1903.01
CT 1903.02
CT 1905
CT 1906
CT 1907
CT 1908
CT 1909
CT 1917
CT 1918
CT 1919.01
CT 1919.02
CT 1921
CT 1922
CT 1923
CT 1924
CT 1941
CT 1942
CT 1943
CT 1944
CT 1945
CT 2115
CT 2116
CT 2117
CT 2141
CT 2142
CT 2143
CT 2144
CT 2145
CT 2146
CT 2147
CT 2148
CT 2149
CT 2151
CT 2152
CT 2153
CT 2161
CT 2163
CT 2167
CT 2168
CT 2169
CT 3105
CT 3200
CT 7001
CT 7002
CT 7003

Partial Census Tracts:

CT 1254—That portion contained within the following Blocks: 101, 103, 104, 105, 111, 112, 113, 114, 115, 203, 204, 205, 406, and 407.

CT 1891—That portion contained within Blocks 105 and 106.

CT 1892—That portion contained within the following Blocks: 101, 103, 104, 105, 107, 108, 109, 110, and 111.

CT 2162—That portion not contained in Assembly District 49.

CT 3104—That portion contained within the following Blocks: 303, 304, 305, 306, 307, 308, 309, 312, 313, 316, 317, 318, 401, 402, 403, 404, 405, and 406.

CT 3106—That portion contained within the following Blocks: 502, 505, 506, 508, 510, 511, 512, 602, 603, 608, 609, 610, 611, 612, 613, 614, 615, 616, and 617.

CT 3107—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 117, 201, 203, 204, 205, 206, 210, 213, 214, 215, 216, 217, 301, 302, 303, 304, 305, 306, 311, 312, 313, 314, 401, 402, 403, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 514, 518, 521, 522, 601, 611, 613, 614, 615, 616, 617, and 621.

CT 3108—That portion contained within the following Blocks: 304, 309, 310, 401, 404, 405, 406, 407, 408, 409, 410, 501, 502, 503, 504, 505, 506, and 507.

CT 3109—That portion contained within the following Blocks: 101, 103, 108, 109, 110, 111, 112, 113, 114, 115, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 409, 507, 601, 602, 604, 605, 607, 608, 609, 610, 612, 701, and 702.

CT 3110—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 107, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 301, 302, 303, 304, 305, 306, 307, 308, 402, 403, 404, and 405.

CT 3111—That portion contained within the following Blocks: 102, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 405, 406, 407, 408, 409, 410, 411, and 412.

CT 3112—That portion contained within the following Blocks: 108, 109, 110, 111, 112, 205, 207, 208, 209, 301, 302, 303, 304, 305, 306, 309, 311, 312, 402, 403, 405, 406, 407, 408, 409, and 410.

CT 3113—That portion contained within the following Blocks: 103, 104, 105, 201, 202, 203, 210, 211, 212, 302, 303, 304, 312, and 313.

CT 3114—That portion contained within Block 110.

CT 3115—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 601, 602, 603, 604, 605, and 606.

CT 3116—That portion contained within the following Blocks: 101, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 201, 202, 212, 213, 214, 215, and 601.

CT 3117—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 502, 503, 504, 505, 506, 507, 508, 509, 601, 602, 603, 604, 605, and 606.

CT 3118—That portion contained within the following Blocks: 101,

102, 103, 104, 110, 112, 114, 115, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 408, 410, and 411.

CT 7004—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 508, 512, 513, and 514.

Assembly District 46: Assembly District 46 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1872
CT 1882.02
CT 1904
CT 1911
CT 1912.01
CT 1912.02
CT 1913
CT 1914
CT 1915
CT 1916.01
CT 1916.02
CT 1925
CT 1926
CT 1927
CT 1951
CT 1952
CT 1953
CT 1954
CT 1955
CT 1956
CT 1957
CT 1958
CT 1959
CT 2083
CT 2084
CT 2085
CT 2086
CT 2087
CT 2088
CT 2089
CT 2091
CT 2094
CT 2095
CT 2098
CT 2111
CT 2112
CT 2113
CT 2114
CT 2118
CT 2119
CT 2121

CT 2122
CT 2123
CT 2124
CT 2125
CT 2126
CT 2132
CT 2133
CT 2134

Partial Census Tracts:

CT 1873—That portion contained within the following Blocks: 216, 225, 227, 230, 231, 232, 233, 234, 302, 303, 306, 308, 309, 310, 311, and 312.

CT 1891—That portion contained within the following Blocks: 101, 103, 104, 107, 108, 201, 202, 203, 204, 205, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 501, 502, 503, 504, 505, 506, and 507.

CT 1892—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 403, 404, 405, 406, and 407.

CT 1974—That portion contained within the following Blocks: 101, 103, 104, 105, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 310, 311, 401, 402, 403, 405, 406, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 422, 423, 424, 425, 427, 428, 429, 432, and 433.

CT 2082—That portion contained within the following Blocks: 103, 104, 105, 106, 107, and 108.

CT 2092—That portion contained within the following Blocks: 101, 103, 104, 105, 107, 108, 110, 116, 117, 202, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312.

CT 2093—That portion contained within the following Blocks: 201, 206, 207, 208, 213, 214, 301, 302, 304, 305, 306, 307, 308, 309, 310, and 311

CT 2096—That portion contained within the following Blocks: 205, 206, 209, 210, 211, 216, 217, 301, 302, 303, 304, 305, 306, 307, and 308.

CT 2097—That portion contained within the following Blocks: 201, 203, 204, 205, 206, 207, 208, 210, 212, 213, 214, and 215.

CT 2127—That portion contained within the following Blocks. 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 202, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 314, 315, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, and 413.

CT 2131—That portion contained within the following Blocks: 102, 103, 204, 211, 212, 214, and 215.

Assembly District 47: Assembly District 47 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts

Whole Census Tracts:

CT 2214.02
CT 2215.01
CT 2215.02

CT 2216.01
CT 2216.02
CT 2217.02
CT 2218
CT 2219
CT 2221
CT 2222
CT 2223
CT 2224
CT 2225
CT 2226
CT 2227
CT 2246
CT 2247
CT 2264
CT 2265
CT 2266
CT 2267
CT 2281
CT 2282
CT 2283
CT 2284
CT 2285
CT 2286
CT 2287
CT 2288
CT 2289
CT 2291
CT 2292
CT 2293
CT 2294
CT 2311
CT 2312
CT 2313
CT 2314
CT 2315
CT 2316
CT 2317
CT 2318
CT 2319
CT 2321
CT 2322
CT 2323
CT 2324
CT 2328
CT 2391
CT 2392
CT 2393
CT 2394

CT 5325
CT 5326.01
CT 5326.02
CT 5327
CT 5328
CT 5331.01
CT 5331.02
CT 5332
CT 5335
CT 5336
CT 5338.01
CT 5338.02
CT 5343
CT 5344.01
CT 5344.02
CT 5345

Partial Census Tracts:

CT 2212—That portion contained within the following Blocks: 104, 105, 106, and 201.

CT 2245—That portion contained within the following Blocks: 103, 104, 105, 106, 107, 108, 109, 110, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 130, 131, 132, 133, 134, 201, 202, 203, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 222, 223, and 225.

CT 5324—That portion contained within the City of Huntington Park.

CT 5329—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 201, 202, 306, 401, 402, 403, 404, 405, and 406.

CT 5330—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 109, 110, 111, 112, 113, 201, 202, 203, 309, 312, 313, 504, 506, 508, and 509.

Assembly District 48: Assembly District 48 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 2377
CT 2378
CT 2382
CT 2383
CT 2395
CT 2396
CT 2397
CT 2398
CT 2399
CT 2401
CT 2402
CT 2403
CT 2404
CT 2405
CT 2406

CT 2407
CT 2408
CT 2409
CT 2411
CT 2412
CT 2415
CT 2416
CT 2421
CT 2422
CT 2423
CT 2424
CT 2425
CT 2426
CT 2427
CT 2428
CT 2429
CT 2431
CT 5347
CT 5348
CT 5349
CT 5350
CT 5351.01
CT 5351.02
CT 5352
CT 5353
CT 5354
CT 5355
CT 5356.01
CT 5356.02
CT 5357
CT 5358.01
CT 5358.02
CT 5359
CT 5360
CT 5361
CT 5362
CT 5400
CT 5401.01
CT 5401.02
CT 5402
CT 5403
CT 5404
CT 5405
CT 5406
CT 5407
CT 5417

Partial Census Tracts:

CT 2414—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 208, 209, 301, 302,

303, 304, 310, 311, 312, 313, 314, 315, 401, 402, 403, 407, 408, 409, 421, 505, 506, 507, 508, 509, and 510.

CT 5329—That portion contained within the following Blocks: 203, 204, 205, 206, 301, 302, 303, 304, and 305.

CT 5330—That portion contained within the following Blocks: 204, 205, 206, 207, 208, 209, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 314, 401, 402, 403, 404, 405, 406, 407, 501, 502, and 503.

CT 5408—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 206, 208, 210, 301, 302, 303, 304, 305, 306, 308, 309, 402, 403, 405, 406, 407, 408, 409, 410, 411, 501, 502, 503, 505, and 506.

CT 5412—That portion contained within the following Blocks: 701, 702, 703, 704, 705, 706, 707, 708, and 710.

CT 5414—That portion contained within Blocks 101 and 103.

CT 5418—That portion contained within the City of Lynwood.

Assembly District 49: Assembly District 49 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 2128
CT 2129
CT 2171
CT 2172
CT 2181
CT 2182
CT 2183
CT 2184
CT 2185
CT 2186
CT 2187
CT 2188
CT 2189
CT 2191
CT 2192
CT 2193
CT 2194
CT 2195
CT 2196
CT 2197
CT 2198
CT 2199
CT 2201
CT 2202
CT 2213
CT 2214.01
CT 2341
CT 2342
CT 2343
CT 2344
CT 2345

CT 2346
CT 2347
CT 2349
CT 2351
CT 2361
CT 2362.01
CT 2362.02
CT 2363
CT 2364
CT 2734
CT 2735
CT 2739
CT 2741
CT 2742
CT 2751.01
CT 2751.02
CT 2752
CT 2753.01
CT 2753.02
CT 2754
CT 2755
CT 2756
CT 2765
CT 2766.01
CT 2766.02
CT 2781
CT 2947.99
CT 2949.99
CT 2951.99
CT 2961.99
CT 2962.99
CT 2971.99
CT 2976.99
CT 5756.99
CT 5757.99
CT 7024
CT 7025
CT 7026
CT 7027
CT 7028.01
CT 7028.02
CT 7028.03
CT 7029
CT 7029.99
CT 7030.01
CT 7030.02
CT 7031
CT 7032
Partial Census Tracts:

CT 2127—That portion contained within the following Blocks: 113, 201, 203, 204, 312, and 313.

CT 2131—That portion contained within the following Blocks: 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 207, 208, and 209.

CT 2162—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 505, 506, 507, and 508.

CT 2212—That portion contained within the following Blocks: 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 401, 402, and 403.

CT 2348—That portion contained within the following Blocks: 101, 102, 202, 203, 204, 324, 407, 408, and 409.

CT 2723.01—That portion contained within the following Blocks: 302, 305, and 307.

CT 2723.02—That portion contained within the following Blocks: 108, 109, and 110.

CT 2738—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, and 313.

CT 2764—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 305, 306, 401, 402, 403, 404, 405, 406, 407, 408, 501, 502, 503, 504, 505, 506, and 507.

CT 2766.03—That portion contained within the following Blocks: 908, 909, 915, 916, 917, 918, and 919.

CT 2767—That portion contained within the following Blocks: 304, 306, 314, 401, 402, and 403.

Assembly District 50: Assembly District 50 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 2325
CT 2326
CT 2327
CT 2352.01
CT 2352.02
CT 2371
CT 2372
CT 2373
CT 2374
CT 2375
CT 2376
CT 2379
CT 2381
CT 2384
CT 2385
CT 2386

CT 2413
CT 2761
CT 2762
CT 2763
CT 2768
CT 2769
CT 2771
CT 2772
CT 2773
CT 2774
CT 2911
CT 2912
CT 5409.01
CT 5409.02
CT 5410.01
CT 6001
CT 6002.01
CT 6002.02
CT 6003.01
CT 6003.02
CT 6004
CT 6005.01
CT 6005.02
CT 6006
CT 6007.01
CT 6007.02
CT 6008.01
CT 6008.02
CT 6009.01
CT 6009.02
CT 6010
CT 6011
CT 6012.01
CT 6012.02
CT 6013.01
CT 6013.02
CT 6013.03
CT 6014.01
CT 6014.02
CT 6015
CT 6018
CT 6019
CT 6028
CT 6200
CT 6200.99
CT 6201
CT 6202

Partial Census Tracts:

CT 2348—That portion contained within the following Blocks: 103,

104, 105, 106, 107, 108, 201, 205, 206, 207, 208, 301, 302, 303, 304, 306, 307, 308, 309, 310, 325, 401, 402, 403, 404, 405, and 406.

CT 2414—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 410, 411, 412, 413, 414, 501, and 504.

CT 2764—That portion contained within the following Blocks: 303, 304, 307, 308, and 309.

CT 2766.03—That portion contained within the following Blocks: 101, 102, 104, and 901.

CT 2767—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 201, 202, 204, 205, 206, 207, 208, 210, 301, 302, 308, and 309.

CT 2913—That portion contained within the following Blocks: 125, 126, 127, and 128.

CT 6017—That portion contained within the following Blocks: 101, 105, 201, 202, 204, 205, 301, 302, 303, 304, 305, 401, 403, 404, 405, and 406.

CT 6022—That portion not contained in Assembly District 53.

CT 6022.01—That portion not contained in Assembly District 53.

CT 6023.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 408, 409, 410, 411, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, and 513.

CT 6027—That portion contained within the following Blocks: 101, 104, 105, 106, 107, 108, and 109.

Assembly District 51: Assembly District 51 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 2974
CT 6203.01
CT 6203.02
CT 6203.03
CT 6204
CT 6208
CT 6209.01
CT 6209.02
CT 6210.01
CT 6210.02
CT 6211
CT 6212
CT 6213.01
CT 6213.02
CT 6214
CT 6500.01
CT 6500.02
CT 6501.01
CT 6501.02
CT 6502

CT 6503
CT 6504
CT 6505.01
CT 6505.02
CT 6506.01
CT 6506.02
CT 6506.03
CT 6507.01
CT 6507.02
CT 6508
CT 6509.01
CT 6509.02
CT 6510.01
CT 6510.02
CT 6511.01
CT 6511.02
CT 6512.01
CT 6512.21
CT 6512.22
CT 6513.01
CT 6513.02
CT 6514
CT 6700.01
CT 6700.02
CT 6700.03
CT 6701
CT 6702.01
CT 6702.02
CT 6703.01
CT 6703.02
CT 6704.01
CT 6704.02
CT 6705
CT 6706
CT 6707.02

Partial Census Tracts:

CT 2964—That portion contained within the following Blocks: 505, 507, 509, 518, 519, and 523.

CT 2967—That portion contained within the following Blocks: 103, 104, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, and 212.

CT 2968—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, and 313.

CT 2973—That portion contained within Blocks 307 and 308.

CT 6206.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 306, 307, 308, 309, 310, 401, 408, and 409.

CT 6207.02—That portion contained within the following Blocks:

209, 210, 211, 213, 214, 215, 216, 217, 219, 301, 302, 304, 305, 311, 312, 313, 314, 315, 316, 318, 402, 403, 404, 405, 406, and 414.

Assembly District 52: Assembly District 52 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4033.12
CT 4033.14
CT 4033.15
CT 4034
CT 4080.02
CT 4081.01
CT 4081.02
CT 4081.31
CT 4081.32
CT 4084.01
CT 4085.01
CT 4085.02
CT 4085.03
CT 4086.01
CT 4086.21
CT 4086.22
CT 4086.23
CT 4086.24
CT 4086.25
CT 4087 01
CT 4087.02
CT 5001
CT 5002.01
CT 5002.02
CT 5015.01
CT 5016
CT 5017
CT 5019
CT 5033.01
CT 5033.02
CT 5034.01
CT 5034.02
CT 5035.01
CT 5035.02
CT 5036.01
CT 5036.02
CT 5037.01
CT 5037.02
CT 5037.03
CT 5038.01
CT 5038.02
CT 5039.01
CT 5039.02

CT 5040.01
CT 5040.02
CT 5041.01
Partial Census Tracts:
CT 4024.04—That portion contained within the following Blocks: 102, 103, 104, 105, 108, 109, 122, 139, 140, and 141.
CT 4033.02—That portion contained within the following Blocks: 102, 103, 104, 106, 108, 109, 116, 117, 118, 119, 903, 912, 913, 914, 915, 916, 917, 922, 926, 928, 929, and 930.
CT 4033.11—That portion contained within the following Blocks: 102, 103, 105, 106, 107, 108, 120, 125, 920, 921, 922, 923, 924, 930, 936, and 937.
CT 4033.13—That portion not contained in Assembly District 65.
CT 4065—That portion contained within the following Blocks: 407, 408, 409, 410, 501, 502, 503, 504, 508, 509, 510.
CT 4066.01—That portion contained within the following Blocks: 107, 201, 202, 203, 204, 205, 206, 207, 208, and 311.
CT 4066.02—That portion contained within the following Blocks: 108, 109, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 403, 404, 406, 407, 408, and 409.
CT 4079—That portion contained within the following Blocks: 120, 121, 122, 123, 125, 127, 128, 130, and 132.
CT 4080.01—That portion contained within the following Blocks: 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 202, 203, and 204.
CT 4082.01—That portion contained within the following Blocks: 109, 110, 111, 112, 116, 117, 118, 119, 121, 122, 123, 124, 141, 160, 165, 169, 172, 173, 174, 175, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 242, 247, 248, 249, and 256.
CT 4082.02—That portion contained within Block 338.
CT 4084.02—That portion contained within the following Blocks: 103, 104, 105, 106, 107, 108, 109, 110, 113, 131, 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 217, 218, 219, 901, 902, 903, 909, 910, 913, 915, and 928.
CT 5003—That portion contained within Block 116.
CT 5012—That portion contained within the following Blocks: 101, 102, 103, and 108.
CT 5013—That portion contained within Block 101.
CT 5015.02—That portion contained within the following Blocks: 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 701, 702, 703, 704, 705, 706, 707, 708, 709, and 710.
CT 5018—That portion contained within the following Blocks: 101, 102, 103, 105, 106, 107, 109, 110, 113, 117, 121, 201, 202, 203, 204, 205, 206, 207, 208, and 610.
CT 5020.01—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 301, 302, and 303.
CT 5020.02—That portion contained within the following Blocks:

101, 102, 103, 104, 105, 106, 107, 108, 109, 407, 408, and 409.

CT 5031.01—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 208, 209, 210, 211, 212. 213, 214, 216, 217, 301, 302, 303, 304, 305, 306, 307, 308, 309, and 310.

CT 5032.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 114, 115, 207, 208, 209, 304, 305, 306, 307, 308, and 314.

CT 5032.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 301, 302, 303, 304, 305, and 306.

Assembly District 53: Assembly District 53 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 2921
CT 2931
CT 2932.01
CT 2932.02
CT 2933
CT 5410.02
CT 5433.03
CT 5433.22
CT 5434
CT 5435.01
CT 5435.02
CT 5435.03
CT 5436.01
CT 5436.04
CT 5437.01
CT 5437.02
CT 5437.03
CT 5438.01
CT 5438.02
CT 5439.01
CT 5439.02
CT 6020.02
CT 6021.01
CT 6021.02
CT 6023.02
CT 6024.01
CT 6024.02
CT 6025.01
CT 6025.02
CT 6025.03
CT 6026
CT 6029
CT 6030.01
CT 6030.02
CT 6031
CT 6032

CT 6033
CT 6034
CT 6035
CT 6036
CT 6037.01
CT 6037.02
CT 6038
CT 6039
CT 6040
CT 6041
CT 6205.01
CT 6205.02
CT 6206.01
CT 6207.01

Partial Census Tracts:

CT 2913—That portion contained within the following Blocks: 107, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 206, 212, 213, 214, 217, 218, 219, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312.

CT 2944—That portion contained within the following Blocks: 120, 123, 208, 209, 210, 211, 212, 213, 301, 303, 305, 308, 310, 404, 405, and 410.

CT 2951—That portion contained within the following Blocks: 101, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 133, 201, 202, 203, 205, 206, 207, and 208.

CT 2964—That portion contained within the following Blocks: 402, 403, 406, 407, 408, 409, 410, and 411.

CT 5431—That portion not contained in the City of Compton.

CT 5432—That portion contained within the City of Carson.

CT 5433.01—That portion contained within the City of Carson.

CT 5433.21—That portion not contained within the City of Carson.

CT 5436.02—That portion contained within the following Blocks: 103, 104, and 105.

CT 5440—That portion not contained in Assembly District 57.

CT 6016—That portion contained within the City of Hawthorne.

CT 6017—That portion contained within the City of Hawthorne.

CT 6020.01—That portion contained within the City of Hawthorne.

CT 6022—That portion contained within the City of Hawthorne.

CT 6023.01—That portion contained within the City of Hawthorne.

CT 6027—That portion contained within the following Blocks: 103, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, and 411.

CT 6206.02—That portion contained within the following Blocks: 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 311, 402, 403, 406, 407, 410, 411, 412, 413, 414, 501, 502, 503, 504, 505, 506, 507, 508, and 509.

CT 6207.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 201, 202, 203, 204, 205, 206, 207, 208, 306, 307, 308, 309, 310, 407, 408, 409, 412, 413, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, and 516.

CT 6707.01—That portion contained within the following Blocks: 101, 111, 112, 113, 122, 124, 132, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 215, 216, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 413.

Assembly District 54: Assembly District 54 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5411
CT 5413
CT 5415
CT 5416.01
CT 5416.02
CT 5420
CT 5421.01
CT 5421.02
CT 5422
CT 5424.01
CT 5424.02
CT 5425
CT 5426
CT 5427
CT 5428
CT 5429
CT 5430
CT 5432
CT 5531
CT 5532
CT 5533
CT 5535
CT 5536
CT 5537
CT 5538
CT 5539
CT 5540
CT 5541
CT 5542
CT 5543
CT 5544.01
CT 5544.02
CT 5550
CT 5552.02
CT 5700.01
CT 5700.02

CT 5700.03
CT 5707.01
CT 5707.02
CT 5708
CT 5709.01
CT 5709.02
CT 5710
CT 5711.01
CT 5711.02
CT 5712
CT 5713
CT 5714
CT 5736
CT 5737
CT 5738

Partial Census Tracts:

CT 5408—That portion contained within the following Blocks: 105, 201, 204, 205, 209, and 211.

CT 5412—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 201, 202, 203, 204, 205, 206, 207, 208, 301, 302, 303, 304, 305, 306, 307, 401, 402, 403, 404, 405, 406, 407, 408, 409, 501, 503, 504, 505, 506, 507, 601, 602, 603, 604, 605, 606, 607, 608, and 709.

CT 5414—That portion contained within the following Blocks: 105, 201, 202, 203, 204, 205, 206, 301, 302, 303, 304, 305, 306, 307, 401, 403, 404, 405, 406, 407, 408, 409, 410, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, and 511.

CT 5418—That portion contained within the following Blocks: 101, 207, 208, 209, 219, 220, 606, and 611.

CT 5431—That portion not contained in Assembly District 53.

CT 5432—That portion not contained in Assembly District 53.

CT 5433.01—That portion not contained in the Assembly District 53.

CT 5433.21—That portion not contained in Assembly District 53.

CT 5715.01—That portion contained within the following Blocks: 101, 115, 117, and 118.

CT 5739.01—That portion contained within the following Blocks: 901, 902, 920, and 921.

Assembly District 55: Assembly District 55 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1831.01
CT 1831.02
CT 1832
CT 1834
CT 1835
CT 1836
CT 1837

CT 1838
CT 1851
CT 1852.01
CT 1852.02
CT 1853
CT 1871
CT 1883
CT 1971
CT 1972
CT 1973
CT 1975
CT 1991
CT 1993
CT 1994
CT 1995
CT 1996
CT 1997
CT 1998
CT 1999
CT 2011
CT 2012
CT 2013
CT 2014.01
CT 2014.02
CT 2015.01
CT 2015.02
CT 2016
CT 2017
CT 2031
CT 2032
CT 2033
CT 2036
CT 2037
CT 2038
CT 4608
CT 4609
CT 4615
CT 4620
CT 4621
CT 4638
CT 5307
CT 5308
CT 5309

Partial Census Tracts:

CT 1811—That portion contained within the following Blocks: 107, 108, 109, 110, 112, 113, 114, 118, and 131.

CT 1815—That portion contained within the following Blocks: 206, 209, 210, 211, 212, 213, 303, 304, 305, 311, 318, and 319.

CT 1816—That portion contained within the following Blocks: 101,

102, 104, 105, 106, 201, 203, 204, 205, 206, 207, 302, 303, 304, 305, 307, 401, 402, 403, and 404.

CT 1833—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312.

CT 1862—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 404, 405, 406, 414, 415, 501, 502, 503, and 504.

CT 1863—That portion contained within the following Blocks: 118, 120, 201, 202, 204, 205, 207, 208, 210, 211, 219, 305, 307, 308, 310, 311, 312, 316, 319, 321, 322, 323, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 416, 421, 423, and 424.

CT 1864—That portion not contained in Assembly District 41.

CT 1873—That portion contained within the following Blocks: 101, 103, 109, 117, 118, 129, 130, 131, 203, 226, 229, 304, 305, 307, 313, 317, 401, 402, 403, 404, 405, 408, 409, 410, 411, and 412.

CT 1974—That portion contained within the following Blocks: 202, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 219, 220, 301, 302, 303, 304, 306, 307, 308, 309, 312, 313, 314, 315, and 316.

CT 2035—That portion contained within Block 316.

CT 4614—That portion contained within the following Blocks: 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and 316.

CT 4617—That portion contained within the following Blocks: 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 204, 205, 206, 207, 208, 210, 212, 213, 215, 219, 220, 221, 222, 223, 403, and 404.

CT 4619—That portion contained within the following Blocks: 101, 102, 103, 104, 114, 115, 116, 120, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 501, 502, 503, 504, and 505.

CT 4622—That portion contained within the following Blocks: 101, 102, 103, 105, 106, 111, 112, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206, 207, 212, 214, 301, 302, 313, 314, and 321.

CT 4623—That portion contained within the following Blocks: 211, 306, 307, 309, 401, 402, 403, 404, 408, 409, 410, 411, 414, 415, 416, 417, 501, 502, 503, and 504.

CT 4639—That portion contained within the following Blocks: 309, 311, 312, 313, 314, 315, and 316.

CT 5306—That portion contained within the following Blocks. 103, 104, 105, 106, 107, 108, 109, 110, 111, 203, 204, 209, 211, 214, 216, 408, 412, 501, 502, 503, 504, 505, 506, 507, 508, 509, 601, 602, 609, and 612.

CT 5310—That portion contained within the following Blocks: 501, 503, 504, and 505.

CT 5311—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 501, 502, 503, 504, 505, 506, and 507.

Assembly District 56. Assembly District 56 shall consist of the part

of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 1976
CT 1977
CT 2034
CT 2039
CT 2042
CT 2043
CT 2044
CT 2045.01
CT 2045.02
CT 2046
CT 2047
CT 2048
CT 2049
CT 2051
CT 2061
CT 2062
CT 2063
CT 2064
CT 2065
CT 2071
CT 2072
CT 2073
CT 2074
CT 2075
CT 2076
CT 2077
CT 2078
CT 2079
CT 2081
CT 2211
CT 2217.01
CT 2241
CT 2242
CT 2243
CT 2244
CT 2261
CT 2262
CT 2263
CT 5303
CT 5304
CT 5305
CT 5312
CT 5313
CT 5314
CT 5315
CT 5316.01

CT 5316.02
CT 5317.01
CT 5317.02
CT 5318
CT 5319
CT 5323.01
CT 5323.02
CT 5324
CT 5333
CT 5334
CT 5337
CT 5339
CT 5340
CT 5341
CT 5342

Partial Census Tracts:

CT 2035—That portion contained within the following Blocks: 103, 104, 105, 106, 120, 212, 217, 218, 219, 220, 221, 301, 302, 303, 304, 308, 309, 310, 311, 312, 401, 402, 403, 404, 407, 408, 409, 410, 411, and 412.

CT 2041—That portion contained within the following Blocks: 102, 103, 106, 201, 202, 203, 204, 205, 206, 301, 302, 303, 304, 305, 306, 307, 401, 402, 403, 404, 405, 406, and 407.

CT 2082—That portion contained within the following Blocks: 101, 102, 201, 202, 203, 204, 205, 206, 301, 302, 303, 304, 305, and 306.

CT 2092—That portion contained within the following Blocks: 207, 209, 215, and 216.

CT 2093—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 107, and 108.

CT 2096—That portion contained within the following Blocks: 101, 102, 107, 108, 109, 110, 119, 120, and 121.

CT 2097—That portion contained within the following Blocks: 101, 115, 116, 117, and 118.

CT 2212—That portion contained within the following Blocks: 101, 102, 103, 404, 405, 406, and 407.

CT 2245—That portion contained within Block 226.

CT 5306—That portion contained within the following Blocks: 206, 208, 210, 212, 215, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, and 405.

CT 5310—That portion contained within the following Blocks: 101, 103, 104, 105, 106, 203, 204, 205, 209, 210, 301, 307, 308, 401, 402, 403, 404, 405, 406, 407, 502, 506, 507, 601, 602, 603, 604, 605, 606, 607, and 608.

CT 5311—That portion contained within the following Blocks: 201, 202, 203, 208, 211, 212, 301, 302, 303, 304, 305, 307, 401, 402, 403, 404, 405, 406, and 407.

CT 5318—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, and 307.

Assembly District 57: Assembly District 57 shall consist of the part

of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 2941
CT 2942
CT 2943
CT 2945
CT 2946
CT 2947
CT 2948
CT 2949
CT 2961
CT 2962
CT 2963
CT 2965
CT 2966
CT 2969
CT 2971
CT 2972
CT 2975
CT 2976
CT 5436.03
CT 5701
CT 5702.01
CT 5702.02
CT 5703.01
CT 5703.02
CT 5704
CT 5705
CT 5706
CT 5715.02
CT 5716
CT 5717
CT 5721
CT 5722.02
CT 5723
CT 5724
CT 5725
CT 5726
CT 5727
CT 5728
CT 5729
CT 5730
CT 5731
CT 5732.01
CT 5732.02
CT 5733
CT 5752
CT 5753

CT 5754
CT 5755
CT 5756
CT 5757
CT 5758
CT 5760
CT 5763
CT 6099

Partial Census Tracts:

CT 2944—That portion contained within the following Blocks: 101, 106, 118, 119, 122, 201, 203, 204, 205, 214, 215, 304, 402, 403, 408, and 409.

CT 2951—That portion contained within the following Blocks: 130, 131, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 909, 911, 921, 924, 925, and 926.

CT 2964—That portion contained within the following Blocks: 101, 108, 109, 201, 202, 203, 204, 205, 206, 207, 210, 211, 212, 213, 215, 221, 222, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 320, 322, 401, 511, 512, 520, 521, and 522.

CT 2967—That portion contained within the following Blocks: 101, 102, 105, 106, 107, 108, 213, and 214.

CT 2968—That portion not contained in AD 51

CT 2973—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 210, 301, 302, 303, 304, 305, and 306.

CT 5436.02—That portion contained within the following Blocks: 101, 102, 107, 108, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, and 222.

CT 5440—That portion contained within the City of Long Beach.

CT 5715.01—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 312, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, and 511.

CT 5718—That portion contained within the following Blocks: 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 120, 127, 128, 201, 202, 203, 204, 205, and 206.

CT 5720.02—That portion contained within Blocks 209 and 210.

CT 5722.01—That portion contained within the following Blocks: 111, 112, 113, 114, 202, 203, 204, 205, 206, 207, 208, 212, 213, 214, 215, 216, 217, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315, 316, 317, 318, 319, 401, 402, 403, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, and 417.

CT 5751—That portion contained within the following Blocks: 104, 105, 106, 107, 110, 201, 202, 206, 207, 210, 211, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 501, 502, 503, 505, 506, 514, 515, 516, 517, 521, 522, 523, 524, 528, 529, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 614, and 615.

CT 5759—That portion contained within the following Blocks: 101,

102, 107, 108, 109, 110, 111, 112, 117, 118, 119, 201, 202, 203, 206, 207, 208, 209, 210, 211, 311, 312, 313, 314, 319, 320, 401, 402, 406, 407, 408, 409, 410, 411, 415, 416, 417, 418, 419, 420, 501, 502, 503, 504, 506, 507, 508, 509, 511, 512, 513, 514, 515, 516, 517, 529, 530, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 702, 703, 704, 705, 711, 712, 713, 714, 715, 716, 722, 729, 735, 801, 802, 803, 804, 814, 815, 821, 823, 825, 828, 829, 830, 831, 832, 833, 834, and 835.

CT 5762—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 114, 115, 116, 117, 121, 122, 123, 124, 125, 126, 129, 133, 138, 201, 202, 203, 204, 205, 206, 208, 209, 210, 211, 212, 214, 215, 323, 324, 325, 402, 403, 408, 409, 412, 413, 420, 421, 422, 423, 424, 425, 428, 502, 503, 504, 505, 506, 507, 508, 509, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 534, 535, 602, 603, 604, and 605.

CT 5764—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 204, 208, 209, 210, 211, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 404, 406, 407, 408, 409, 410, 411, 412, 413, 414, 418, 420, 422, and 423.

CT 5765—That portion contained within the following Blocks: 102, 103, 104, 105, 501, 502, 503, 504, 505, 508, 513, 601, 602, 605, 606, 607, and 612.

CT 6707.01—That portion contained within Blocks 123 and 125.

Assembly District 58: Assembly District 58 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5719
CT 5720.01
CT 5734
CT 5735
CT 5740
CT 5741
CT 5742.01
CT 5742.02
CT 5743
CT 5744
CT 5745
CT 5746.01
CT 5746.02
CT 5747
CT 5748
CT 5749.01
CT 5749.02
CT 5750.01
CT 5750.02
CT 5761
CT 5766

CT 5767
CT 5768
CT 5769
CT 5770
CT 5771
CT 5772
CT 5773
CT 5774
CT 5775.01
CT 5775.02
CT 5776.01
CT 5776.02
CT 5776.03
CT 5990
CT 5991

Partial Census Tracts:

CT 5718—That portion contained within the following Blocks: 207, 208, 209, 210, 213, 214, 215, 216, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, and 311.

CT 5720.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 302, 303, 304, 305, 306, 307, 308, 309, 310, and 311.

CT 5722.01—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 107, and 110.

CT 5739.01—That portion contained within the following Blocks: 903, 910, 911, and 913.

CT 5739.02—That portion contained within the following Blocks: 107, 112, 113, 114, and 115.

CT 5751—That portion contained within the following Blocks: 101, 102, 108, 109, 203, 204, and 205.

CT 5759—That portion contained within the following Blocks: 103, 104, 105, 106, 113, 114, 115, 116, 204, 205, 212, 214, 215, 216, 217, 218, 220, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 315, 316, 317, 318, 403, 404, 405, 412, 413, and 414.

CT 5762—That portion contained within the following Blocks: 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 404, 405, 406, 407, 414, 415, 416, 417, 418, 419, 606, 607, 608, 609, 611, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, and 630.

CT 5764—That portion contained within the following Blocks: 205, 206, and 207.

CT 5765—That portion contained within the following Blocks: 101, 106, 110, 201, 202, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 701, 702, 703, 704, and 706.

together with the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 992.12
CT 992.35
CT 993.02
CT 993.04
CT 994.02
CT 994.04
CT 994.05
CT 994.06
CT 994.07
CT 994.08
CT 994.10
CT 994.11
CT 994.12
CT 994.13
CT 994.14
CT 994.15
CT 995.02
CT 995.03
CT 995.04
CT 995.05
CT 995.06
CT 995.07
CT 995.08
CT 996.04
CT 996.05
CT 1100.06
CT 1100.07
CT 1100.08
CT 1100.12

Partial Census Tracts:

CT 992.11—That portion not contained within Assembly District 71.

CT 996.02—That portion not contained within Assembly District 71.

CT 996.03—That portion not contained within Assembly District 71.

CT 997.02—That portion not contained within Assembly District 71.

CT 997.03—That portion contained within the city limits of the City of Huntington Beach.

Assembly District 59: Assembly District 59 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4335
CT 4337
CT 4338
CT 4803
CT 4804

CT 4808.01
CT 4808.02
CT 4809
CT 4810
CT 4815
CT 4816.01
CT 4816.02
CT 4817.01
CT 4817.02
CT 4818
CT 4819.01
CT 4819.02
CT 4820.01
CT 4820.02
CT 4821.01
CT 4821.02
CT 4822
CT 4826
CT 4827
CT 4828
CT 5004.01
CT 5004.02
CT 5005
CT 5006
CT 5007
CT 5008
CT 5009
CT 5010
CT 5014
CT 5022
CT 5024
CT 5025
CT 5026.01
CT 5026.02
CT 5027
CT 5300.01
CT 5300.02
CT 5301.01
CT 5301.02
CT 5302.01
CT 5302.02
CT 5320
CT 5321
CT 5322

Partial Census Tracts:

CT 4083.02—That portion contained within Block 141.

CT 4084.02—That portion contained within Blocks 908 and 930.

CT 4334—That portion contained within the following Blocks: 506, 512, 602, 603, 604, and 607.

CT 4824.02—That portion contained within the following Blocks: 204, 223, 224, and 226.

CT 4825.02—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 110, 111, 112, 113, 114, 115, 116, 117, 121, 201, 202, 204, 208, 209, 219, 301, 302, 303, 304, 306, 307, 308, 309, 310, 314, 319, 320, 401, 402, 403, 404, 405, 406, 408, and 410.

CT 5003—That portion contained within the following Blocks: 108, 109, 112, 113, 114, 115, 117, 121, 122, 123, 901, 903, 910, 911, 912, and 913.

CT 5012—That portion contained within the following Blocks: 104, 105, 106, 109, 110, 111, 113, 114, 115, 116, 117, 118, 119, 202, 204, 205, 206, 207, 208, 210, 216, 217, 218, 219, 226, and 227.

CT 5013—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 308, 310, 401, 402, 404, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 517, 518, 519, 601, 602, 603, 604, 606, 607, 608, 609, 612, 702, 703, 704, 705, 706, 707, 708, 709, 710, and 711.

CT 5015.02—That portion contained within the following Blocks: 309, 310, 311, 312, 313, 314, 315, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, and 514.

CT 5018—That portion contained within the following Blocks: 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 405, 406, 414, 416, 417, 503, 504, 505, 506, 507, 508, 509, 510, 601, 602, 603, 604, 605, 606, 607, and 608.

CT 5020.02—That portion contained within the following Blocks: 110, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 302, 303, 304 through 314, and 401 through 405.

CT 5021—That portion contained within the following Blocks: 112, 201, 205, 206, 207, 208, 211, 213, 214, 215, 216, 217, 218, 220, 221, 222, 223, 224, 226, 301, 302, 304, 305, 306, 307, 308, 309, 310, and 311.

CT 5023—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 109, 112, 117, 202, 203, 204, 206, 207, 208, 213, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 405, 406, 407, 408, 410, 501, 502, 503, 505, 506, 507, 508, 510, 513, 516, 517, 518, 601, 602, 606, 607, 608, 609, 610, 611, 612, 614, and 615.

CT 5318—That portion contained within the following Blocks: 308, 309, and 310.

Assembly District 60: Assembly District 60 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4047
CT 4048
CT 4049
CT 4050
CT 4051
CT 4052

CT 4053
CT 4055
CT 4056
CT 4067
CT 4068
CT 4069
CT 4070
CT 4071.01
CT 4071.02
CT 4072
CT 4073
CT 4074
CT 4075
CT 4076
CT 4077
CT 4078
CT 4083.01
CT 4083.03
CT 4322
CT 4323
CT 4324
CT 4325
CT 4326
CT 4327
CT 4328
CT 4329
CT 4331
CT 4332
CT 4333
CT 4336.01
CT 4336.02
CT 4339
CT 4340
CT 4813
CT 4823.02
CT 4824.01
CT 4825.01

Partial Census Tracts:

CT 4033.02—That portion contained within the following Blocks: 907, 908, 919, 920, and 931.

CT 4054—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 202, 203, 205, 206, 207, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 402, 403, 404, 405, 406, 407, and 408.

CT 4057—That portion contained within the following Blocks: 102, 304, 305, 307, 308, 309, 311, 312, 402, 403, 404, 405, 407, and 408.

CT 4062—That portion contained within the following Blocks: 210, 211, 212, 213, 214, 215, 216, and 217.

CT 4065—That portion contained within Blocks 404 and 406.

CT 4079—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 115, 203, 204, 205, 206, 207, 208, 209, 210, 211, and 212.

CT 4082.01—That portion contained within the following Blocks: 105, 106, 166, 167, 171, 218, 220, 245, 246, 250, 251, 252, 253, 255, 306, 311, 312, 313, 314, 315, 319, 320, and 322.

CT 4082.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 208, 212, 213, 216, 217, 218, 220, 221, 230, 233, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 252, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 339, and 340.

CT 4083.02—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 107, 108, 119, 123, 124, 125, 126, 131, 132, 133, 134, 135, 136, 137, 138, 139, and 140.

CT 4315—That portion contained within the City of El Monte.

CT 4334—That portion not contained in Assembly District 59.

CT 4824.02—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 109, 110, 111, 115, 116, 118, 119, 203, 205, 206, 215, 217, and 225.

CT 4825.02—That portion contained within Blocks 207 and 220.

Assembly District 61: Assembly District 61 shall consist of the part of San Bernardino County not contained within Assembly District 34, Assembly District 65, or Assembly District 66.

Assembly District 62: Assembly District 62 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 4002.01
CT 4002.02
CT 4003
CT 4004.01
CT 4004.02
CT 4005
CT 4006
CT 4008
CT 4009
CT 4010.01
CT 4010.02
CT 4011.01
CT 4011.02
CT 4012.01
CT 4012.02
CT 4012.03
CT 4013.02
CT 4013.11
CT 4013.12
CT 4016
CT 4018
CT 4019.01

CT 4019.02
CT 4020
CT 4035
CT 4036
CT 4037.01
CT 4037.21
CT 4037.22
CT 4038
CT 4039.01
CT 4039.02
CT 4040
CT 4041
CT 4042
CT 4043
CT 4044
CT 4045
CT 4046
CT 4058
CT 4059
CT 4060
CT 4061.01
CT 4061.02
CT 4063
CT 4064.01
CT 4064.02
CT 4312
CT 4314
CT 4319
CT 4320
CT 4321.01
CT 4321.02
CT 4801.01
CT 4812.01

Partial Census Tracts:

CT 4015—That portion not contained within the City of Pomona.

CT 4017.01—That portion not contained within the City of Pomona.

CT 4054—That portion contained within Block 204.

CT 4057—That portion contained within the following Blocks: 101, 104, 105, 106, 107, 109, 110, 111, 201, 202, 203, 206, 207, 208, 209, 210, 301, and 406.

CT 4062—That portion contained within the following Blocks: 112, 115, 120, 121, 122, 123, 124, 202, 204, 205, 206, 207, 208, 209, and 218.

CT 4065—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 303, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 317, 405, 505, 506, and 507.

CT 4066.01—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 108, 109, 112, 117, 118, 209, 210, 211, 301, 302,

303, 304, 305, 306, 307, 308, 309, and 310.

CT 4066.02—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, and 107.

CT 4080.01—That portion contained within the following Blocks: 101, 102, 103, 104, and 106.

CT 4311—That portion contained within the following Blocks: 601, 603, and 604.

CT 4313—That portion contained within the following Blocks: 109, 202, 203, 204, 205, 206, 207, 208, 209, 215, 302, 303, 304, 305, 306, 307, and 308.

CT 4315—That portion not contained in Assembly District 60 or 64.

CT 4318—That portion not contained in Assembly District 61.

CT 4800.01—That portion not contained in Assembly District 61.

Assembly District 63: Assembly District 63 shall consist of the part of Los Angeles County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 5027
CT 5028
CT 5029.01
CT 5029.02
CT 5030
CT 5031.02
CT 5041.02
CT 5500
CT 5501
CT 5502
CT 5503
CT 5504
CT 5505
CT 5506
CT 5507
CT 5508
CT 5509
CT 5510
CT 5511
CT 5512
CT 5513
CT 5514
CT 5515
CT 5516
CT 5517
CT 5518
CT 5519
CT 5520
CT 5521
CT 5522
CT 5523

CT 5524
CT 5526
CT 5527
CT 5528
CT 5529
CT 5530
CT 5534
CT 5545.11
CT 5545.12
CT 5545.13
CT 5545.14
CT 5545.15
CT 5545.16
CT 5545.17
CT 5545.18
CT 5545.19
CT 5545.21
CT 5545.22
CT 5546
CT 5547
CT 5548.01
CT 5548.02
CT 5549
CT 5551.01
CT 5551.02
CT 5552.01

Partial Census Tracts:

CT 5020.01—That portion contained within the following Blocks: 304, 305, 306, 307, and 308.

CT 5020.02—That portion not contained in Assembly District 64.

CT 5021—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 107, 108, 109, 110, and 111.

CT 5023—That portion contained within the following Blocks: 107, 108, 111, 113, 115, and 118.

CT 5031.01—That portion contained within the following Blocks: 101, 102, 104, 105, 106, 108, 109, 112, 113, 114, 115, 116, 117, 401, 403, 404, 405, 406, 407, 408, 409, 410, and 411.

CT 5032.01—That portion contained within the following Blocks: 203, 204, 205, 206, 301, and 315.

CT 5032.02—That portion contained within the following Blocks: 119, 120, 121, 203, 205, 206, 208, 213, and 214.

Assembly District 64: Assembly District 64 shall consist of the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 11.01
CT 11.02
CT 11.03
CT 12

CT 13.01
CT 13.02
CT 14.01
CT 14.02
CT 14.03
CT 14.04
CT 15.01
CT 15.02
CT 15.03
CT 15.04
CT 15.05
CT 16.01
CT 16.02
CT 17.01
CT 17.02
CT 18.02
CT 19.01
CT 19.02
CT 19.03
CT 110
CT 111.01
CT 111.02
CT 112
CT 113
CT 114.01
CT 114.02
CT 115.01
CT 115.02
CT 116.01
CT 116.02
CT 117.07
CT 117.08
CT 117.09
CT 117.10
CT 117.11
CT 117.12
CT 117.15
CT 117.16
CT 866.01
CT 866.02
CT 867.02
CT 870.01
CT 871.01
CT 871.02
CT 871.03
CT 876.01
CT 1106.04
CT 1106.05
Partial Census Tracts:

CT 18.01—That portion not contained in Assembly District 71.
CT 117.13—That portion contained within the City of Placentia.
CT 117.14—That portion contained within the City of Placentia.
CT 117.17—That portion contained within the Cities of Placentia and Brea.
CT 117.18—That portion not contained within the City of Yorba Linda.
CT 218.05—That portion not contained withn the City of Yorba Linda.
CT 218.10—That portion contained within the City of Placentia.
CT 218.11—That portion contained within the City of Placentia.
CT 218.13—That portion contained within the City of Placentia.
CT 865.01—That portion not contained within Assembly District 72.
CT 867.01—That portion not contained within Assembly District 71.
CT 868.03—That portion not contained within Assembly District 71.
CT 869.03—That portion not contained within Assembly District 71.
CT 870.02—That portion not contained within Assembly District 72.
CT 871.04—That portion not contained within Assembly District 72.
CT 872—That portion not contained within Assembly District 72.
CT 874.01—That portion not contained within Assembly District 72.
CT 875.01—That portion not contained within Assembly District 72.
CT 876.02—That portion not contained within Assembly District 72.
CT 877.01—That portion not contained within Assembly District 72.
CT 877.04—That portion not contained within Assembly District 72.
CT 1106.01—That portion not contained within Assembly District 71.

Assembly District 65: Assembly District 65 shall consist of the part of Los Angeles County contained within the City of Pomona and its entrapped unincorporated area together with the portion of CT 4017.02.
together with the part of San Bernardino County contained within the following whole and partial census tracts:
Whole Census Tracts:
CT 1
CT 2
CT 3
CT 4
CT 5

CT 6.01
CT 6.02
CT 7
CT 10
CT 11
CT 12
CT 14
CT 15
CT 16
CT 17
CT 18
CT 19
CT 25
CT 26

Partial Census Tracts:

CT 13—That portion contained within the following Blocks: 102, 104, 105, 108, 109, 110, 111, 112, 114, 116, 126, 127, 128, 129, 130, 141, 142, 201, 202, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 321, 322, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 501, 502, 503, 504, 505, 506, 507, 508, 509, 511, 512, 513, 514, 515, 516, 517, 518, 519, 601, 606, 608, 610, 612, 613, 614, 615, 702, 703, 704, 707, 708, 709, 710, 711, 712, 722, 723, 724, 725, 727, 728, 729, 801, 803, 804, 806, 807, 808, 809, 810, and 811.

CT 21—That portion not contained in the City of Rancho Cucamonga.

CT 22—That portion contained within the following Blocks: 309, 310, 311, 904, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 928, 929, 930, 933, 934, 935, 942, 943, 944, 947, 949, 961, 962, 963, 964, 965, 966, 967, 968, 971, 972, 973, 974, 975, 976, 977, 979, 980, 982, 983, 984, 985, 986, 987, 988, 989, 990, 992, 993, 994, 996, and 997.

CT 24—That portion not contained in the City of Fontana.

CT 32—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 107, 108, 109, 201, 204, 205, 215, 216, 401, 402, 403, 404, and 405.

CT 33—That portion contained within the following Blocks: 103, 104, 105, 106, 116, 117, 118, 119, 205, 407, and 409.

CT 40—That portion contained within Block 204.

Assembly District 66: Assembly District 66 shall consist of the part of San Bernardino County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 23
CT 27
CT 28
CT 29
CT 30

CT 31
CT 34
CT 35
CT 36
CT 37
CT 38
CT 39
CT 41
CT 42
CT 43
CT 44
CT 45
CT 46
CT 47
CT 48
CT 49
CT 50
CT 51
CT 52
CT 53
CT 54
CT 55
CT 56
CT 57
CT 58
CT 59
CT 60
CT 61
CT 62
CT 63
CT 64
CT 65
CT 66
CT 67
CT 68
CT 69
CT 70
CT 72
CT 74.01
CT 74.02
CT 75
CT 77

Partial Census Tracts:

CT 20—That portion contained within the following Blocks: 672, 698, 945, 946, 947, 986, 988, 989, 992, 994, 995, 998, and 999.

CT 24—That portion contained within the following Blocks: 101, 207, 208, and 303.

CT 32—That portion contained within the following Blocks: 203, 301, 302, 303, 304, 305, 306, 307, 308, 310, 320, and 321.

CT 33—That portion contained within the following Blocks: 101, 102, 202, 203, 204, 207, 217, 218, 219, 301, 302, 304, 305, 306, 307, 308, 318, 319, 401, 402, 403, 404, 405, 410, and 411.

CT 40—That portion contained within the following Blocks: 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 201, 202, 203, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 232, 242, 243, 244, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 401, 402, 403, 404, 405, 406, 407, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 442, 501, 502, 503, 505, 901, 904, 905, 910, 911, 912, 914, 916, 919, 920, 921, and 922.

CT 71—That portion contained within the following Blocks: 101, 102, 901, 902, 903, 905, and 910.

CT 73—That portion contained within the following Blocks: 401, 403, 404, 405, 406, 407, 510, 602, 604, 605, 609, 613, 614, 914, and 915.

CT 76—That portion contained within the following Blocks: 104, 105, 106, 107, 108, 109, 110, 111, 113, 115, 125, 126, 127, 128, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 222, 223, 302, 303, 305, 306, 307, 309, 310, 311, 312, 313, 314, 319, 320, 321, 322, 401, 402, 403, 404, 407, 409, 410, 411, 412, 413, 501, 502, 503, 504, 505, 506, 507, 508, 510, 511, 512, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 615, 616, and 901.

CT 79—That portion contained within Blocks 914 and 915.

CT 101—That portion contained within the following Blocks: 106, 901, 902, 903, 904, 905, 916, 917, 918, 919, 922, 924, 926, 927, 930, and 931; together with the following EDs: 27, 28T, 28U, 28V, 29T, 29V, 30, 31, 32T, 32U, 33, 34, 35T, 35U, 35V, and 43A.

Assembly District 67: Assembly District 67 shall consist of the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 218.02
CT 218.06
CT 218.07
CT 218.08
CT 218.09
CT 218.12
CT 219.03
CT 219.04
CT 219.05
CT 219.06
CT 219.07
CT 219.09
CT 525.02
CT 744.04
CT 753.01
CT 753.02
CT 753.03

CT 754.01
CT 754.03
CT 754.04
CT 754.05
CT 755.04
CT 755.05
CT 755.07
CT 755.08
CT 755.09
CT 757.01
CT 757.02
CT 757.03
CT 758.02
CT 758.03
CT 758.04
CT 758.05
CT 758.06
CT 758.07
CT 758.08
CT 758.09
CT 758.10
CT 759.01
CT 759.02
CT 760.00
CT 761.02
CT 762.01
CT 762.02
CT 762.04
CT 762.05
CT 762.06
CT 762.07
CT 762.08
CT 863.04
CT 863.05
CT 863.06
CT 864.02
CT 864.04
CT 864.05
CT 864.06
CT 864.07
CT 875.04

Partial Census Tracts:

CT 117.13—That portion not contained in Assembly District 69.
CT 117.14—That portion not contained in Assembly District 69.
CT 117.17—That portion not contained in Assembly District 69.
CT 117.18—That portion not contained in Assembly District 69.
CT 218.05—That portion contained within the City of Yorba Linda.
CT 218.10—That portion not contained in Assembly District 69.

CT 218.11—That portion not contained in Assembly District 69.
CT 218.13—That portion not contained in Assembly District 69.
CT 219.08—All except that portion contained in the unincorporated area in Block Group 4.
CT 524.06—That portion contained within the City of Tustin.
CT 524.07—That portion contained within the City of Tustin.
CT 525.01—That portion contained within the City of Tustin.
CT 744.03—That portion not contained in Assembly District 72.
CT 755.06—That portion contained within the City of Tustin.
CT 756.01—That portion contained within the Cities of Tustin and Orange, and the unincorporated area contained within Block 903.
CT 756.02—That portion contained within the City of Tustin and the unincorporated area southeast of the Tustin city boundary.
CT 756.03—That portion contained within the City of Tustin.
CT 761.01—That portion not contained in Assembly District 72.
CT 761.03—That portion not contained in Assembly District 72.
CT 863.01—That portion not contained in Assembly District 72.
CT 863.03—That portion not contained in Assembly District 72.

Assembly District 68: Assembly District 68 shall consist of the part of Riverside County contained within the following whole and partial census tracts:

Whole Census Tracts:
CT 301
CT 302
CT 303
CT 307
CT 308
CT 309
CT 310
CT 311
CT 313
CT 314.01
CT 314.02
CT 315.01
CT 315.02
CT 316
CT 401
CT 402
CT 403
CT 404
CT 405
CT 410
CT 411
CT 412
CT 413
CT 421
CT 422.02
CT 422.03
CT 422.04

CT 423
CT 424
CT 425.01
CT 428
CT 429
CT 438.02
CT 438.03
CT 438.04
CT 439
CT 440
CT 441
CT 442
CT 443
CT 445.02
CT 452.02
CT 453
CT 454
CT 455
CT 457.01
CT 457.02
CT 458
CT 459
CT 460
CT 461
CT 462

Partial Census Tracts:

CT 304—That portion contained within the following Block Groups: 1, 3, 4, and 5; together with that portion contained within the following Blocks: 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 214, 216, 220, 223, 224, 227, 228, 229, 230, and 231.

CT 305—That portion contained within the following Block Groups: 1, 2, 4, and 5; together with that portion contained within the following Blocks: 301, 302, 303, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and 322.

CT 420.02—That portion contained within the following Block Groups: 1, 3, and 4; together with that portion of the following Blocks: 204, 205, 206, 207, 219, 220, 221, 223, 224, 225, 226, and 299; and together with Enumeration District 753.

CT 425.02—That portion contained within the following Blocks: 102, 103, 903, 910, 911, 912, and 913.

CT 426—That portion contained within the following Enumeration Districts: 651, 687, and 688.

CT 427.04—That portion contained within the following Enumeration Districts: 652, 653, 654, 655, 672, 682, 693A, 693B, and 694.

CT 430—That portion contained within the following Enumeration Districts: 727, 728T, 728U, 728V, 729T, 729U, 729V, and 743.

CT 445.01—That portion contained within the following

Enumeration Districts: 410, 412W, and 412Y.

CT 452.01—That portion contained within Block Groups 4 and 9; together with that portion contained within Blocks 801 and 806; and together with that portion contained within Enumeration Districts 338 and 339A.

CT 456.01—That portion contained within the following Block Groups: 1, 2, 3, and 4; and together with that portion contained within the following Enumeration Districts: 335, 366, and 370.

Assembly District 69: Assembly District 69 shall consist of the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 525.03
CT 525.04
CT 525.05
CT 525.06
CT 525.07
CT 525.08
CT 525.09
CT 525.10
CT 626.11
CT 626.12
CT 626.13
CT 626.14
CT 626.15
CT 626.16
CT 632.01
CT 632.02
CT 637
CT 638.02
CT 638.03
CT 638.05
CT 638.06
CT 638.07
CT 638.08
CT 639.02
CT 639.03
CT 639.04
CT 639.05
CT 639.06
CT 639.07
CT 639.08
CT 740.04
CT 740.06
CT 741.04
CT 741.05
CT 992.14
CT 992.15
CT 992.16

CT 992.17
CT 992.19
CT 992.20
CT 992.24
CT 992.25
CT 992.26
CT 992.27
CT 992.28
CT 992.29
CT 992.30
CT 992.31
CT 992.32
CT 992.33
CT 992.34
CT 992.36
CT 992.37
CT 992.38
CT 992.39
CT 992.40
CT 993.03
CT 993.05

Partial Census Tracts:

CT 524.04—That portion contained within the City of Irvine.

CT 524.05—That portion contained within the City of Irvine.

CT 524.06—All except that portion contained within the City of Tustin.

CT 524.07—That portion contained within the City of Irvine.

CT 524.08—That portion contained within the City of Irvine and that portion contained within the unincorporated area to the west.

CT 524.10—That portion contained within the City of Irvine and that portion contained within the unincorporated area to the northwest.

CT 525.01—That portion contained within the Cities of Santa Ana and Irvine and that portion contained within the unincorporated areas.

CT 626.04—That portion contained within the City of Irvine.

CT 626.18—That portion contained within the City of Irvine.

CT 626.21—That portion contained within the City of Irvine.

CT 631.01—That portion contained within the City of Costa Mesa.

CT 631.02—That portion contained within the City of Costa Mesa.

CT 631.03—That portion contained within the City of Costa Mesa.

CT 633—That portion contained within the City of Costa Mesa.

CT 636.01—That portion contained within the City of Costa Mesa.

CT 636.02—That portion contained within the City of Costa Mesa.

CT 740.03—That portion not contained in Assembly District 72.

CT 740.05—That portion not contained in Assembly District 72.

CT 992.02—That portion contained within the City of Fountain Valley.

CT 992.03—That portion contained within the unincorporated

area; and together with that portion contained within the City of Fountain Valley.

CT 992.04—That portion contained within the City of Fountain Valley.

CT 992.23—That portion contained within the City of Fountain Valley.

Assembly District 70: Assembly District 70 shall consist of the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 320.02
CT 320.03
CT 320.06
CT 320.07
CT 320.08
CT 320.09
CT 320.10
CT 320.11
CT 320.12
CT 320.13
CT 320.14
CT 320.15
CT 423.03
CT 423.05
CT 423.06
CT 423.07
CT 423.08
CT 423.09
CT 423.10
CT 423.11
CT 423.12
CT 423.13
CT 423.14
CT 524.09
CT 524.11
CT 626.05
CT 626.07
CT 626.08
CT 626.17
CT 626.19
CT 626.20
CT 626.22
CT 626.23
CT 627
CT 628
CT 629
CT 630.01
CT 630.04
CT 630.05

CT 630.06
CT 630.07
CT 630.08
CT 634
CT 635
CT 636.03
Partial Census Tracts:
CT 219.08—That portion not contained in Assembly District 70.
CT 422.01—That portion not contained within the City of San Juan Capistrano, together with the following Blocks: 142, 302, 303, 327, 328, 330 and 332.
CT 422.02—That portion contained within the City of San Juan Capistrano.
CT 524.04—All except that portion contained within the City of Irvine.
CT 524.05—That portion not contained within the City of Irvine.
CT 524.06—That portion contained within Block 903.
CT 524.07—That portion not contained within the City of Irvine.
CT 524.08—That portion not contained in Assembly District 73.
CT 524.10—That portion not contained in Assembly District 73.
CT 626.04—That portion not contained in Assembly District 73.
CT 626.10—That portion not contained in Assembly District 73.
CT 626.18—That portion not contained in Assembly District 73.
CT 626.21—That portion not contained in Assembly District 73.
CT 631.01—That portion not contained in Assembly District 73.
CT 631.02—That portion not contained in Assembly District 73.
CT 631.03—That portion not contained within the City of Costa Mesa.
CT 633—That portion not contained in Assembly District 73.
CT 636.01—That portion not contained in Assembly District 73.
CT 636.02—That portion not contained in Assembly District 73.
CT 755.06—All except that portion contained within the City of Tustin.
CT 756.01—That portion not contained in Assembly District 70.
CT 756.02—That portion not contained in Assembly District 70.
CT 756.03—All except that portion contained within the City of Tustin.

Assembly District 71: Assembly District 71 shall consist of the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts.
CT 868.01
CT 868.02
CT 869.01
CT 869.02
CT 878.01
CT 878.02
CT 878.03
CT 878.05

CT 878.06
CT 879.01
CT 879.02
CT 880.01
CT 881.01
CT 888
CT 889.04
CT 889.05
CT 992.22
CT 996.01
CT 997.01
CT 998.01
CT 998.02
CT 998.03
CT 999.01
CT 999.02
CT 999.03
CT 999.04
CT 1100.01
CT 1100.03
CT 1100.04
CT 1100.05
CT 1100.10
CT 1100.11
CT 1100.13
CT 1101.01
CT 1101.02
CT 1101.04
CT 1101.06
CT 1101.08
CT 1101 09
CT 1101.10
CT 1101.11
CT 1101.12
CT 1101.13
CT 1101.14
CT 1102.01
CT 1102.02
CT 1102.03
CT 1103.01
CT 1103.02
CT 1103.03
CT 1103.04
CT 1104.01
CT 1104.02
CT 1105
CT 1106.03

Partial Census Tracts:

CT 18.01—That portion of Block Groups 1 and 2 contained within

the City of Buena Park.

CT 867.01—That portion contained within the following Blocks: 302, 304, 305, 306, 307, 312, and 313.

CT 868.03—That portion of Block Group 2 contained within the City of Buena Park.

CT 869.03—That portion contained within Blocks 101 and 102.

CT 881.02—That portion of the following Blocks contained within the City of Garden Grove: 215, 222, 224, 225, and 226; together with that portion of the following Blocks contained within the City of Stanton: 111, 211, 213, 215, 218, 219, 220, 221, 222, 223, 224, 225, and 226; and together with that portion of the following Blocks not contained within the Cities of Stanton or Garden Grove: 219, 222, and 224.

CT 881.03—That portion of Block Group 3 contained within the City of Stanton; and together with that portion of Block 313 not contained within the City of Stanton.

CT 992.04—That portion contained within the City of Westminster.

CT 992.11—That portion contained within the City of Westminster.

CT 992.23—That portion contained within the City of Westminster.

CT 996.02—That portion contained within the City of Westminster.

CT 996.03—That portion contained within the City of Westminster.

CT 997.02—All except that portion of Block Group 2 contained within the City of Huntington Beach.

CT 997.03—That portion not contained in Assembly District 58.

CT 1106.01—That portion contained within Blocks 113, 116, 119, 122, and 125, and all of Block Group 2.

Assembly District 72: Assembly District 72 shall consist of the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 741.01
CT 741.02
CT 741.03
CT 742
CT 743
CT 744.01
CT 745.01
CT 745.02
CT 746.01
CT 746.02
CT 747.01
CT 747.02
CT 748.01
CT 748.02
CT 748.03

CT 748.04
CT 749.01
CT 749.02
CT 750.01
CT 750.02
CT 751
CT 752.01
CT 752.02
CT 865.02
CT 873
CT 874.02
CT 874.03
CT 875.03
CT 877.03
CT 880.02
CT 882.01
CT 882.02
CT 882.03
CT 883.01
CT 883.02
CT 884.01
CT 884.02
CT 884.03
CT 885.01
CT 885.02
CT 886.01
CT 886.02
CT 887.01
CT 887.02
CT 889.01
CT 889.02
CT 889.03
CT 890.01
CT 890.02
CT 891.01
CT 891.02
CT 891.03
CT 992.01

Partial Census Tracts:

CT 740.03—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 109, 110, 111, 112, 116, 201, 202, 203, 206, 207, 208, 241, and 242.

CT 740.05—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 112, 113, 114, 115, and 116.

CT 744.03—That portion contained within the following Blocks: 231, 233, 234, 237, and 238.

CT 761.01—That portion contained within Blocks 604 and 605.

CT 761.03—Those portions of Blocks 108, 118, and 120 contained within the City of Garden Grove; together with that portion

contained within the followiong Blocks: 111, 112, 113, 114, 115, 122, 123, 126, 127, 128, 129, 130, and 131.

CT 863.01—That portion contained within Block Groups 2 and 3.

CT 863.03—That portion contained within the following Blocks: 109, 111, 115, 120, 126, 128, 129, 131, 132, 133, 207, 208, 214, 218, 219, and 220.

CT 865.01—That portion contained within the following Blocks: 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 205, 206, 207, 208, 209, and 210.

CT 870.02—That portion contained within the following Blocks: 203, 204, 205, 206, 207, 208, 301, 302, and 303.

CT 871.04—That portion contained within the following Blocks: 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 219, and 220.

CT 872—That portion contained within the following Blocks: 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 306, 307, 308, and 309.

CT 874.01—That portion contained within Block Groups 1, 2, and 3.

CT 875.01—That portion contained within the following Blocks: 101, 102, 110, 111, 112, 113, 114, 115, 116, 117, 118, 121, 123, 125, 126, 127, and 128.

CT 876.02—That portion of Blocks 210 and 211 contained within the City of Garden Grove; together with that portion of the following Blocks: 301, 302, 303, 305, 306, 307, 309, 310, and 311.

CT 877.01—That portion contained within the following Blocks: 302, 303, 305, 306, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 408, and 409.

CT 877.04—That portion contained within the following Blocks: 201, 202, 203, 204, 205, 301, 302, and 303.

CT 881.02—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 120, and 121; together with that portion of Blocks 220 and 222 contained within the City of Garden Grove

CT 881.03—That portion contained within the following Blocks: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 301, 306, 307, 312, and 314.

CT 992.02—That portion contained within the following Blocks: 102, 103, 104, 105, 107, 109, 110, 111, 112, 118, 122, 123, 124, 125, 126, 127, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, and 215.

CT 992.03—That portion contained within the following Blocks: 101, 102, 103, 104, 106, 110, 111, 112, 113, 121, 122, 123, 125, 127, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, and 212.

Assembly District 73: Assembly District 73 shall consist of the part of Riverside County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 306

CT 312

CT 317
CT 406.01
CT 406.02
CT 407
CT 408.02
CT 408.03
CT 408.04
CT 408.05
CT 409
CT 414.01
CT 414.02
CT 415
CT 416
CT 417.01
CT 417.02
CT 418.01
CT 418.02
CT 419.01
CT 419.02
CT 420.01
CT 422.01
CT 425.03
CT 427.02
CT 427.03
CT 431
CT 433.02
CT 433.03
CT 434.01
CT 434.02
CT 435.01
CT 435.02
CT 436
CT 437
CT 446
CT 447
CT 448.02
CT 448.03
CT 449.01

Partial Census Tracts:

CT 304—That portion contained within the following Blocks: 218, 219, 221, 222, 224, 225, and 226.

CT 305—That portion contained within the following Blocks: 316, 317, 318, 319, and 320.

CT 420.02—That portion contained within Block Group 9; together with that portion contained within the following Blocks: 201, 202, 203, 227, 231, 232, and 602; and together with that portion contained within the following Enumeration Districts: 723, 724, and 725.

CT 425.02—That portion contained within Block Group 2;

together with that portion contained within the following Blocks: 101, 106, 107, 108, 109, 901, 904, 905, 906, 907, 908, 914, 915, 916, 917, 918, and 919; and together with that portion contained within Enumeration District 990.

CT 426—That portion contained within Block Groups 1, 2, 4, 5, and 6; together with that portion contained within Enumeration Districts 685 and 686.

CT 427.04—That portion contained within Block 101; together with that portion contained within the following Enumeration Districts: 663, 664, 665, 666, 667, 668, 669, 670, 671, 689T, 689U, 689V, 690, 691, 692, and 693A.

CT 430—That portion contained within Enumeration Districts 742 and 744.

CT 433.01—That portion contained within Block Groups 1 and 9; together with that portion contained within Enumeration District 646.

CT 444—That portion contained within Block Group 1; together with that portion contained within the following Enumeration Districts: 541T, 541U, 541V, 541W, 542U, 542V, 542W, 543, 545A, and 545B.

Assembly District 74: Assembly District 74 shall consist of the part of Orange County contained within the following whole and partial census tracts:

Whole Census Tracts.

CT 421.01
CT 421.02
CT 421.03
CT 421.04

Partial Census Tracts:

CT 422.01—That portion contained within the following Blocks: 102, 103, 108, 109, 110, 111, 135, 137, 139, 140, 144, 145, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 238, 239, 240, 245, 246, 247, 248, 249, 250, 252, 254, 309, 310, 318, 326, 329, 331, 333, 334, and 338.

CT 422.02—All except that portion contained within Block Groups 2 and 9; together with that portion contained within the City of San Juan Capistrano.

together with the part of San Diego County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 171.01
CT 178.01
CT 178.03
CT 178.04
CT 179
CT 180
CT 181
CT 182

CT 183
CT 184
CT 185.01
CT 185.02
CT 185.04
CT 185.05
CT 185.06
CT 186.01
CT 186.03
CT 186.04
CT 186.05
CT 187
CT 188
CT 189.01
CT 189.02
CT 190
CT 191.01
CT 191.02
CT 192.01
CT 192.02
CT 193
CT 194
CT 195
CT 196
CT 197
CT 198
CT 199
CT 200.02
CT 200.03
CT 200.04
CT 200.05

Partial Census Tracts:

CT 201.02—That portion not contained within the City of Escondido.

CT 203.02—That portion contained within the following Blocks: 201, 206, 902, 907, 909, and 910; and together with that portion contained within the City of San Marcos.

CT 203.03—That portion contained within the City of San Marcos.

Assembly District 75: Assembly District 75 shall consist of the part of San Diego County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 70.02
CT 71
CT 72
CT 73.02
CT 81.01
CT 81.02
CT 82

CT 83.01
CT 83.03
CT 83.05
CT 83.06
CT 83.07
CT 83.10
CT 83.11
CT 83.12
CT 83.13
CT 83.14
CT 83.15
CT 83.16
CT 83.17
CT 83.18
CT 83.19
CT 83.20
CT 83.21
CT 83.22
CT 83.23
CT 83.24
CT 85.01
CT 85.02
CT 85.03
CT 94
CT 99.01
CT 102
CT 103
CT 104
CT 105
CT 106.01
CT 106.02
CT 106.03
CT 107
CT 108
CT 109
CT 110
CT 111
CT 112
CT 113
CT 170.16
CT 170.17
CT 171.02
CT 172
CT 173.01
CT 173.02
CT 174.01
CT 174.02
CT 175
CT 176

CT 177
Partial Census Tracts:
CT 73.01—That portion not contained in Assembly District 78.
CT 75—That portion contained within the following Blocks: 401, 402, 403, 404, 407, 408, 409, 410, 411, 412, 413, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 601, 604, 605, and 609.
CT 76—That portion not contained in Assembly District 78.
CT 79.01—That portion not contained in Assembly District 78.
CT 80.01—That portion not contained in Assembly District 78.
CT 80.02—That portion not contained in Assembly District 78.
CT 101.03—That portion not contained in Assembly District 80.
CT 101.05—That portion not contained in Assembly District 80.
CT 203.02—That portion located outside of the City of Escondido.
CT 204—That portion not contained in Assembly District 76.

Assembly District 76: Assembly District 76 shall consist of the part of Riverside County contained within the following whole and partial census tracts:

Whole Census Tracts:
CT 432
CT 449.02
CT 449.03
CT 450
CT 451.02
CT 451.03
CT 451.04
CT 456.02
Partial Tracts:
CT 433.01—That portion not contained in Assembly District 73.
CT 444—That portion not contained in Assembly District 73.
CT 445.01—That portion not contained in Assembly District 73.
CT 452.01—That portion not contained in Assembly District 73.
CT 456.01—That portion not contained in Assembly District 73

together with the part of San Diego County contained within the following whole and partial census tracts:

Whole Census Tracts:
CT 135.01
CT 135.02
CT 136.01
CT 136.02
CT 155
CT 168.02
CT 168.03
CT 168.04
CT 169
CT 170.05
CT 170.06
CT 170.07
CT 170.08
CT 170.09

CT 170.10
CT 170.11
CT 170.12
CT 170.13
CT 170.14
CT 170.15
CT 170.18
CT 201.01
CT 202.01
CT 202.02
CT 202.03
CT 202.04
CT 202.05
CT 203.01
CT 205
CT 206.01
CT 206.02
CT 207.01
CT 207.03
CT 207.04
CT 208
CT 209.01
CT 209.02
CT 210
CT 212.01
CT 212.02

Partial Census Tracts:

CT 100.07—That portion contained within Block Group 1; together with that portion contained within the area south of Otay Mesa Road and west of Alta Road; and together with that portion contained within Enumeration District 314.

CT 133.05—That portion contained within the following Blocks: 120, 124, 904, 905, 906; and together with that portion contained within Enumeration District 313.

CT 134.04—That portion contained within the following Blocks: 102, 103, 104, 107, 112, 201, 202, 203, 204, 314P, 401, 402, 405, 406 and 862.

CT 168.05—All except that portion contained within the City of El Cajon.

CT 201.02—That portion not contained in Assembly District 74.

CT 203.02—That portion not contained in Assembly District 74.

CT 203.03—That portion not contained in Assembly District 74.

CT 204—That portion contained within the following Blocks: 101, 102, 103, 106, 107, 108, 110, 111, 112, 113, 114, 115, 128, 129, 130, 141, 143, 148, 149, 150, 151, 152, 153, 154, 155, 601, 903, and 914.

CT 211—That portion not contained in Assembly District 80.

CT 213—That portion not contained in Assembly District 80.

Assembly District 77: Assembly District 77 shall consist of the part of San Diego County contained within the following whole and

partial census tracts:
Whole Census Tracts:
CT 20.01
CT 20.02
CT 28.01
CT 29.01
CT 95.01
CT 95.02
CT 95.03
CT 95.04
CT 96.02
CT 96.03
CT 96.04
CT 97.03
CT 97.04
CT 97.05
CT 97.06
CT 98.01
CT 98.02
CT 98.04
CT 98.05
CT 137
CT 145
CT 146
CT 147
CT 148.01
CT 148.03
CT 148.04
CT 149
CT 150
CT 151
CT 152
CT 153.01
CT 153.02
CT 154.02
CT 154.03
CT 154.04
CT 156.01
CT 156.02
CT 157.01
CT 157.02
CT 158
CT 159
CT 160
CT 161
CT 162.01
CT 162.02
CT 163
CT 164.01

CT 164.02
CT 165.01
CT 165.02
CT 166.03
CT 166.05
CT 166.06
CT 166.07
CT 166.08
CT 166.09
CT 166.10
CT 166.11
CT 167.01
CT 167.02
Partial Census Tract·
CT 138—That portion contained within the City of La Mesa.
CT 168.05—That portion contained with the City of El Cajon.

Assembly District 78: Assembly District 78 shall consist of the part of San Diego County contained within the following whole and partial census tracts:

Whole Census Tracts:
CT 1
CT 2
CT 3
CT 4
CT 5
CT 6
CT 9
CT 10
CT 11
CT 12
CT 16
CT 17
CT 18
CT 19
CT 21
CT 22
CT 23
CT 24
CT 27.01
CT 27.02
CT 27.03
CT 28.02
CT 29.02
CT 29.03
CT 43
CT 44
CT 55
CT 56
CT 57

CT 59
CT 60
CT 61
CT 65
CT 66
CT 68
CT 69
CT 70.01
CT 74
CT 77
CT 78
CT 79.02
CT 85.04
CT 85.05
CT 85.06
CT 85.07
CT 85.09
CT 85.10
CT 85.11
CT 85.12
CT 85.13
CT 86
CT 87.01
CT 87.02
CT 88
CT 89
CT 90
CT 91.01
CT 91.02
CT 91.03
CT 91.04
CT 91.05
CT 92.01
CT 92.02
CT 93.01
CT 93.03
CT 93.04

Partial Census Tracts:

CT 73.01—That portion contained within the following Blocks: 101, 102, 109, 110, 201, 202, 209, 210, 301, 307, 401, 405, and 406.

CT 75—That portion contained within the following Blocks: 102, 103, 104, 105, 106, 107, 108, 109, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 405, 406, 602, 603, 605, 606, 607, and 608.

CT 76—That portion contained within the following Blocks: 912, 913, 914, 919, 921, 922, 923, 924, 925, 930, 931, 932, 933, 936, 937, 938, and 939.

CT 79.01—That portion contained within the following Blocks: 105, 106, 115, 201, 210, 211, 301, 310, 311, 409, 410, 411, 412, 413, 414,

415, 416, 418, and 419.

CT 80.01—That portion contained within the following Blocks: 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 309, 312, 401, and 404.

CT 80.02—That portion contained within the following Blocks: 119, 120, 121, 122, 123, 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, and 217.

Assembly District 79: Assembly District 79 shall consist of the part of San Diego County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 7
CT 8
CT 13
CT 14
CT 15
CT 25.01
CT 25.02
CT 26
CT 27.04
CT 27.05
CT 27.06
CT 30.01
CT 30.02
CT 31.01
CT 31.02
CT 31.03
CT 31.04
CT 31.05
CT 31.07
CT 31.08
CT 32.01
CT 32.02
CT 32.03
CT 32.06
CT 33
CT 34.01
CT 34.02
CT 35
CT 36
CT 38
CT 39
CT 40
CT 41
CT 42
CT 45
CT 46
CT 47
CT 48

CT 49
CT 50
CT 51
CT 52
CT 53
CT 54
CT 58
CT 62
CT 63
CT 64
CT 99.02
CT 99.99
CT 114.99
CT 139.01
CT 139.02
CT 139.03
CT 140.01
CT 140.02
CT 141
CT 142
CT 143
CT 144

Partial Census Tracts:

CT 32.04—That portion not contained within the Cities of National City and Chula Vista.

CT 32.07—That portion not contained within the City of Chula Vista.

CT 134.01—That portion not contained within the City of Chula Vista.

CT 134.03—That portion not contained within the City of Chula Vista.

CT 138—That portion not contained within the City of La Mesa.

Assembly District 80: Assembly District 80 shall consist of the whole County of Imperial, together with the part of San Diego County contained within the following whole and partial census tracts:

Whole Census Tracts:

CT 100.01
CT 100.02
CT 100.03
CT 100.04
CT 100.05
CT 100.06
CT 101.04
CT 101.06
CT 101.07
CT 114
CT 115
CT 116

CT 117
CT 118
CT 119
CT 120
CT 121
CT 122
CT 123.01
CT 123.02
CT 124.01
CT 124.02
CT 125
CT 126
CT 127
CT 128
CT 129
CT 130
CT 131.01
CT 131.02
CT 132.01
CT 132.02
CT 133.01
CT 133.02
CT 133.03
CT 133.04

Partial Census Tracts:

CT 32.04—That portion contained within the following Blocks: 117, 119, 125, 140, 203, 204, 205, 206, 207, and 211; together with that portion of Blocks 105 and 125 contained within the City of Chula Vista; and together with that portion of Block 212 contained within the City of National City.

CT 32.07—That portion of Blocks 906 and 908 contained within the City of Chula Vista.

CT 100.07—That portion contained within Block Group 6; and together with that portion contained within the following Blocks: 102, 103, 104, and 106.

CT 101.03—That portion contained within the following Blocks: 100, 103, 104, 105, 106, 108, 109, 110, 111, 112, and 903.

CT 101.05—That portion contained within the following Blocks: 702, 703, 704, 705, 706, 707, 708, 709, 901, 903, 904, 905, 906, 907, 908, 909, and 910.

CT 133.05—That portion contained within the following Blocks: 105, 106, 107, 108, 109, 110, 114, 115, 116, 123, 126, 127, 128, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146, and 147; and together with that portion of Blocks 120 and 124 contained within the City of Chula Vista.

CT 134.01—That portion contained within the City of Chula Vista.

CT 134.03—That portion contained within the City of Chula Vista.

CT 134.04—That portion contained within the following Blocks: 105, 106, 110, 111, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311,

312, 313, and 328; and together with that portion of Block 314 contained within the City of Chula Vista.

CT 211—That portion contained within the area south of Campo Road (State Highway 94) to Shockey Truck Road to Tierra de Sol Road to State Highway 94 to Jeweli Valley Road to old Highway 80 to the Imperial County line; and together with that portion contained south of State Highway 94 east of Ribbonwood Road.

CT 213—That portion contained within the area south of Otay Mountain Road in Enumeration District 351; and together with that portion contained south of Otay Mountain Truck Road.

SEC. 6. 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.

CHAPTER 538

An act to add Section 30023 to the Elections Code, relating to elections.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 16, 1981]

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

SECTION 1. Section 30023 is added to the Elections Code, to read:

30023. Notwithstanding the provisions of Section 30022, as proposed to be added by Senate Bill No. 99 of the 1981–82 Regular Session of the Legislature, Senate Districts 2, 8, 14, 15, 17, 19, 20, 22, 23, 28, 37, and 38 shall be designated and constituted as follows:

Senate District 2: Senate District 2 shall consist of the whole Counties of Del Norte, Humboldt, Mendocino, and Solano, together with the part of the County of Sonoma contained in the following whole and partial census tracts:

CT 1501

CTs 1506.01 through 1511

CTs 1512.01 through 1513.01, except those portions located within the city limits of the City of Rohnert Park

CT 1513.04, except those portions located within the city limits of the City of Rohnert Park and that area north of Keiser Avenue and West of Petaluma Hill Road

CT 1514

CTs 1519 through 1520

CTs 1529.02 through 1530.03

CT 1530.04—That portion located within the city limits of the City of Sebastopol

CTs 1531 through 1538
CTs 1542 through 1543

Senate District 8: Senate District 8 shall consist of the part of the City and County of San Francisco contained in the following whole census tracts:

CT 171
CT 176.01
CT 177
CTs 178 through 180
CTs 215 through 332
CTs 604 through 610

together with the part of the County of San Mateo contained in the following whole and partial census tracts:

CTs 6001 through 6057
CT 6068, except that portion within the city limits of the City of San Mateo
CT 6069, except that portion within the city limits of the City of San Mateo
CT 6135—That portion within ED 1 and generally north and east of ED 1
CT 6136

Senate District 14: Senate District 14 shall consist of the whole Counties of Madera, Mariposa, Merced, and San Luis Obispo, together with the part of the Counties of Fresno and Monterey contained in the following whole and partial census tracts:

CTs 1 through 3
CT 4—That portion of CT 4 located generally west of the right-of-way of Southern Pacific Railroad (between "G" and "H" Streets from Ventura Avenue to East California Avenue
CTs 5 through 11
CTs 18 through 23
CTs 35 through 42.01
CT 42.03
CTs 47.01 through 48
CTs 75 through 84.02

together with the part of the County of Monterey contained in the following whole census tracts:

CTs 113 through 114.02

together with the part of the County of Santa Barbara contained in the following whole and partial census tracts:

CT 18—That portion of CT 18 located outside ED 381
CT 19.01—That portion of CT 19.01 located within EDs 447 and 460
CT 19.03—That portion of CT 19.03 located within ED 445
CT 19.04—That portion of CT 19.04 located within EDs 429, 440, and 441
CTs 20.01 through 20.02
CTs 20.05 through 20.06
CT 20.03—That portion of CT 20.03 located within the city limits

of the City of Santa Maria and unincorporated area not located within Senate District 18

CTs 21 through 23.01

CT 23.02—That portion of CT 23.02 located within the city limits of the City of Santa Maria

CT 24.01

CT 24.02—That portion of CT 24.02 located within the city limits of the City of Santa Maria

Senate District 15: Senate District 15 shall consist of the whole County of Tulare, together with the part of the County of Fresno contained in the following whole and partial census tracts:

CT 4—That portion of CT 4 not located within Senate District 14

CTs 12 through 17

CTs 24 through 34

CT 42.02

CTs 43 through 46

CTs 49 through 74

Senate District 17: Senate District 17 shall consist of the whole Counties of San Benito and Santa Cruz, together with the part of the County of Monterey contained in the following whole census tracts:

CTs 1 through 112

CTs 115 through 143.02

together with the part of the County of Santa Clara contained in the following whole and partial census tracts:

CTs 5120.09 through 5120.12

CTs 5120.14 through 5122, except that portion of CT 5121 within the city limits of the City of Morgan Hill

CTs 5124 through 5126, except that portion of CT 5124 within the city limits of the City of Morgan Hill

Senate District 19: Senate District 19 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:

CT 1061.01

CTs 1062 through 1063

CT 1064—That portion generally north of Polk Street

CT 1065—That portion not contained in Senate District 20

CTs 1066.02 through 1066.04

CTs 1081 through 1082

CTs 1112.01 through 1113.02

CTs 1131 through 1152.01, except that portion of CT 1151.01 and 1152.01 contained in Senate District 20

CT 1152.02—That portion of CT 1152.02 west of Reseda Boulevard

CT 1153.01—That portion north of Nordhoff Street

CT 1154.01—That portion not contained in Senate District 20

CTs 1341.01 through 1349.02, except those portions of CTs 1341.01 and 1341.02 contained within Senate District 20

CTs 1351.02 through 1371.01

CTs 1372.02 through 1374.02

CTs 1393 and 1394—Those portions of CTs 1393 and 1394 west of

Vanalden Avenue
CTs 8002 through 8003.22
CT 9108.01
CTs 9200.01 through 9203.23
together with the part of the County of Ventura contained in the following whole and partial census tracts:
CTs 52.01 through 72.02, except that portion of CT 56 located within Senate District 18
CT 73—That portion within the city limits of the City of Thousand Oaks
CTs 74.01 through 85
Senate District 20: Senate District 20 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:
CTs 1041.01 through 1048
CT 1061.02
CT 1064—That portion generally south of Polk Street
CT 1065—That portion generally south of Bledsoe Street and Herrick Avenue
CT 1066.01
CTs 1067 through 1068
CTs 1091 through 1111.02
CTs 1114.01 through 1114.02
CT 1151.01—That portion bounded by Plummer Street on the north, Louise Avenue on the west, and Nordhoff Street on the south
CT 1152.01—That portion east of Reseda Boulevard and south of Superior Street
CT 1152.02—That portion not contained in Senate District 19
CT 1153.01—That portion south of Nordhoff Street
CT 1153.02
CT 1154.01—That portion south of the Southern Pacific Railroad and east of White Oak Avenue
CTs 1154.02 through 1249.01, except that portion of 1222 generally north of Glenoaks Boulevard
CT 1251—That portion north of Magnolia Boulevard
CT 1252—That portion north of Magnolia Boulevard
CTs 1253 through 1289
CTs 1311 through 1341.01, except that portion of CT 1341.01 south of Arminta Street
CT 1341.02—That portion east of Oso Avenue and north of Lanark Street
CTs 1391 through 1394, except those portions of CT 1393 and CT 1394 west of Vanalden Avenue
CT 1398.01—That portion contained within Blocks, as designated by the United States Bureau of the Census, 101, 102, 103, 104, 109, 110, 111, 115, 126, and 128
CTs 3201 through 3203
Senate District 22: Senate District 22 shall consist of the part of the County of Los Angeles contained in the following whole and partial

census tracts:
CT 1249.02
CT 1251—That portion south of Magnolia Boulevard
CT 1252—That portion south of Magnolia Boulevard
CT 1395
CTs 1396 through 1397.03
CTs 1398.01 through 1436.02, except that portion of CT 1398.01 contained in Senate District 20
CTs 1438.01 through 1439.02
CTs 2164 through 2166
CT 2171
CTs 2183 through 2185
CTs 2198 through 2201
CTs 2611.01 through 2625
CTs 2627.02 through 2731
CT 2737
CTs 2751.01 through 2753.01
CTs 2754 through 2755
CTs 7006 through 7028.03
CT 7030.01, except that portion outside the boundaries of the City of Culver City

Senate District 23: Senate District 23 shall consist of the part of the County of Los Angeles contained in the following whole and partial census tracts:
CT 1437
CT 1852.01
CT 1853
CTs 1863 through 1922
CT 1923—That portion bounded by June Street, Melrose Avenue, Grower Street, Clinton Street, Wilcox Avenue, Rosewood Avenue, Beverly Boulevard, and back to June Street
CT 1924—That portion north of Clinton Street
CTs 1925 through 1974
CTs 2084 through 2086
CTs 2111 through 2114
CTs 2118 through 2126
CTs 2131 through 2133
CTs 2142 through 2151—Except that portion of CT 2151 east of Cochran Avenue and that portion of CT 2151 between Cochran Avenue and Burnside Avenue.
CTs 2162 through 2163
CTs 2167 through 2169
CTs 2212 through 2214.01
CT 2215.01
CT 2216.01
CTs 3101 through 3200
CTs 7001 through 7005

Senate District 28: Senate District 28 shall consist of the part of the County of Los Angeles contained in the following whole and partial

census tracts:

CTs 1923 through 1924—Except those portions within Senate District 23

CTs 2115 through 2117

CTs 2127 through 2129

CT 2141

CT 2151—That portion not in Senate District 23.

CTs 2152 through 2161

CTs 2172 through 2182

CTs 2186 through 2197

CT 2202

CTs 2341 through 2362.02

CTs 2363 through 2382

CTs 2384 through 2386

CT 2393

CT 2396

CT 2413

CTs 2732 through 2736

CTs 2738 through 2742

CT 2753.02

CTs 2756 through 2912

CTs 5409.01 through 5410.01

CT 5411

CTs 6001 through 6025.03

CTs 6027 through 6028

CT 6037.01

CT 6037.02—That portion located within the city limits of the City of Hawthorne

CTs 7029 through 7029.99

CT 7030.01—That portion outside the boundaries of the City of Culver City

CTs 7030.02 through 7032

Senate District 37: Senate District 37 shall consist of the part of the County of Orange contained in the following whole census tracts:

CT 320.10

CTs 421.01 through 423.06

CTs 423.09 through 423.14

CTs 626.04 through 626.07

CTs 626.17 through 626.20

CTs 626.23 through 630.08

CTs 634 through 635

CT 636.03

CTs 992.14 through 992.20

CTs 992.36 through 994.04

CTs 994.05 through 994.06

CTs 994.12 through 995.08

CTs 996.03 through 996.05

CTs 1100.06 through 1100.08

CT 1100.12

together with the part of the County of Riverside contained in the following whole and partial census tracts:

CTs 427.02 through 427.03

CT 427.04—That portion located within the boundaries of the City of Hemet

CTs 432 through 435.01, except that portion of CT 435.01 outside the boundaries of the City of Hemet

CT 444, except that portion located within the boundaries of the City of Palm Springs and EDs 543, 544, 545A, and 545B

together with the part of the County of San Diego contained in the following whole census tracts:

CT 155

CT 168.02 through 168.03

CTs 168.04 through 169

CTs 170.07 through 170.11

CTs 187 through 191.02

CT 192.01—That portion outside of the boundaries of the City of Vista

CT 192.02—Except those portions within the boundaries of the Cities of Vista and San Marcos

CT 207.03—Except that portion within the boundaries of the City of Escondido

CTs 208 through 209.01

CTs 212.01 through 212.02

Senate District 38: Senate District 38 shall consist of the part of the County of San Diego contained in the following whole census tracts:

CTs 77 through 85.10

CTs 85.12 through 87.01

CTs 90 through 91.04

CTs 170.05 through 170.06

CTs 170.12 through 186.05

CT 192.01—That portion within the boundaries of the City of Vista

CT 192.02—Those portions within the boundaries of the Cities of Vista and San Marcos

CTs 193 through 207.01

CT 207.04

CHAPTER 539

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

[Approved by Governor September 17, 1981 Filed with Secretary of State September 17, 1981]

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

SECTION 1. Notwithstanding the provisions of Section 24202 of the Government Code or any other provision of the law, the board of supervisors of any county may call a special election for the purpose of electing supervisors who would have been elected in 1980 but for the invalidation of the county's election by a court of appeal. The special election shall be conducted pursuant to the provisions of this act.

SEC. 2. Except as specifically provided in this act, the special election authorized in Section 1 of this act shall be proclaimed, held, 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 county general elections insofar as provisions thereof are applicable to the election authorized in this act.

SEC. 3. The dates and times specified in the Elections Code may be modified in order to accommodate the conduct of the special election. However, the special election shall be called no later than 90 days before the date of election, and nomination documents shall be delivered for filing with the county clerk not less than 43 nor more than 64 days prior to the election.

SEC. 4. If a person seeking office to the board of supervisors at the special election was also a candidate for that office at the general election which was invalidated by the court, that person shall not be required to submit additional filing fees or an in-lieu-filing-fee petition for the special election.

SEC. 5. A special election may not be called pursuant to this act until after the enactment of an ordinance redistricting the county supervisorial districts on the basis of the 1980 federal decennial census.

SEC. 6. Sections 1 to 5, inclusive, of this act shall be operative until April 1, 1982, and as of that date are repealed.

SEC. 7. Notwithstanding Section 35756 of the Education Code, within 20 days after receiving the notification provided by Section 35755 of the Education Code, the county superintendent of schools may call an election, in the manner prescribed in Part 4 (commencing with Section 5000) of Division 1 of Title 1 of the Education Code, to be conducted on December 22, 1981, in the territory of districts as determined by the State Board of Education.

This section shall be operative until January 1, 1982, and as of that date is repealed.

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 the necessity are:

In view of the fact that the June 3, 1980, county general election in Madera County has been invalidated by a court of appeal, and the

fact that existing law would prevent the voters in any county which may be similarly situated from electing members to the board of supervisors until the June 1982 general election, and in order that the provisions of this act will be applicable to elections conducted in 1981, it is necessary that this act take effect immediately.

CHAPTER 540

An act to amend Sections 14155, 14254.5, and 14255 of the Government Code, to amend Sections 1203.06 and 2709 of, and to add Chapter 11 (commencing with Section 7000) to Title 7 of Part 3 of, the Penal Code, to amend Sections 1124, 3050, 3051, 3052, 3109, and 3201 of the Welfare and Institutions Code, and to amend Items 524-301-001 to 524-301-189, inclusive, of the Budget Act of 1981 (Chapter 99 of the Statutes of 1981) as amended by Chapter 169 of the Statutes of 1981, relating to correctional, treatment, or rehabilitation facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1981 Filed with Secretary of State September 17, 1981]

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

SECTION 1. 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 Corrections with respect to any project under its jurisdiction pursuant to Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code, and the Department of General Services with respect to the construction, alteration, repair, and improvement of state buildings.

SEC 2. 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, (d) the Department of Corrections with respect to any project under its jurisdiction pursuant to Chapter

11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code, and (e) 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. 3. 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, the Department of Corrections pursuant to Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code, or the Department of General Services, the project shall be under the sole charge and direct control of the Department of Transportation.

SEC. 4. Section 1203.06 of the Penal Code is amended to read:

1203.06. Notwithstanding the provisions of Section 1203:

(a) Probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any of the following persons:

(1) Any person who personally used a firearm during the commission or attempted commission of any of the following crimes:

(i) Murder.

(ii) Assault with intent to commit murder, in violation of Section 217.

(iii) Robbery, in violation of Section 211.

(iv) Kidnapping, in violation of Section 207.

(v) Kidnapping for ransom, extortion, or robbery, in violation of Section 209.

(vi) Burglary of the first degree, as defined in Section 460.

(vii) Except as provided in Section 1203.065, rape in violation of subdivision (2) of Section 261.

(viii) Assault with intent to commit rape, the infamous crime against nature, or robbery, in violation of Section 220.

(ix) Escape, in violation of Section 4530 or 4532.

(2) Any person previously convicted of a felony specified in subparagraphs (i) through (ix) of paragraph (1), who is convicted of a subsequent felony and who was personally armed with a firearm at any time during its commission or attempted commission or was unlawfully armed with a firearm at the time of his arrest for the subsequent felony.

(b) (1) The existence of any fact which would make a person ineligible for probation under subdivision (a) shall be alleged in the accusatory pleading, 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.

(2) This subdivision does not prohibit the adjournment of criminal

proceedings pursuant to Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(3) As used in subdivision (a) "used a firearm" means to display a firearm in a menacing manner, to intentionally fire it, or to intentionally strike or hit a human being with it.

(4) As used in subdivision (a) "armed with a firearm" means to knowingly carry a firearm as a means of offense or defense.

SEC. 5. Section 2709 of the Penal Code is amended to read:

2709. All articles, materials, and supplies, produced or manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever, except that any products and byproducts of agricultural and animal husbandry enterprises or of prison vocational training programs may be sold to private persons, at public or private sale, under rules prescribed by the Director of General Services.

SEC. 6. Chapter 11 (commencing with Section 7000) is added to Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 11. MASTER PLAN CONSTRUCTION

7000. (a) The Department of Corrections shall prepare plans for, and construct facilities and renovations included within, its master plan for, which funds have been appropriated by the Legislature.

(b) "Master plan" means the department's "Facility Requirements Plan," dated April 7, 1980, and any subsequent revisions.

7001. Any power, function, or jurisdiction for planning or construction of facilities or renovations pursuant to the master plan which is conferred by statute upon the Department of General Services shall be deemed to be conferred upon the department.

7002. The department may transfer the responsibility for undertaking any aspect of the master plan to the Department of General Services or the Office of the State Architect which, upon such transfer, shall perform those functions with all deliberate speed.

7003. The department shall submit completed facility designs, proposed staffing patterns and proposed inmate work programs for the new maximum security units of Tehachapi and for all facilities included within its master plan, as defined in subdivision (b) of Section 7000, as soon as is practicable to the Judiciary Committee of the Senate and to the Criminal Justice Committee of the Assembly and the fiscal committees of the Senate and the Assembly for review and comment.

SEC. 7. Section 1124 of the Welfare and Institutions Code is amended to read:

1124. Each institution under this chapter may manufacture, repair, and assemble products or may raise produce, for use in the

institution or in any other State institution or for sale to or pursuant to contract with the public. The primary purpose of all instruction, discipline and industries shall be to benefit the inmates of the several schools and to qualify them for honorable employment and good citizenship. Moneys received from sales or contracts made or entered into under this section shall be used first to defray the expenses of the industry, including wages paid to the wards working in the industry. The wages shall be set by the director. Moneys in excess of those used to support the industry shall be deposited in the "Benefit Fund" as defined in Section 1752.5.

SEC. 8. Section 3050 of the Welfare and Institutions Code is amended to read:

3050. Upon conviction of a defendant of any crime in a municipal or justice court, or following revocation of probation previously granted, whether or not sentence has been imposed, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition or execution of the sentence, certify the defendant to the superior court and order the district attorney to file a petition for a commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

Upon the filing of such a petition, the superior court shall order the defendant to be examined by one physician. At the request of the defendant, the court shall order the defendant to be examined by a second physician. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physician or physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted If the report is to the effect that the defendant is addicted or is by reason of the repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 3052, he or she shall make an order committing such defendant to the custody of the Director of Corrections for confinement in the facility until such time as he or she is discharged pursuant to Article 5 (commencing with Section 3200), except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to

narcotics, the judge shall so certify and return the defendant to the municipal or justice court which certified the defendant to the superior court for such further proceedings as the judge of the municipal or justice court deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment, he or she may within 10 days after the making of such order, file a written demand for a jury trial in compliance with Section 3108.

SEC. 9. Section 3051 of the Welfare and Institutions Code is amended to read:

3051. Upon conviction of a defendant for any crime in any superior court, or following revocation of probation previously granted, and upon imposition of sentence, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics the judge shall suspend the execution of the sentence and order the district attorney to file a petition for commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment, and rehabilitation facility unless, in the opinion of the judge, the defendant's record and probation report indicate such a pattern of criminality that he or she does not constitute a fit subject for commitment under this section.

Upon the filing of such a petition, the court shall order the defendant to be examined by one physician; provided, that the examination may be waived by a defendant if the defendant has been examined in accordance with Section 1203.03 of the Penal Code and such examination encompassed whether defendant is addicted or is in imminent danger of addiction, and if the defendant is represented by counsel and competent to understand the effect of such waiver. At the request of the defendant, the court shall order the defendant to be examined by a second physician. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physician or physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for the ordering of the execution of the sentence. Such court may, unless otherwise prohibited by law, modify such sentence or suspend the imposition of such sentence. If the report is to the effect that the defendant is addicted or is by reason of the repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted to narcotics, the judge shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he or

she is discharged pursuant to Article 5 (commencing with Section 3200), except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, the judge shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for the ordering of execution of sentence. Such court may, unless otherwise prohibited by law, modify such sentence or suspend the imposition of such sentence.

If a person committed pursuant to this section is dissatisfied with the order of commitment, he or she may within 10 days after the making of such order file a written demand for a jury trial in compliance with Section 3108.

SEC. 10. Section 3052 of the Welfare and Institutions Code is amended to read:

3052. (a) Sections 3050 and 3051 shall not apply to any of the following:

(1) Persons convicted of any offense for which the provisions of Section 667.6 of the Penal Code apply, or any offense described in Chapter 1 (commencing with Section 450) of Title 13 of Part 1 of such code; or any person convicted of committing or attempting to commit any violent felony as defined in subdivision (c) of Section 667 5 of the Penal Code.

(2) Persons whose sentence is enhanced pursuant to subdivision (b) of Section 12022 of the Penal Code, or Section 12022.3, 12022.5, 12022.6, 12022.7, or 12022.8 of such code; or persons whose sentence is subject to the provisions of Section 3046 of the Penal Code; or persons whose conviction results in a sentence which, in the aggregate, exclusive of any credit that may be earned pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 of the Penal Code, exceeds six years' imprisonment in state prison; or persons found to come under the provisions of Section 1203.06 of the Penal Code.

(b) Notwithstanding the provisions of subdivision (a) of this section or Section 3053, the fact a person comes within Section 1203.07 of the Penal Code does not mean that he or she may not be committed and treated.

SEC. 11. Section 3109 of the Welfare and Institutions Code is amended to read:

3109. (a) If at any time following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that such person is not, because of excessive criminality or for other relevant reason, a fit subject for confinement or treatment in a facility of the Department of Corrections, the director may order such person discharged

(b) A person committed pursuant to this article who is subsequently committed to the Director of Corrections pursuant to Section 1168 or 1170 of the Penal Code shall not be a fit subject for treatment pursuant to this article and shall be ordered discharged.

SEC. 12. Section 3201 of the Welfare and Institutions Code is amended to read:

3201. (a) Except as otherwise provided in subdivisions (b) and (c) of this section, if a person committed pursuant to this chapter has not been discharged from the program prior to expiration of 16 months, the Director of Corrections shall, on the expiration of such period, return him or her to the court from which he or she was committed, which court shall discharge him or her from the program and order him or her returned to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his or her commitment or certification to the superior court.

(b) Any other provision of this chapter notwithstanding, in any case in which a person was committed pursuant to Article 3 (commencing with Section 3100), such person shall be discharged no later than 12 months after his or her commitment.

(c) Any person committed pursuant to Article 2 (commencing with Section 3050), whose execution of sentence in accordance with the provisions of Section 1170 of the Penal Code was suspended pending a commitment pursuant to Section 3051, who has spent, pursuant to this chapter, a period of time in confinement or in custody, excluding any time spent on outpatient status, equal to that which he or she would have otherwise spent in state prison had sentence been executed, including application of good behavior and participation credit provisions of Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 of the Penal Code, shall, upon reaching such accumulation of time, be released on parole under the jurisdiction of the Narcotic Addict Evaluation Authority subject to all of the conditions imposed by the authority and subject to the provisions of Article 1 (commencing with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code. A person on parole who violates the rules, regulations or conditions imposed by the authority shall be subject to being retaken and returned to the California Rehabilitation Center as prescribed in such rules, regulations, or conditions and in accordance with the provisions of Sections 3151 and 3152. At the termination of this period of parole supervision or of custody in the California Rehabilitation Center, the person shall be returned by the Director of Corrections to the court from which such person was committed, which court shall discharge him or her from the program and order him or her returned to the court which suspended execution of such person's sentence to state prison. Such court, notwithstanding any other provision of law, shall suspend or terminate further proceedings in the interest of justice, modify the sentence in the same manner as if the commitment had been recalled pursuant to subdivision (d) of Section 1170 of the Penal Code, or order execution of the suspended sentence. Upon the ordering of the execution of such sentence, the term imposed shall be deemed to have been served in full.

Except as otherwise provided in the preceding paragraph, or as

otherwise provided in Section 3200, the period of commitment, including outpatient status, for persons committed pursuant to Section 3051, which commitment is subsequent to a criminal conviction for which execution of sentence to state prison is suspended, shall equal the term imposed under Section 1170 of the Penal Code, notwithstanding good time and participation credit provisions of Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 of such code. Upon reaching such period of time, such person shall be released on parole under the jurisdiction of the Narcotic Addict Evaluation Authority subject to all of the conditions imposed by the authority and subject to the provisions of Article 1 (commencing with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code. A person on parole who violates the rules, regulations, or conditions imposed by the authority shall be subject to being retaken and returned to the California Rehabilitation Center as prescribed in such rules, regulations, or conditions and in accordance with the provisions of Sections 3151 and 3152. At the termination of this period of parole supervision or of custody in the California Rehabilitation Center the person shall be returned by the Director of Corrections to the court from which he or she was committed, which court shall discharge such person from the program and order him or her returned to the court which suspended execution of the person's sentence to state prison. Such court, notwithstanding any other provision of law, shall suspend or terminate further proceedings in the interest of justice, modify the sentence in the same manner as if the commitment had been recalled pursuant to subdivision (d) of Section 1170 of the Penal Code, or order execution of the suspended sentence. Upon the ordering of the execution of such sentence, the term imposed shall be deemed to have been served in full.

Nothing in this section shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

SEC. 13. The Department of Corrections is authorized to.

(a) Construct and establish three work-based medium security institutions, together with a service facility of lesser security with a capacity not in excess of 200 inmates, in San Diego County.

(b) Plan, including architectural programming, master planning and schematics, security institutions and services facilities at sites which the department may designate using funds appropriated by subdivision (c) of Item 524-301-001 of the Budget Act of 1981 and Chapter 1135 of the Statutes of 1979 notwithstanding any other provision of law

SEC. 14 Section 17 of Chapter 169 of the Statutes of 1981 is amended to read:

Sec 17. Items 524-301-001 to 524-301-189, inclusive, of the Budget Act of 1981 (Chapter 99, Statutes of 1981) and the provisions applicable thereto, are amended to read:

524-301-001—For capital outlay, Department of Corrections, for construction of new facilities, statewide 24,953,000
Schedule:

(a) Southern Maximum Security Complex—Tehachapi—Partial working drawings, preliminary site work, utilities and partial construction for one 500-bed unit (Unit IV A) 15,289,000

(1) Construct site development and utilities 1,650,000

(2) Unit IV A—construction (partial) 13,639,000

Provided, that notwithstanding any other provisions of law, the Department of Corrections is hereby authorized to award the construction contract for the total project with the understanding of the parties that the remaining funds required to complete the unit will be made available during the 1982–83 fiscal year.

Provided further, that in the course of designing the prepared new facilities at Tehachapi, the Department of Corrections shall identify project elements which may be deleted or downgraded to reduce project costs; these elements shall be submitted to the chairmen of the fiscal committees and the Chairman of the Joint Legislative Budget Committee by March 1, 1982, for review prior to legislative hearings on the 1982–83 Budget Bill. If the Legislature deletes or downgrades any project element during its review of the funds requested for the second 500-bed unit at Tehachapi, the department shall consider it legislative intent that these elements also be deleted from the project funded under this item.

(b) San Diego County—Medium security units and minimum security service unit-Site study and environmental study and site acquisition 5,200,000

Provided, that prior to expenditure of funds appropriated in category (b) of Item 524-301-001, the Department of Corrections, in consultation with state and local agencies, shall study and evaluate alternative sites in San Diego

County for new correctional facilities. Upon completion of the studies and appropriate administrative reviews, the department shall on or before September 1, 1981, submit to the appropriate policy committee in each house, the appropriate subcommittee of each fiscal committee, and the Joint Legislative Budget Committee a site selection report for the project. The report shall address mutually agreeable alternative sites recommended by the department in priority order.

The Legislature hereby expresses the legislative intent that prior to September 1, 1981, it would not favorably view the development of the existing state-owned site for a correctional facility. Further, it is the legislative intent that a proposal to develop an alternative site would receive strong preference by the Legislature.

Further, the department, in consultation with state and local agencies, shall include in the report a recommendation on the use of the existing state-owned property. If the final report to the specified legislative committees proposes construction of new correctional facilities on existing state-owned property, funds appropriated in category (b) may be used for site studies and environmental studies, architectural programming, master planning and schematics. Provided further, that an amount not to exceed $2,664,000 may be expended for site studies and environmental studies, architectural programming, master planning and schematics. The Director of Finance shall initiate an executive order to revert any funds in category (b) not required for site studies and environmental studies, architectural programming, master planning and schematics.

Should the final report indicate that funds related to the existing state-owned property are not required, then the department is authorized to select another site (unspecified) in southern California. Provided, that an amount not to exceed $5,200,000 may be expended for site acquisition and site study and environmental study related to a new site.

Provided further, that none of the funds appropriated in category (b) shall be allocated until the specified legislative committees have

been provided a 30-day review of the department's alternative sites and state-owned site report.

Provided further, that the State Public Works Board shall not select or authorize negotiations for acquisition of a site funded under category (b), until such site is authorized by the Legislature.

Provided further, it is legislative intent that the state and local agencies work cooperatively and expeditiously to identify a mutually agreeable site.

The Legislature hereby expresses the legislative intent that if the state-owned property is not approved for the new correctional facility, the property will be declared surplus and all proceeds from the sale of the state-owned property will be made available for appropriation to the Department of Corrections for its prison capital outlay program.

(c) Folsom—Maximum security units and minimum security service unit—Architectural programming, master planning, and schematics	2,464,000	
(d) Various—Acquisition and construction of temporary housing units	2,000,000	

524-301-036—For capital outlay, Department of Corrections, payable from Special Account for Capital Outlay 7,159,100

Schedule:

California State Prison at Folsom:

(a) Construct Security Housing Unit, #1 Building—preliminary plans, working drawings, and construction	647,000

Deuel Vocational Institution:

(c) Remodel locking devices—preliminary plans and working drawings	125,200
(d) Construct milk processing facility —preliminary plans and working drawings	52,500

Correctional Training Facility:

(f) Construct visiting room—North facility—preliminary plans, working drawings and construction	493,400

California Correctional Center:

(i) Install emergency generator—preliminary plans, working drawings, and construction	241,550
(j) Increase electrical power—preliminary plans, working drawings, and construction	188,550
San Quentin State Prison:	
(k) Waste water treatment facilities—construction	150,000
(*l*) Convert East block to MCU—preliminary plans, working drawings and construction	1,391,100
(m) Construct condemned row exercise yard—preliminary plans, working drawings and construction	141,300
(n) Hospital licensing standards—preliminary plans, working drawings, and construction	252,800
(p) Construct family visiting units—preliminary plans, working drawings, and construction	266,100
California Mens Colony.	
(q) Rebuild cell locking mechanism—Segregation—preliminary plans, working drawings, and construction	228,200
(r) Fire and life safety structural improvements—preliminary plans and working drawings	74,800
California Institution for Men:	
(u) Improve outside security—preliminary plans, working drawings, and construction	349,100
(w) Construct milk processing facility—preliminary plans, working drawings, and construction	900,000
(x) Minor capital outlay Statewide	849,900
California Rehabilitation Center:	
(z) Fire and life safety structural improvements—buildings 103 and 104—construction	776,100
Correctional Training Facility:	
(aa) Central and North—replace perimeter lighting—preliminary plans and working drawings	31,600
524-301-189—For capital outlay, Department of Corrections, payable from the Energy Account, Energy and Resources Fund	2,494,700

Schedule:

(a) Deuel Vocational Institution—cogeneration feasibility study	20,000
(b) Deuel Vocational Institution—replace fuel burners—preliminary plans and working drawings	19,500
(c) Correctional Training Facility—cogeneration system—preliminary plans and working drawings	200,200
(d) Correctional Training Facility—replace main gas lines—preliminary plans, working drawings, and construction	233,100
(e) California Correctional Center—construct direct heat geothermal system—preliminary plans, working drawings, and construction	1,463,700
(f) Sierra Conservation Center—cogeneration feasibility study	20,000
(g) California Mens Colony—install boiler heat recovery system—preliminary plans, working drawings, and construction	318,000
(h) California Mens Colony—cogeneration feasibility study	20,000
(i) California Institution for Men—cogeneration system—preliminary plans and working drawings	200,200

Provisions applicable to Item 524-301-001 through 524-301-189:—for capital outlay, Department of Corrections

1. Provided that funds appropriated pursuant to category (aa) of Item 524-301-036 and category (d) of Item 524-301-189 shall be available for transfer to Item 524-001-001 to be expended as special repairs projects.
2. The Department of Corrections shall expedite the design and construction of new correctional facilities and shall consider implementation of new design and construction techniques, such as fast-track construction and bid packages, to expedite the projects.
3. Prior to expenditure of any funds appropriated under category (x) of Item 524-301-036 for personal alarm systems, the Department of Finance shall first approve the department's plan for installation of these systems.
4. None of the funds appropriated in categories (b) and (g) of Item 524-301-189 may be expend-

ed if it is determined that a cogeneration facility is feasible at these institutions which will reduce or negate savings anticipated under the project funded in these appropriations.

5. Prior to the expenditure of construction funds appropriated in category (e) of Item 524-301-189, the Department of Finance shall submit a cost/benefit analysis for the proposed project, based on a finalized agreement for the purchase of geothermal energy from the City of Susanville, to the chairman of the fiscal committees and the Chairman of the Joint Legislative Budget Committee.
6. Provided, that the funds appropriated in Item 524-301-036, projects (d) and (w), are a loan to Correctional Industries and repayment shall be made from funds available in the Correctional Industries Revolving Fund. Payments on the loan shall be on an annual basis over a 20-year period with interest at the current rate earned on money deposited in the Pooled Money Investment Account.
7. Provided, that if legislation is enacted during the 1981–82 fiscal year which establishes a bond fund or other special fund for the construction, renovation, or replacement of correctional institutions, the amounts appropriated in this act for site and environmental study, architectural programming, master planning, schematics, site acquisition, or construction of any correctional facility shall be deemed a loan from the General Fund and shall be repaid from funds made available by that legislation if that legislation so provides.

SEC. 15. Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriation contained in Chapter 789 of the Statutes of 1978, are reappropriated for the purposes provided for in that appropriation, and shall be available for expenditure until June 30, 1984.

SEC. 16. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated from the General Fund to the Joint Rules Committee of the California Legislature for the purpose of obtaining updated information on population projections and the Department of Corrections classification system for the Report on Alternative Methods of Housing Convicted Felons submitted to the Joint Rules Committee in May 1980.

SEC. 17. (a) The Department of Corrections shall submit quarterly reports to the Legislature commencing March 31, 1982 to the

Senate Judiciary and Finance Committees and the Assembly Criminal Justice and Ways and Means Committees on the progress of efforts to add lower security beds to facilities and camps under the jurisdiction of the department, the times and locations such beds are scheduled to be added, and any reasons for delay.

(b) The Legislative Analyst shall report to the Senate Judiciary and Finance Committees and Assembly Criminal Justice and Ways and Means Committees annually and during budget hearings on the progress of the Department of Corrections to add lower security beds to facilities and camps and reasons for delay. The reports shall include comments on the sites, beds, and schedules identified by the department in its report on the expansion of the camp program as required in supplemental language of the 1980 Budget Act.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The Department of Corrections estimates that by 1985 the current capacity of the state prisons to house inmates will have been exceeded. To avoid or minimize serious overcrowding, as well as to rectify unsafe conditions in existing state prisons, it is necessary that this act take effect immediately. Furthermore, in order to implement at the earliest possible time the changes made by this act in the civil commitment and parole of narcotic addicts convicted of a crime, it is necessary that this act take effect immediately.

CHAPTER 541

An act to amend Sections 14523 and 65082 of, and to add Sections 14529.5 and 14529.6 to, the Government Code, to add Section 99313.4 to the Public Utilities Code, to amend Sections 7102, 7210, 7351, and 8651 of, to add Sections 7351.5 and 7653 to, to repeal Sections 7351.6 and 8651.4 of, and to add Part 4 (commencing with Section 9501) to Division 2 of, the Revenue and Taxation Code, to amend Sections 188.8, 189.1, and 2106 of, to amend, repeal, and add Sections 2104 and 2107 of, and to add Sections 2107.9 and 2107.10 to, the Streets and Highways Code, and to amend Sections 9250, 9252, 9255, 9258, 9265, 12814.5, 14900, 14901, and 14902 of, to add Sections 42205 and 42276 to, and to repeal and add Section 9400 of, the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1981. Filed with Secretary of State September 17, 1981]

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

SECTION 1. Section 14523 of the Government Code is amended to read:

14523. The commission shall prepare an independent evaluation of the department's budget and submit its recommendations to the Legislature not later than February 15, 1979, and not later than February 15 of each year thereafter.

The evaluation and recommendations of the commission shall include recommended adjustments of the motor vehicle fuel tax rates and commercial vehicle weight fees necessary to fund the state highway programs for the maintenance, rehabilitation, reconstruction, and operational improvements of the existing state highway system.

SEC. 2. Section 14529.5 is added to the Government Code, to read:

14529.5. (a) The Legislature finds and declares that highway construction costs have increased at a considerably higher rate than interest income from investment of transportation funds, that this trend is likely to continue in the future, and that timely expenditure of transportation funds is highly beneficial to the California taxpayers

(b) The department shall expedite project development and the expenditure of available revenues and shall keep the cash balance in the State Highway Account in the State Transportation Fund to the minimum necessary for meeting contractual obligations.

(c) The Legislature finds and declares that transportation services are vital to the economic well-being of the state and are essential for daily activities of all the people.

(d) The Legislature further finds and declares that financing transportation services through user charges has served the state well and should be continued.

(e) The Legislature further finds and declares that user charges have not kept up with the inflationary cost increases and should be adjusted to maintain the services at an adequate level.

(f) The Legislature further intends that appropriation of funds from the State Highway Account shall recognize the priorities established in Section 14529.6.

(g) It is, therefore, the intent and purpose of the Legislature, through the enactment of the act enacting this section, to provide adequate funding for necessary transportation services.

SEC. 3. Section 14529.6 is added to the Government Code, to read:

14529.6. (a) The department and the commission shall program, budget, and expend funds in the State Highway Account in the State Transportation Fund based on the following sequence of priorities:

(1) Maintenance, rehabilitation, and reconstruction of the existing highway system for the purpose of protecting the public's investment in the system.

(2) Safety improvements for the purpose of reducing the number and severity of traffic accidents.

(3) Operational improvements to the existing system for maximum service efficiency.

(4) New construction. New construction projects shall be initiated according to the following order of priority:

(A) Gap closure or uncompleted segments of new facilities projects which were contained in the 1972 Highway Program as endorsed by the California Highway Commission where construction was delayed, deferred, or discontinued as a result of the 1975 construction moratorium and subsequent changes in the planning and programming process implemented in 1977, the project was contained in the regional transportation improvement program for three consecutive years during the period of the 1977–78 fiscal year to the 1980–81 fiscal year, inclusive, and in conformance with Section 188.8 of the Streets and Highways Code, and the region is willing to submit the project as its number one priority in the regional transportation improvement program submittal for the 1982 State Transportation Improvement Program and each year thereafter. The transportation planning agency shall designate only one project as its number one priority.

At the direction of the commission, the department shall recommend the most cost-effective alternative project designs consistent with the original purpose of the proposed project, and the commission shall review, evaluate, and prioritize the projects to be programmed within available revenues.

(B) New construction on projects not included in the 1980 State Transportation Improvement Program or subparagraph (A).

(5) Other purposes, including landscape planting, litter pickup, and compatability improvements.

(b) Nothing in subdivision (a) shall preclude funding of projects pursuant to subdivision (b) of Section 1 of Article XIX of the California Constitution where there has been voter approval pursuant to Section 4 of that article.

(c) Prior to the adoption of the state transportation improvement program, the commission shall review the department's project delivery performance. The commission shall publish its findings and hold at least one public hearing. Based on its findings and the information obtained during the public hearing, the commission may make a determination that the department has not made reasonable progress with project delivery and that it is unlikely that the department can accelerate its project delivery schedule to reasonably accommodate the adopted state transportation improvement program. Upon making this determination, the commission may allocate State Highway Account funds for expenditure by counties for development, right-of-way acquisition, and construction of state highway projects included in the state transportation improvement program.

The commission, in making an allocation under this subdivision,

shall seek the recommendation of the regional transportation planning agency or county transportation commission within whose jurisdiction the county is located. The commission shall specify the amount and the purpose of the allocation. The commission may request, and the county shall accept, an audit of funds allocated to the county under this subdivision.

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.

Projects for maintenance, rehabilitation, and reconstruction shall not be included in the regional transportation improvement program.

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 those 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.

SEC. 5. Section 99313.4 is added to the Public Utilities Code, to read:

99313.4. (a) Each transportation planning agency, each county transportation commission, and the San Diego Metropolitan Transit Development Board shall create a unified transportation fund to deposit the funds allocated to it pursuant to paragraph (3) of subdivision (a) of Section 7102 of the Revenue and Taxation Code. The funds shall be reallocated to operators and to counties and cities for street and highway and public transportation purposes. Funds allocated under this section for public transportation purposes shall be subject to the requirements of this chapter applicable to local transportation funds.

(b) Upon appropriation by the Legislature of the funds transferred to the account pursuant to paragraph (3) of subdivision (a) of Section 7102 of the Revenue and Taxation Code, the secretary shall allocate, based on the ratio of the population of the area to the total state population, the funds to each transportation planning agency, each county transportation commission, and the San Diego

Metropolitan Transit Development Board for reallocation for public transportation purposes and streets and highway purposes.

SEC. 6. Section 7102 of the Revenue and Taxation Code is amended to read:

7102. The money in the fund shall, upon order of the Controller, be drawn therefrom for refunds under this part or be transferred in the following manner:

(a) All revenues, less refunds, derived under this part at the 4¾ percent rate, including the imposition of sales and use taxes with respect to the sale, storage, use, or other consumption of motor vehicle fuel, which would not have been received if the sales and use tax rate had been 5 percent and Section 6357 had not been amended at the 1971 Regular Session of the Legislature, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance.

The amount so estimated shall be transferred as follows:

(1) One hundred ten million dollars ($110,000,000), adjusted for changes in the Consumer Price Index, as determined by the Department of Labor, but not to exceed the change in the state per capita personal income, and in the population of the state, with the 1979–80 fiscal year as the base year, shall be transferred during each fiscal year to the Transportation Planning and Development Account in the State Transportation Fund.

(2) To the General Fund, one hundred twenty-seven million dollars ($127,000,000) in the 1981–82 fiscal year, one hundred forty-one million dollars ($141,000,000) in the 1982–83 fiscal year, one hundred six million dollars ($106,000,000) in the 1983–84 fiscal year, seventy-one million dollars ($71,000,000) in the 1984–85 fiscal year, thirty-five million dollars ($35,000,000) in the 1985–86 fiscal year, and nothing in the 1986–87 and subsequent fiscal years.

(3) Of any amount of the estimate not transferred pursuant to paragraphs (1) and (2), one-half shall be transferred to the State Highway Account in the State Transportation Fund and one-half shall be transferred to the Transportation Planning and Development Account for allocation pursuant to Section 99313.4 of the Public Utilities Code.

(b) The balance shall be transferred to the General Fund.

(c) The estimate required by subdivision (a) shall be based on taxable transactions occurring during a calendar year, and the transfers required by subdivision (a) shall be made during the fiscal year that commences during that same calendar year. Transfers required by paragraph (1) of subdivision (a) shall be made quarterly. Transfers required by paragraphs (2) and (3) of subdivision (a) shall be made annually during the last quarter of the fiscal year.

(d) If the sum of the transfers required by paragraphs (1) and (2) of subdivision (a) in any fiscal year exceeds the estimate made pursuant to subdivision (a), those transfers shall be reduced so that their sum equals the estimate by first reducing the transfer required by paragraph (2) and then by reducing the transfer required by

paragraph (1).

SEC. 7. Section 7210 of the Revenue and Taxation Code is amended to read.

7210. Notwithstanding Section 7203.5, the State Board of Equalization shall continue to administer the sales and use tax ordinance of any city, county, or city and county which adopts an ordinance imposing a tax on the sale, storage, use, or consumption of motor vehicle fuel pursuant to Chapter 5 (commencing with Section 99500), Part 11, Division 10 of the Public Utilities Code or Part 4 (commencing with Section 9501) of this division.

SEC. 8. Section 7351 of the Revenue and Taxation Code is amended to read:

7351. (a) For the privilege of distributing motor vehicle fuel, a license tax is hereby imposed upon distributors at the rate of seven cents ($0.07) for each gallon of fuel distributed.

(b) Notwithstanding subdivision (a), the license tax shall be imposed at the rate of nine cents ($0.09) for each gallon of fuel distributed on and after January 1, 1983, if the board is notified pursuant to subdivision (b) of Section 41 of the act amending this section during the 1981 portion of the 1981–82 Regular Session of the Legislature.

(c) If the federal fuel tax is reduced below the rate of four cents ($0.04) per gallon, the tax rate imposed by this section, on and after the date of the reduction, shall be increased by an amount so that the combined state and federal tax rate equals eleven cents ($0.11), or thirteen cents ($0.13) if the state tax rate is otherwise imposed pursuant to subdivision (b), per gallon. If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be so exempt under this section.

SEC. 9. Section 7351.5 is added to the Revenue and Taxation Code, to read:

7351.5. (a) For the privilege of storing for the purpose of sale or use in the propulsion of a motor vehicle on a highway, fuel as to the distribution of which a license tax not exceeding seven cents ($0.07) per gallon has been imposed under Section 7351, every person, except a duly licensed distributor, the government of the United States or any agency thereof, this state or any county, city and county, city, district, or any other political subdivision or agency of this state, owning 1,000 gallons or more thereof on January 1, 1983, shall pay a tax of two cents ($0.02) for each gallon of the fuel according to the volumetric measure thereof, if the license tax rate on that date is nine cents ($0.09) per gallon.

(b) For the purposes of subdivision (a), "storing" includes the possession in a container of any kind, including the fuel tanks of motor vehicles, of motor vehicle fuel and the fuel purchased from, and invoiced by, the seller prior to January 1, 1983, and in transit on that date.

For the purposes of this section, "owning" includes having title to,

possession of as a consignee or agent, or any other possessory or beneficial interest in, motor vehicle fuel.

SEC. 10. Section 7351.6 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 7653 is added to the Revenue and Taxation Code, to read:

7653. If the license tax rate on January 1, 1983, is nine cents ($0.09) per gallon, each person subject to the tax imposed under Section 7351.5, on or before February 1, 1983, shall prepare and file with the board, on forms prescribed by the board, a return showing the total number of gallons of motor vehicle fuel owned by the person on January 1, 1983, as to the distribution of which a license tax not exceeding seven cents ($0.07) per gallon has been imposed under Section 7351 and any other information that the board deems necessary for the proper administration of this part.

The return shall be accompanied by a remittance payable to the Controller in the amount of tax due.

SEC. 12 Section 8651 of the Revenue and Taxation Code is amended to read:

8651. (a) An excise tax is hereby imposed at the rate of seven cents ($0.07) for each gallon of fuel used.

(b) Notwithstanding subdivision (a), the excise tax shall be imposed at the rate of nine cents ($0.09) for each gallon of fuel used on and after January 1, 1983, if the board is notified pursuant to subdivision (b) of Section 41 of the act amending this section during the 1981 portion of the 1981–82 Regular Session of the Legislature.

(c) If the federal fuel tax is reduced below the rate of four cents ($0.04) per gallon, the tax rate imposed by this section, on and after the date of the reduction, shall be increased by an amount so that the combined state and federal tax rate equals eleven cents ($0.11), or thirteen cents ($0.13) if the state tax rate is otherwise imposed pursuant to subdivision (b), per gallon. If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be exempt under this section.

SEC. 13. Section 8651.4 of the Revenue and Taxation Code is repealed.

SEC. 14. Part 4 (commencing with Section 9501) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 4. LOCAL MOTOR VEHICLE FUEL TAXATION

9501. (a) Except as specified in subdivision (c), in addition to taxes imposed pursuant to Chapter 5 (commencing with Section 99500) of Part 11 of Division 10 of the Public Utilities Code and Part 2 (commencing with Section 7301) and Part 3 (commencing with Section 8601) of this division, on motor vehicle fuel, a tax may be imposed by a county on a countywide basis in accordance with this part.

(b) The tax shall be imposed in increments of one cent per gallon or, in the case of compressed natural gas, one cent per 100 cubic feet as measured at standard pressure and temperature.

(c) No tax shall be imposed under this part on fuel used in propelling an aircraft or a vessel.

9502. (a) Prior to imposition and collection of any tax under this part, a proposition granting authority to the county to impose the tax shall be submitted to and approved by the voters at an election. The proposition shall specify the maximum tax to be imposed and may specify the period for which the tax will be imposed.

(b) A proposition may be submitted to the voters under subdivision (a) only if (1) it is approved by the board of supervisors and a majority of the city councils of the cities having a majority of the population in the incorporated areas of the county, as provided in subdivision (c), and (2) the county and the cities within the county have a written agreement with respect to allocation of the revenues between the county and the cities.

(c) If the board of supervisors approves the proposition prior to the approval of a majority of the city councils of the cities having a majority of the population in the incorporated area of the county, the approval of the other city councils to secure both of those majorities shall be secured within one year of the approval of the board of supervisors. If the board of supervisors approves the proposition after the approval of the city councils with both of those majorities, the approval of the board of supervisors shall be made within one year of the date of the approval of the city council which results in the proposition being approved by the city councils with both of those majorities.

9503. (a) The county shall contract with the State Board of Equalization for the administration of any tax imposed under this part, and the state board shall be reimbursed for its cost in the administration of the tax.

(b) The county shall also reimburse the state board for its cost of preparation to administer the tax.

9504. The State Board of Equalization shall adopt the necessary rules and regulations to administer the tax.

9505. After deducting its cost in administering the tax, the State Board of Equalization shall transmit the net revenues to the county and cities periodically as promptly as possible in accordance with the allocation agreement between the county and cities. The transmittals shall be made at least twice in each calendar quarter.

9506. The ordinance shall include provisions identical to those contained in Part 2 (commencing with Section 7301) and Part 3 (commencing with Section 8601), except that the name of the county as the taxing agency shall be substituted for that of the state.

9507. The net revenues received by counties and cities from taxes imposed under this part shall be expended only for the purposes authorized by Article XIX of the California Constitution.

SEC. 15. Section 188.8 of the Streets and Highways Code is

amended to read:

188.8. From the money expended pursuant to Section 188, the commission shall allocate and the department shall expend, or cause to be expended, in each county of County Group No. 1 and in each county of County Group No. 2 during the period commencing July 1, 1983, and ending June 30, 1987, and for each period of four years thereafter, not less than an amount computed as follows:

(a) The commission shall compute, for each period of four years, an amount equal to 70 percent of the money to be expended in County Groups Nos. 1 and 2, respectively, as provided in Section 188.

(b) From the amount computed for County Group No. 1 in subdivision (a) for each four-year period, the commission shall determine the minimum expenditure for each county in the group based on a formula which is based 75 percent on the population of the county to the total population of County Group No. 1 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 1.

(c) From the amount computed for County Group No. 2 in subdivision (a) for each four-year period, the commission shall determine the minimum expenditure for each county in the group based on a formula which is based 75 percent on the population of the county to the total population of County Group No. 2 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 2.

(d) Except as provided in this paragraph, the entire obligation under a contract awarded or a day labor project commenced during any of the periods shall be deemed an expenditure within the period in which the contract was awarded or day labor project commenced. Obligations under contracts which have been awarded or day labor projects which have been commenced, but which are to be budgeted over more than one fiscal year pursuant to Section 170, shall be deemed expenditures in each of the fiscal years in which the work is to be performed in an amount equal to the final amount budgeted for each of the fiscal years for the work.

(e) For the purpose of this section, the population in each county is that determined by the last preceding federal census, or a subsequent census validated by the Population Research Unit of the Department of Finance, at the beginning of each four-year period.

(f) For the purpose of this section, "state highway miles," are the miles of state highways open to vehicular traffic at the beginning of each four-year period.

(g) Notwithstanding subdivisions (a), (b), and (c), the commission shall program and allocate funds for projects that were included in the 1980 state transportation improvement program. This subdivision shall be limited to projects, as defined in the 1980 state transportation improvement program, and shall provide for inflationary cost increases, but shall not provide for cost increases which are caused by any change in the scope or nature of the project. This subdivision shall not apply to projects that cannot proceed due

to changes in federal law or other causes beyond the commission's and department's authority. During the four-year period beginning July 1, 1983, the commission may deviate from subdivisions (a), (b), and (c) for the purpose of meeting the requirements of this subdivision, but shall make a reasonable effort to comply with subdivisions (a), (b), and (c).

SEC. 16. Section 189.1 of the Streets and Highways Code is amended to read:

189.1. Notwithstanding any other provision of law, State Transportation District 12, consisting of the County of Orange, is hereby created on July 1, 1983. This section shall not require that a separate district organization, staff, or facilities be established in the County of Orange.

SEC. 17. Section 2104 of the Streets and Highways Code is amended to read:

2104. A sum equal to the net revenue derived from 1.625 cents ($0.01625) per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code), and five hundred thousand dollars ($500,000) annually, and an additional forty-one million dollars ($41,000,000) during the 1982–83 fiscal year if the motor vehicle fuel license tax is to be imposed pursuant to subdivision (b) of Section 7351 of the Revenue and Taxation Code, shall be apportioned among the counties, as follows:

(a) Each county shall be paid one thousand six hundred sixty-seven dollars ($1,667) during each calendar month, which amount shall be expended exclusively for engineering costs and administrative expenses with respect to county roads.

(b) A sum equal to the total of all reimbursable snow removal costs filed pursuant to subdivision (d) of Section 2152, or two million dollars ($2,000,000), whichever is less, shall be apportioned in 12 approximately equal monthly apportionments for snow removal on county roads, as provided in Section 2110.

(c) A sum equal to five hundred thousand dollars ($500,000) shall be apportioned in 12 approximately equal monthly apportionments, as provided in Section 2110.5.

(d) Seventy-five percent of the funds payable under this section shall be apportioned among the counties monthly in the respective proportions that the number of fee-paid and exempt vehicles which are registered in each county bears to the total number of fee-paid and exempt vehicles registered in the state.

For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last Friday of each calendar month, furnish to the Controller a verified statement showing the number of fee-paid and exempt vehicles which are registered in each county and in the state as of the last Friday of each calendar month as reflected by the records of the Department of Motor Vehicles.

(e) Of the remaining money payable, there shall be paid to each

eligible county an amount monthly computed, as follows: The number of miles of maintained county roads in each county shall be multiplied by forty-two dollars ($42); from the resultant amount there shall be deducted the amount received by each county under subdivision (d) and the remainder, if any, shall be paid to each county.

(f) The remaining money payable, after the foregoing apportionments, shall be apportioned among the counties in the same proportion as the money referred to in subdivision (d).

(g) 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 that date.

SEC. 18. Section 2104 is added to the Streets and Highways Code, to read:

2104. A sum equal to the net revenue derived from a per gallon tax of 2.035 cents ($0.02035) under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code) and 1.80 cents ($0.018) under the Use Fuel Tax Law (Part 3 (commencing with Section 8601) of that division), shall be apportioned among the counties, as follows:

(a) Each county shall be paid one thousand six hundred sixty-seven dollars ($1,667) during each calendar month, which amount shall be expended exclusively for engineering costs and administrative expenses with respect to county roads.

(b) A sum equal to the total of all reimbursable snow removal costs filed pursuant to subdivision (d) of Section 2152, or three million dollars ($3,000,000), whichever is less, shall be apportioned in 12 approximately equal monthly apportionments for snow removal on county roads, as provided in Section 2110.

(c) A sum equal to five hundred thousand dollars ($500,000) shall be apportioned in 12 approximately equal monthly apportionments, as provided in Section 2110.5.

(d) Seventy-five percent of the funds payable under this section shall be apportioned among the counties monthly in the respective proportions that the number of fee-paid and exempt vehicles which are registered in each county bears to the total number of fee-paid and exempt vehicles registered in the state.

For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last Friday of each calendar month, furnish to the Controller a verified statement showing the number of fee-paid and exempt vehicles which are registered in each county and in the state as of the last Friday of each calendar month as reflected by the records of the Department of Motor Vehicles.

(e) Of the remaining money payable, there shall be paid to each eligible county an amount monthly computed, as follows: The number of miles of maintained county roads in each county shall be multiplied by sixty dollars ($60); from the resultant amount there shall be deducted the amount received by each county under

subdivision (d) and the remainder, if any, shall be paid to each county.

(f) The remaining money payable, after the foregoing apportionments, shall be apportioned among the counties in the same proportion as the money referred to in subdivision (d).

(g) This section shall become operative on July 1, 1983.

SEC. 19. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code) shall be apportioned monthly from the Highway Users Tax Account in the Transportation Tax Fund among the counties and cities as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars ($400) per month shall be apportioned to each city and city and county and eight hundred dollars ($800) per month shall be apportioned to each county and city and county.

(b) Thirty thousand dollars ($30,000) per month shall be transferred to the Bicycle Lane Account in the State Transportation Fund.

(c) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county, the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property, for purposes of this computation, shall be that most recently used for countywide tax levies as reported to the Controller by the State Board of Equalization. If an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which may be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all the cities in the county. Populations used for determining apportionment of money under Section 2107 are to be used for purposes of this section.

SEC. 20. Section 2107 of the Streets and Highways Code is amended to read:

2107. A sum equal to 72.5 percent of one cent ($0.00725) per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code) shall be apportioned monthly, and an additional fifty-nine million dollars ($59,000,000) shall be apportioned during the 1982–83 fiscal year if the motor vehicle fuel license tax is to be imposed pursuant to subdivision (b) of Section 7351 of the Revenue and Taxation Code, to the cities and cities and counties of this state from the Highway Users Tax Account in the Transportation Tax Fund as provided in this section.

From that sum, the Controller shall allocate annually to each city which has filed a report containing the information prescribed by subdivision (c) of Section 2152 and which had expenditures in excess of five thousand dollars ($5,000) during the preceding fiscal year for snow removal, an amount equal to one-half of the amount of its expenditures for snow removal in excess of five thousand dollars ($5,000) during that fiscal year.

The balance of that sum from the Highway Users Tax Account shall be allocated to each city, including city and county, in the proportion that the total population of the city bears to the total population of all the cities in this state.

For the purpose of this section, the population in each city is that determined by the last preceding federal census or a subsequent census validated by the Population Research Unit of the Department of Finance. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three or, at the election of the city, the population of annexed territory may be ascertained pursuant to Section 2107.2. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or an estimate pursuant to Section 2107.2 by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three, two years after the completion of annexation proceedings or at such earlier time as the legislative body may request

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 that date.

SEC. 21 Section 2107 is added to the Streets and Highways Code, to read

2107. A sum equal to the net revenues derived from a per gallon tax of 1.315 cents ($0 01315) under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code) and 2.59 cents ($0.0259) under the Use

Fuel Tax Law (Part 3 (commencing with Section 8601) of that division) shall be apportioned monthly to the cities and cities and counties of this state from the Highway Users Tax Account in the Transportation Tax Fund as provided in this section.

From that sum, the Controller shall allocate annually to each city which has filed a report containing the information prescribed by subdivision (c) of Section 2152 and which had expenditures in excess of five thousand dollars ($5,000) during the preceding fiscal year for snow removal, an amount equal to one-half of the amount of its expenditures for snow removal in excess of five thousand dollars ($5,000) during that fiscal year.

The balance of that sum from the Highway Users Tax Account shall be allocated to each city, including city and county, in the proportion that the total population of the city bears to the total population of all the cities in this state

For the purpose of this section, the population in each city is that determined by the last preceding federal census or a subsequent census validated by the Population Research Unit of the Department of Finance. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three or, at the election of the city, the population of annexed territory may be ascertained pursuant to Section 2107.2. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or an estimate pursuant to Section 2107 2 by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three, two years after the completion of annexation proceedings or at such earlier time as the legislative body may request.

This section shall become operative on July 1, 1983

SEC 22. Section 2107.9 is added to the Streets and Highways Code, to read:

2107.9. The Legislature finds and declares that it intends counties and cities to use the additional funds provided them by the act enacting this section during the 1980–81 Regular Session of the Legislature to supplement existing local revenues being used for transportation purposes.

Counties and cities are further encouraged to maintain their existing commitment of local funds for transportation purposes.

SEC. 23. Section 2107.10 is added to the Streets and Highways Code, to read:

2107.10. If the board of supervisors of a county with a population of more than 6,000,000 did not adopt and submit a resolution pursuant to Section 41 of the act enacting this section during the

1981–82 Regular Session of the Legislature, the increase in allocation for the county as a result of Section 2104, as amended and added by that act, shall instead be allocated to those cities in that county that adopted and submitted resolutions pursuant to Section 41.

The allocation shall be on the basis of the population used for purposes of Section 2107.

SEC. 25. Section 9250 of the Vehicle Code is amended to read:

9250. (a) A registration fee of twenty-two dollars ($22) 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 coach.

SEC. 26. Section 9252 of the Vehicle Code is amended to read:

9252 In addition to the registration fee specified in Section 9250 and any weight fee, there shall be paid a service fee of ten dollars ($10) for the registration within this state of every vehicle purchased new outside this state or previously registered outside this state. If the vehicle has been registered and operated in this state during the same registration year in which application for registration is made, a fee of six dollars ($6) shall be paid.

SEC. 27. Section 9255 of the Vehicle Code is amended to read.

9255. Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered under this code, or for which a certificate of ownership has been issued without registration under Section 4452, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required under this code to obtain the issuance to him of a new certificate of ownership and registration card, there shall be paid the following fees:

(a) For a transfer by the owner.....	$7
(b) For a transfer by the legal owner	7
(c) When application is presented showing a transfer by both the owner and legal owner..... Total fee	7

SEC. 28. Section 9258 of the Vehicle Code is amended to read:

9258. A fee of ten dollars ($10) shall be paid to the department for each one-trip permit issued pursuant to Section 4003

SEC. 30. Section 9265 of the Vehicle Code is amended to read·

9265 Upon application for duplicates as permitted under this code, the following fees shall be paid:

(a) For a duplicate certificate of ownership or registration card or equipment identification receipts	$7
(b) For any duplicate license plates, or substitute	

plates, or equipment identification plate for the same vehicle 7

SEC. 31. Section 9400 of the Vehicle Code is repealed.

SEC. 32. Section 9400 is added to the Vehicle Code, to read:

9400. In addition to any other registration fee, there shall be paid the fees set forth in this section for the registration of commercial vehicles. Whenever a camper is temporarily attached to a motor vehicle designed to transport property, the motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of the motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen Weight	Fee
Less than 6,000 lbs.	$ 81
6,000 lbs. or more but less than 10,000 lbs.	162
10,000 lbs. or more	218

(b) For any motor vehicle having not more than two axles and designed, used, or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 3,000 lbs.	$ 8
3,000 lbs. to and including 4,000 lbs.	23
4,001 lbs. to and including 5,000 lbs.	48
5,001 lbs. to and including 6,000 lbs.	93
6,001 lbs. to and including 7,000 lbs.	125
7,001 lbs. to and including 8,000 lbs.	156
8,001 lbs. to and including 9,000 lbs.	186
9,001 lbs. to and including 10,000 lbs.	219
10,001 lbs. to and including 11,000 lbs.	248
11,001 lbs. to and including 12,000 lbs.	279
12,001 lbs. to and including 13,000 lbs.	311
13,001 lbs. to and including 14,000 lbs.	342
14,001 lbs. and over	371

(c) For any motor vehicle having three or more axles, or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used, or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$ 26

3,001 lbs. to and including 4,000 lbs.	47
4,001 lbs. to and including 5,000 lbs.	93
5,001 lbs. to and including 6,000 lbs.	138
6,001 lbs. to and including 7,000 lbs.	186
7,001 lbs. to and including 8,000 lbs.	233
8,001 lbs. to and including 9,000 lbs.	279
9,001 lbs. to and including 10,000 lbs.	326
10,001 lbs. to and including 11,000 lbs.	371
11,001 lbs. to and including 12,000 lbs.	417
12,001 lbs. to and including 13,000 lbs.	464
13,001 lbs. to and including 14,000 lbs.	512
14,001 lbs. to and including 15,000 lbs.	558
15,001 lbs. and over	620

(d) This section shall not be applicable to any vehicle which is operated or moved over the highway exclusively for the purpose of historical exhibition or other similar noncommercial purpose.

(e) This section shall remain in effect only until January 1, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

SEC. 33. Section 9400 is added to the Vehicle Code, to read:

9400. In addition to any other registration fee, there shall be paid the fees set forth in this section for the registration of commercial vehicles. Whenever a camper is temporarily attached to a motor vehicle designed to transport property, the motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of the motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen Weight	Fee
Less than 6,000 lbs.	$ 87
6,000 lbs. or more but less than 10,000 lbs	173
10,000 lbs. or more	232

(b) For any motor vehicle having not more than two axles and designed, used, or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 3,000 lbs.	$ 8
3,000 lbs. to and including 4,000 lbs.	24
4,001 lbs. to and including 5,000 lbs.	52
5,001 lbs. to and including 6,000 lbs.	100
6,001 lbs. to and including 7,000 lbs.	133
7,001 lbs. to and including 8,000 lbs.	167

8,001 lbs. to and including 9,000 lbs.	200
9,001 lbs. to and including 10,000 lbs.	234
10,001 lbs. to and including 11,000 lbs.	266
11,001 lbs. to and including 12,000 lbs.	300
12,001 lbs. to and including 13,000 lbs.	334
13,001 lbs. to and including 14,000 lbs.	366
14,001 lbs. and over	400

(c) For any motor vehicle having three or more axles, or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used, or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$ 28
3,001 lbs. to and including 4,000 lbs.	50
4,001 lbs. to and including 5,000 lbs.	100
5,001 lbs. to and including 6,000 lbs.	150
6,001 lbs. to and including 7,000 lbs.	200
7,001 lbs. to and including 8,000 lbs.	250
8,001 lbs. to and including 9,000 lbs.	300
9,001 lbs to and including 10,000 lbs.	350
10,001 lbs. to and including 11,000 lbs.	400
11,001 lbs. to and including 12,000 lbs.	450
12,001 lbs. to and including 13,000 lbs.	500
13,001 lbs. to and including 14,000 lbs.	550
14,001 lbs. to and including 15,000 lbs.	600
15,001 lbs. and over	660

(d) This section shall not be applicable to any vehicle which is operated or moved over the highway exclusively for the purpose of historical exhibition or other similar noncommercial purpose.

(e) This section shall become operative January 1, 1985.

SEC. 34. Section 12814.5 of the Vehicle Code is amended to read:

12814.5. (a) At the discretion of the director, drivers' licenses expiring on or after January 1, 1980, may be extended for a single four-year period for licensees whose records, for the four years immediately preceding the determination of the eligibility for the extension, show no convictions of violating traffic laws, no involvement in a traffic accident, and no notification of a violation of subdivision (a) of Section 40509.

No extension shall be granted to any person who is 70 years of age or older.

(b) The department shall charge a fee of ten dollars ($10) for each license extension issued pursuant to subdivision (a).

(c) The department shall conduct a study of the effects of the license extension and submit a report to the Legislature not later than January 1, 1982. The study shall include, but not be limited to,

safety issues, including an assessment of age criteria.

(d) The department shall notify each licensee granted an extension of major changes to the Vehicle Code affecting traffic laws occurring during the prior four-year period.

SEC. 35. Section 14900 of the Vehicle Code is amended to read:

14900. (a) Upon application for an original driver's license, or for the renewal of a driver's license or for a license to operate a higher class of vehicle, there shall be paid the department a fee of ten dollars ($10). The payment of the fee shall entitle the person paying the fee to make application for a driver's license and to three examinations within a period of 12 months or during the period of an instruction permit issued from the application as provided in Section 12509.

The term "driver's license", as used in this section, includes all licenses of every kind issued under Division 6 (commencing with Section 12500).

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to that person restricts that person to the operation of a self-propelled wheelchair or invalid tricycle.

SEC. 36. Section 14901 of the Vehicle Code is amended to read:

14901. Upon an application for a duplicate driver's license, there shall be paid the department a fee of ten dollars ($10)

SEC. 37. Section 14902 of the Vehicle Code is amended to read:

14902. (a) Except as otherwise provided in subdivision (b), upon an application for an identification card there shall be paid to the department a fee of six dollars ($6)

(b) Upon application for an original senior citizen identification card, or for the renewal thereof, issued pursuant to subdivision (b) of Section 13000, there shall be paid to the department a fee of three dollars ($3).

(c) All fees received pursuant to this section shall be deposited in the Motor Vehicle Account.

SEC. 38. Section 42205 is added to the Vehicle Code, to read:

42205 Notwithstanding Chapter 3 (commencing with Section 42270), the department, commencing August 1, 1982, shall file, at least monthly with the Controller, a report of money received by the department pursuant to Section 9400 for the previous month and shall, at the same time, remit all money so reported, less the cost of the department to collect the weight fees, to the State Treasurer. On order of the Controller, the State Treasurer shall deposit all money so remitted in the State Highway Account in the State Transportation Fund.

SEC. 39. Section 42276 is added to the Vehicle Code, to read:

42276 Not later than January 10, 1985, and not later than January 10th of each four-year period thereafter, the Secretary of the Business, Transportation and Housing Agency shall submit a report to the Legislature on a study of the fees imposed under this code, including any finding or recommendation on changes in the fees

necessary to generate sufficient revenues for the Motor Vehicle Account in the State Transportation Fund to finance those operations of state government to be financed from those revenues.

SEC. 40. The California Transportation Commission shall conduct a study to evaluate alternative geographic areas to be used in determining minimum expenditures pursuant to Section 188.8 of the Streets and Highways Code. The study shall be conducted in consultation with transportation planning agencies, county transportation commissions, the San Diego Metropolitan Transportation Development Board, counties, cities, the Department of Transportation, and other interested parties. The study shall evaluate alternative geographic areas to be used in determining minimum expenditures, including, but not limited to, the following:

(a) Counties.

(b) State transportation districts.

(c) County aggregations.

The California Transportation Commission shall adopt the report and submit it, together with its findings and recommendations, to the Legislature not later than January 31, 1982. In addition, the commission shall hold public hearings prior to adopting its report.

For purposes of this section, state transportation districts shall be identical to those state highway districts established by the department for administrative purposes as of June 30, 1960, except that State Transportation District 7 shall consist of Los Angeles County and Ventura County and State Transportation District 12 shall consist of Orange County.

SEC. 41. (a) A board of supervisors may adopt and submit to the Governor, not later than November 15, 1981, the following resolution:

Resolved, That the Board of Supervisors of the County of _____ finds and declares that additional revenues derived pursuant to Sections 7351 and 8651 of the Revenue and Taxation Code, as proposed to be amended by Senate Bill No. 215 of the 1981–82 Regular Session of the Legislature, are needed to maintain, improve, and construct state highways and local streets and roads and related transportation facilities.

(b) Upon receiving resolutions from the boards of supervisors of counties with not less than two-thirds of the population of the state, the Governor shall notify the State Board of Equalization

(c) In a county with a population of more than 6,000,000, any city council of a city within the county may adopt the resolution and submit it to the Governor, not later than November 15, 1981, substituting the words "City Council of the City" for the words "Board of Supervisors of the County" in the resolution.

In such a case, for the purpose of meeting the resolution receipt requirement and the two-thirds population requirement of subdivision (b), the population of the city shall be included in meeting that population requirement, if the board of supervisors of

that county did not adopt and submit a resolution pursuant to subdivision (a).

(d) For purposes of this section, the population shall be as determined by the 1980 federal decennial census.

SEC. 42. The Supreme Court may, upon the request of any party, transfer to itself, before a decision in the court of appeal, any appeal or petition for extraordinary relief from an action or proceeding to attack, review, set aside, void, or annul any provision of this act. The request for transfer should receive preference over all civil actions and proceedings on the Supreme Court's calendar. If the action or proceeding is transferred to the Supreme Court, the Supreme Court should commence to hear the matter within six months of the transfer, unless the parties by joint stipulation request additional time and the request is granted or the court, for good cause shown, grants additional time.

SEC. 43. Sections 25 to 28, inclusive, Sections 30 to 32, inclusive, and Sections 34 to 37, inclusive, shall become operative on January 1, 1982.

SEC. 44. 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 that an accurate estimate of funds available for transportation purposes may be made as soon as possible for transportation planning purposes by the state and by local and regional entities, it is necessary that this act take effect immediately.

CHAPTER 542

An act to amend Sections 214.4, 251, and 255 of, and to add Sections 207, 257, and 257.1 to, the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor September 16, 1981. Filed with Secretary of State September 17, 1981.]

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

SECTION 1. The purpose of this act is to provide a simple, streamlined claims process for churches and church schools in filing for property tax exempt status, effective with the 1982–83 fiscal year.

The creation of a "religious exemption" by this act will allow any church to file either for the "church exemption" or the "religious exemption." A church which operates a church school, which formerly had to file a church exemption for the church property, and a welfare exemption for the school portion of the property, will henceforth be able to file a "religious exemption" for the entire property. After an initial claim, the exemption remains in effect until

the property is no longer eligible for the exemption, with minimal annual filing requirements thereafter.

The "welfare exemption" remains applicable to some religious purposes, such as hospitals, educational FM radio or television stations, and certain housing owned by churches, which will continue to be covered by that exemption alone. Church schools may also continue to file for that exemption if desired, but the "religious exemption" offers the simplified claims process.

SEC. 2. Section 207 is added to the Revenue and Taxation Code, to read:

207. Property used exclusively for religious purposes shall be exempt from taxation. Property owned and operated by a church and used for religious worship, preschool purposes, nursery school purposes, kindergarten purposes, school purposes of less than collegiate grade, or for purposes of both schools of collegiate grade and schools less than collegiate grade but excluding property used solely for purposes of schools of collegiate grade, shall be deemed to be used exclusively for religious purposes under this section

The exemption provided by this section is granted pursuant to the authority in subdivision (b) of Section 4 of Article XIII of the California Constitution, and shall be known as the "religious exemption."

This section shall be effective for the 1982–83 fiscal year and fiscal years thereafter.

SEC. 3. Section 214.4 of the Revenue and Taxation Code is amended to read:

214.4. For the purposes of Sections 207 and 214 a school of "less than collegiate grade" is (a) any institution of learning attendance at which exempts a student from attendance at a public full-time elementary or secondary day school under Section 48222 of the Education Code or (b) any institution of learning a majority of whose students are persons that have been excused from attendance at a full-time elementary or secondary day school under Section 48221 or 48226 of the Education Code.

SEC. 4. Section 251 of the Revenue and Taxation Code is amended to read:

251. The board shall prescribe all procedures and forms required to carry into effect the veterans', veterans' organization, church, cemetery, college, exhibition, religious, welfare, free public libraries, free museums, public schools, homeowners' and transshipment property tax exemption.

SEC. 5. Section 255 of the Revenue and Taxation Code is amended to read:

255. (a) Affidavits required for exemptions named in this article, except the church exemption, the veterans' exemption, the homeowners' exemption, and the transshipment exemption under Section 225, shall be filed with the assessor between the lien date and 5 p.m on March 15. Affidavits for the veterans' exemption shall be filed with the assessor between the lien date and 5 p m. on April 15.

(b) Affidavits for the homeowners' exemption except as otherwise provided in Sections 255.1, 255.2, and 275, shall be filed with the assessor any time after the claimant becomes eligible but no later than 5 p.m. on April 15.

(c) Affidavits required for classification of vessels as documented vessels eligible for assessment under Section 227 shall be filed with the assessor between the lien date and 5 p.m. on April 1.

(d) Affidavits for the church exemption and religious exemption shall be filed with the assessor between the lien date and 5 p.m. on March 31.

(e) Affidavits required for the transshipment exemption shall be filed with the assessor at the same time the property statement is required to be filed pursuant to Section 441, unless the person claiming the exemption is not required to file a property statement, in which case the affidavit shall be filed with the assessor between the lien date and 5 p.m. on the last Friday in May.

SEC. 6. Section 257 is added to the Revenue and Taxation Code, to read:

257 (a) Any person claiming the religious exemption shall submit to the assessor an affidavit giving specific information relating to property tax exemption.

(b) The affidavit shall show that:

(1) The building, equipment, and land are used exclusively for religious purposes.

(2) The land claimed as exempt is required for the convenient use of the building.

(3) The property is owned by an entity organized and operating exclusively for religious purposes.

(4) The entity is nonprofit.

(5) No part of the net earnings inures to the benefit of any private individual.

(c) Any exemption granted pursuant to a claim filed in accordance with this section, once granted, shall remain in effect until such time as title to the property changes or the property is no longer used for exempt purposes. Any person who is granted an exemption pursuant to a claim filed in accordance with this section shall notify the assessor if the property becomes ineligible for the exemption.

(d) Upon any indication that a religious exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the religious exemption. If the assessor determines that the property or any portion thereof is no longer eligible for the exemption, he or she shall immediately cancel the exemption on so much of the property as is no longer eligible for exemption.

If a religious exemption has been incorrectly allowed, an escape assessment as allowed by Article 4 (commencing with Section 531) of Chapter 3 in the amount of the exemption with interest as provided in Section 506 shall be made, together with a penalty for failure to notify the assessor, where applicable, in the amount of 10

percent of the assessment but not to exceed two hundred fifty dollars ($250) in tax liability.

SEC. 7. Section 257.1 is added to the Revenue and Taxation Code, to read:

257.1. For the 1983–84 fiscal year and fiscal years thereafter, the assessor shall annually mail a notice to every person who received the religious exemption for the previous fiscal year.

The notice shall be in a form and contain that information which the board may prescribe, and shall set forth the circumstances under which the property may no longer be eligible for exemption and advise the person of the duty to inform the assessor if the property is no longer eligible for exemption.

The notice shall include a card which is to be returned to the assessor by any person who desires to maintain eligibility for the religious exemption. That card shall be in the following form:

To all persons who have received a religious exemption for the _____ fiscal year.

QUESTION: Will the property to which the exemption applies in the _____ fiscal year continue to be used exclusively for religious purposes in the _____ fiscal year?

Yes _____ No _____

Signature: _____ Title: _____

Failure to return this card does not of itself constitute a waiver of exemption as called for by the California Constitution, but may result in onsite inspection to verify exempt activity.

SEC. 8. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 543

An act to amend Section 62000 of the Education Code, as proposed by Assembly Bill No. 777, relating to education.

[Approved by Governor September 17, 1981 Filed with Secretary of State September 17, 1981]

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

SECTION 1. Section 62000 of the Education Code, as proposed by Assembly Bill No. 777, is amended to read:

62000. The following educational programs shall cease to be operative on the date specified, unless the Legislature enacts legislation to continue the program after the review prescribed in Section 62006:

(a) Termination date of June 30, 1983:
(1) Driver training.
(2) Instructional television.
(3) Environmental education
(4) Adult education.
(5) Career guidance centers.
(6) Transportation.
(b) Termination date of June 30, 1984:
(1) Demonstration programs in reading and mathematics.
(2) School improvement program.
(3) Professional development centers and staff development centers.
(4) Economic impact aid.
(c) Termination date of June 30, 1985:
(1) Urban impact aid.
(2) Bilingual education.
(3) Child care and preschool programs
(4) Instructional materials.
(d) Termination date of June 30, 1986:
(1) Indian education centers.
(2) Indian early childhood education.
(3) Gifted and talented education.
(e) Termination date of June 30, 1987:
(1) Special education for individuals with exceptional needs.
(2) Miller-Unruh Basic Reading Act of 1965.

CHAPTER 544

An act to amend Section 19406 of the Business and Professions Code, relating to horseracing.

[Approved by Governor September 17, 1981 Filed with Secretary of State September 17, 1981.]

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

SECTION 1. Section 19406 of the Business and Professions Code is amended to read:

19406. (a) "California-bred horse" is a foal dropped by a mare in California after being conceived in California and remaining in

California until the foal is weaned.

(b) A "California-bred thoroughbred" is a horse dropped by a mare in California after being conceived in California, or any thoroughbred horse dropped by a mare in California if the mare remains in California to be next bred to a thoroughbred stallion standing in California. If the mare cannot be bred for two successive breeding seasons but remains in California during that period, her foal shall be considered to be a California-bred thoroughbred.

(c) A "California-bred quarter horse" is a quarter horse foal dropped by a mare in California after being conceived in California and remaining in California until the foal is weaned, or any quarter horse foal which is conceived in California on or after January 1, 1981.

CHAPTER 545

An act to add Section 3482.5 to the Civil Code, relating to agricultural operations.

[Approved by Governor September 17, 1981 Filed with Secretary of State September 17, 1981]

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

SECTION 1. Section 3482.5 is added to the Civil Code, to read:

3482.5. (a) No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

(b) Subdivision (a) shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

(c) This section shall not invalidate any provision contained in the Health and Safety Code, Fish and Game Code, Food and Agricultural Code, or Division 7 (commencing with Section 13000) of the Water Code, if the agricultural activity, operation, or facility, or appurtenances thereof, constitute a nuisance, public or private, as specifically defined or described in any such provision.

(d) This section shall prevail over any contrary provision of any ordinance or regulation of any political subdivision of the state

(e) For purposes of this section, the term "agricultural activity, operation, or facility, or appurtenances thereof" shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the

production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

CHAPTER 546

An act to amend Sections 25402 and 25402.1 of the Public Resources Code, relating to energy standards.

[Approved by Governor September 17, 1981 Filed with Secretary of State September 18, 1981]

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

SECTION 1. Section 25402 of the Public Resources Code is amended to read:

25402. The commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy:

(a) Prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards which increase the efficiency in the use of energy for new residential and new nonresidential buildings. The standards shall be cost effective, when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practice. The commission shall periodically update the standards and adopt any revision which, in its judgment, it deems necessary. Six months after the commission certifies an energy conservation manual pursuant to subdivision (c) of Section 25402.1, no city, county, city and county, or state agency shall issue a permit for any building unless the building satisfies the standards prescribed by the commission pursuant to this subdivision or subdivision (b) of this section which are in effect on the date an application for a building permit is filed.

(b) Prescribe, by regulation, energy conservation design standards for new residential and new nonresidential buildings. The standards shall be performance standards and shall be promulgated in terms of energy consumption per gross square foot of floor space, but may also include devices, systems, and techniques required to conserve energy. The standards shall be cost effective when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practices. The commission shall periodically review the standards and adopt any revision which, in its judgment, it deems necessary. A building that satisfies the

standards prescribed pursuant to this subdivision need not comply with the standards prescribed pursuant to subdivision (a) of this section. The commission shall comply with the provisions of this subdivision before January 1, 1981.

(c) Prescribe, by regulation, standards for minimum levels of operating efficiency, based on a reasonable use pattern, for all appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis. The minimum levels of operating efficiency shall be based on feasible and attainable efficiencies or feasible improved efficiencies which will reduce the electrical energy consumption growth rate. The standards shall become effective no sooner than one year after the date of adoption or revision. No new appliance manufactured on or after the effective date of the standards may be sold or offered for sale in the state, unless it is certified by the manufacturer thereof to be in compliance with the standards. One year after the effective date of the standards, no new appliance, regardless of the date of manufacture, may be sold or offered for sale in the state, unless it is certified by the manufacturer thereof to be in compliance with the standards. The standards shall be drawn so that they do not result in any added total costs to the consumer over the designed life of the appliances concerned.

(d) Recommend minimum standards of efficiency for the operation of any new facility at a particular site which are technically and economically feasible. No site and related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500), unless the applicant certifies that standards recommended by the commission have been considered, which certification shall include a statement specifying the extent to which conformance with the recommended standards will be achieved.

Whenever the provisions of this section and the provisions of Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code are in conflict, the commission shall be governed by the provisions of that chapter of the Health and Safety Code to the extent of the conflict.

SEC. 2 Section 25402 1 of the Public Resources Code is amended to read:

25402.1. In order to implement the requirements of subdivisions (a) and (b) of Section 25402, the commission shall do all of the following:

(a) Develop a public domain computer program which will enable contractors, builders, architects, engineers, and government officials to estimate the energy consumed by residential and nonresidential buildings. The commission may charge a fee for the use of the program, which fee shall be based upon the actual cost of the program, including any computer costs.

(b) Include a prescriptive method of complying with the standards, including design aids such as a manual, sample calculations, and model structural designs

(c) Certify, no later than 180 days after approval of the standards by the State Building Standards Commission, an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings. The manual shall be furnished upon request at a price sufficient to cover the costs of production and shall be distributed at no cost to all affected local agencies. The manual shall contain, but not be limited to, the following:

(1) The standards for energy conservation established by the commission.

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

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

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

(5) Instructions for use of the computer program for calculating energy consumption in residential and nonresidential buildings.

(6) The prescriptive method for use as an alternative to the computer program.

(d) The commission shall establish a continuing program of technical assistance to local building departments in the enforcement of subdivisions (a) and (b) of Section 25402 and this section. The program shall include the training of local officials in building technology and enforcement procedures related to energy conservation, and the development of complementary training programs conducted by local governments, educational institutions, and other public or private entities. The technical assistance program shall include the preparation and publication of forms and procedures for local building departments in performing the review of building plans and specifications. The commission shall provide, on a contract basis, a review of building plans and specifications submitted by a local building department, and shall adopt a schedule of fees sufficient to repay the cost of such services.

(e) Subdivisions (a) and (b) of Section 25402 and this section, and the rules and regulations of the commission adopted pursuant thereto, shall be enforced by the building department of every city, county, or city and county.

(1) No building permit for any residential or nonresidential building shall be issued by a local building department, unless a review by the building department of the plans for the proposed residential or nonresidential building contains detailed energy system specifications and confirms that the building satisfies the minimum standards established pursuant to subdivision (a) or (b) of Section 25402 and this section applicable to the building.

(2) Where there is no local building department, the commission shall enforce subdivisions (a) and (b) of Section 25402 and this section.

(3) If a local building department fails to enforce subdivisions (a) and (b) of Section 25402 and this section or any other provision of this chapter or standard adopted pursuant thereto, the commission may

provide enforcement after furnishing 10 days' written notice to the local building department.

(4) A city, county, or city and county may, by ordinance or resolution, prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of subdivisions (a) and (b) of Section 25402 and this section. The commission may establish a schedule of fees sufficient to pay the costs incurred by such enforcement.

(f) Subdivisions (a) and (b) of Section 25402 and this section shall apply only to new residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to those sections that are applicable to those buildings. Nothing in those sections shall prohibit either of the following.

(1) The enforcement of state or local energy conservation or energy insulation standards, adopted prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section with regard to residential and nonresidential buildings on which actual site preparation and construction have commenced prior to that date.

(2) The enforcement of city or county energy conservation or energy insulation standards, whenever adopted, with regard to residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section, if the city or county files the basis of its determination that the standards are cost effective with the commission and the commission finds that the standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to those sections.

(g) The commission may exempt from the requirements of this section and of any regulations adopted pursuant thereto any proposed building for which compliance would be impossible without substantial delays and increases in cost of construction, if the commission finds that substantial funds have been expended in good faith on planning, designing, architecture or engineering prior to the date of adoption of the regulations.

(h) If a dispute arise between an applicant for a building permit and the building department regarding interpretation of Section 25402 or the regulations adopted pursuant thereto, either party may submit the dispute to the commission for resolution. The commission's determination of the matter shall be binding on the parties.

(i) Nothing in Section 25130, 25131, or 25402, or in this section shall be construed to prevent enforcement of any regulation adopted pursuant to this chapter, or Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code as they existed prior to September 16, 1977.

CHAPTER 547

An act to amend Section 4085 of, and to repeal Section 4089.5 of, the Business and Professions Code, relating to pharmacy, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1981 Filed with Secretary of State September 18, 1981]

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

SECTION 1. Section 4085 of the Business and Professions Code is amended to read:

4085. The board shall register as registered pharmacists, and issue a certificate to all applicants who meet the following requirements:

(a) That the applicant is 18 years of age. (b) That the applicant has been graduated from a college of pharmacy or department of pharmacy of a university recognized by the board, which school or college of pharmacy or department of pharmacy of a university requires a resident attendance of not less than eight calendar months of each year of its course or, if the applicant was a nonresident of the United States for at least five of the 10 years prior to enrollment in a foreign pharmacy school, and the applicant has graduated from a foreign pharmacy school, that the applicant has successfully completed, in the foreign pharmacy school or by a combination of coursework in the foreign pharmacy school and a college of pharmacy or department of pharmacy of a university recognized by the board, the courses established by the board as being equivalent to those required for domestic graduates. The course in pharmacy shall consist of not less than 3,200 hours distributed over a period of not less than four years. Any student, however, may complete the required course of 3,200 hours in a lesser period of time. (c) That the applicant has had 1,500 hours of practical experience in accordance with regulations adopted by the board. (d) That the applicant has passed a written and practical examination given by the board.

SEC. 2. Section 4089.5 of the Business and Professions Code 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 the necessity are:

In order that recent foreign graduates of foreign pharmacy schools may take the next available examination for licensure as pharmacists, it is necessary that this act go into immediate effect.

CHAPTER 548

An act to amend Sections 21263.2, 21361.5, and 21364.7 of, and to add Section 50952.1 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 21263.2 of the Government Code is amended to read:

21263.2. On and after April 1, 1973, any member whose retirement was effective prior to the operative date of Section 21263 and who on such date or the earlier date of his death was subject to any provision of this part for continuation of one-half his allowance upon death after retirement to certain survivors and such survivors shall be entitled to a monthly allowance derived from employer contributions equal to 25 percent of the amount of his retirement allowance as it was at his death and based on service credited to him as a member subject to this section, but excluding any portion of the retirement allowance derived from additional contributions of the member. Such allowance shall be paid to the surviving spouse throughout life or until remarriage. If there is no surviving spouse, or upon death or remarriage of such spouse before every child of the deceased member attains the age of 18, such allowance shall be paid to his child or children under such age, collectively, until every such child dies or attains such age; provided, that no child shall receive any allowance after marrying or attaining such age. If, at the time of the retired person's death, there is no surviving spouse or children under age 18, the allowance shall be paid to a parent or collectively to parents of the deceased member dependent upon him for support. If, at the effective date of his retirement, the member has no surviving spouse, eligible children, or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

"Surviving spouse," for purposes of this section, means a husband or wife who was married to the member for a continuous period beginning at least one year prior to his retirement and ending on the date of his death.

A natural parent of surviving children eligible to receive an allowance payable under this section shall not be required to become the guardian of surviving unmarried children under 18 years of age in order to be paid the benefits prescribed for such children.

No allowance shall be reduced because of amendments to this section.

SEC. 2. Section 21361.5 of the Government Code is amended to read:

21361.5. In the determination of the portion of the basic death

benefit provided in subdivision (b) of Section 21361, for local members who were members of a local retirement system at the time of that system's discontinuance wholly or in part as provided in Section 20524, service included in the calculation of the completed years of service shall not be limited to service under this system, but instead service rendered as members of said local system, shall also be included.

This section shall not apply to employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or unless said agency's contract with the board includes at its effective date, a provision making said agency and its employees subject to the provisions of this section.

SEC. 3. Section 21364.7 of the Government Code is amended to read:

21364.7. The special death benefit payable if the deceased was a member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system.

The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the employer. The amount of the reduction shall not be adjusted because of changes in the amount of the benefit under the federal system or in the amount of benefit or allowance under this system derived from contributions of the employer occurring after the death of the member.

Notwithstanding the amendment to this section and the repeal of Section 21364.6 at the 1963 Regular Session of the Legislature, the special death benefit payable on the death of a member in employment in which the member was a local safety member on October 1, 1963, and which he held continuously thereafter to the date of death, and in which his compensation was on that date subject to contribution under the federal system, shall not be less than it would have been had this section not been so amended or Section 21364.6 repealed.

SEC. 4. Section 50952.1 is added to the Government Code, to read:

50952.1. For purposes of this chapter, unless the context otherwise requires, the term "department" shall also mean a regularly organized fire department of an unincorporated town.

CHAPTER 549

An act to amend Sections 9356.15 and 9359.10 of the Government Code, relating to the Legislators' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 9356.15 of the Government Code is amended to read:

9356.15. Any person who is a member of the system pursuant to Section 9355.45 may also receive credit for state service prior to the date he became a member, whether such service was rendered before or after the operative date of this section, provided that he makes the contributions required by Section 9357.2, but at the rate of 6½ percent. If he elects to make such contribution with respect to service credited under the Public Employees' Retirement System, he shall receive a refund of his accumulated contributions in that system with respect to all of his state service.

The contribution rate for a person who first commences service in any of the offices listed in Section 9350.55 or who becomes a member of this system on or after January 1, 1982, shall be 8 percent.

SEC. 2. Section 9359.10 of the Government Code is amended to read:

9359.10. The retirement allowance for a legislative statutory officer is an annual amount equal to 3 percent of the compensation payable to the officer at the time the officer vacates that legislative statutory office, or payable to the incumbent of that legislative statutory office at the time payments of the allowance fall due, whichever is higher, multiplied by the number of years of service with which the legislative statutory officer is entitled to be credited at the time of the officer's retirement. In no event shall the allowance payable under this section exceed two-thirds of the compensation payable to the legislative statutory officer at the time the officer vacates that legislative statutory office, or two-thirds of the compensation payable to the incumbent of that legislative statutory office at the time payments of the allowance fall due, whichever is the higher; provided, however, the allowance shall be further adjusted to reflect cost-of-living increases occurring after the retirement of the legislative statutory officer as determined under Section 9360.10 without respect to the limitations set forth in this section.

If a legislative statutory officer is entitled to a retirement allowance under any other state administered public retirement system, and the officer's total retirement allowances under both systems exceed the maximum allowance to which the officer would

be entitled under this section with 20 years service in that legislative statutory office, the allowance payable under this section shall be reduced to the amount that it, combined with the retirement allowance to which the officer is entitled under the other system, does not exceed the maximum allowance to which the officer would be entitled under this section with 22⅓ years service in that legislative statutory office.

The retirement allowance for a person who first commences service in any of the offices listed in Section 9350.55 or who becomes a member of this system on or after January 1, 1982, shall be based on compensation payable to that officer at retirement. In no event shall the allowance be based on a compensation greater than the compensation the member received for such service.

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 that the retirement allowances of new legislative statutory officers be determined as proposed in Section 1 of this act as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 550

An act to amend Section 5146 of, and to add Section 4808 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 4808 is added to the Revenue and Taxation Code, to read:

4808. Notwithstanding any provision of law to the contrary, any taxpayer may, no later than 30 days after the delinquency date of a property tax bill or any installment thereof, seek declaratory relief in the superior court in the county in which the property is located alleging that the locally assessed property taxes have been illegally or unconstitutionally assessed or collected or are to be so assessed or collected.

Any action alleging an illegal or unconstitutional method of valuation or similar matter shall name as respondent the assessor of the county in which the property is located. An action alleging an unconstitutional or illegal tax rate shall name as respondent the auditor-controller of such county. In the event the action involves the validity of a rule or regulation adopted by the State Board of Equalization, the board shall be named as a respondent. The relief

granted pursuant to this section shall be limited to a declaration that the taxes assessed or collected or to be assessed or collected are unconstitutional or otherwise legally invalid.

This section shall not be interpreted to allow a taxpayer to postpone payment of property taxes pending the decision of the court. All assessment and collection provisions of this division shall continue to apply to properties affected by this section.

This section shall be applicable only in instances where the alleged illegal or unconstitutional assessment or collection occurs as the direct result of a change in administrative regulations or statutory or constitutional law that became effective not more than 12 months prior to the date the action is initiated by the taxpayer.

The procedure for obtaining a declaratory relief judgment under this section shall be the same as that used to obtain a writ of mandate

SEC. 2. Section 5146 of the Revenue and Taxation Code is amended to read:

5146. All courts wherein actions brought under this part are or hereafter may be pending shall give such actions precedence over all other civil actions therein, except actions to which special precedence is given by law, in the matter of setting same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

SEC. 3. It is the intent of the Legislature that actions pursuant to Section 4808 of the Revenue and Taxation Code be quickly heard and determined in both the trial court and the appellate courts in order that final tax liabilities may be determined at the earliest possible moment.

SEC. 4. If any section, part, clause, or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections, parts, clauses, and phrases shall not be affected but will remain in full force and effect.

CHAPTER 551

An act to amend Section 507 of, and to add Section 29205 to, the Elections Code, relating to elections.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 507 of the Elections Code is amended to read:

507. In addition to registration conducted by deputy registrars of voters, the county clerk shall, as follows:

(a) Provide voter registration cards for the registration of voters at his office and in sufficient number of locations throughout the

county for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) Provide voter registration cards in sufficient quantities to any citizens or organizations who wish to distribute such cards other than to persons who have been convicted of violating this section within the last five years. Citizens and organizations shall be permitted to distribute voter registration cards anywhere within the county.

(1) If, after completing his or her voter registration affidavit, an elector entrusts it to another person, the latter shall sign and date the attached, numbered receipt indicating his or her address and telephone number, if any, and give the receipt to the elector. Failure to comply with this paragraph shall not cause the invalidation of the registration of a voter.

(2) Any citizen or organization which distributes voter registration cards shall give a voter registration card to any elector requesting it; provided, that the citizen or organization, has a sufficient number of cards.

(3) If distribution of voter registration cards pursuant to this subdivision is undertaken by mailing cards to persons who have not requested the cards, the person mailing the cards shall enclose a cover letter or other notice with each card instructing the recipients to disregard the cards if they are currently registered voters.

(c) Mail a voter registration card immediately to any person who wishes to register to vote and requests a voter registration card.

SEC. 2. Section 29205 is added to the Elections Code, to read:

29205. Every person who willfully violates Section 507 is guilty of an infraction, punishable by a fine not to exceed two hundred dollars ($200).

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 552

An act to amend Sections 45272 and 45300 of the Education Code, relating to classified employees.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 45272 of the Education Code is amended to read:

45272. All vacancies in the classified service shall be filled pursuant to this article and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

Nothing contained in this section shall authorize the selection of eligible candidates in circumvention of the affirmative action programs of any school district.

SEC. 2. Section 45300 of the Education Code is amended to read:

45300. Eligibility lists shall be established for a period of not less than one year except that when a list is exhausted for appointments to current vacancies, through use and eligibles being unavailable, the commission may, upon the recommendation of the officer charged with certifying eligibles, and after due notice to eligibles who may have made themselves unavailable for appointment, terminate it before a year has expired.

Eligibility lists may be established for a period of six months upon the approval of the personnel commission so long as the six months duration of such a list is noted in the recruitment bulletin announcing the examination. If a list is exhausted for appointments to current vacancies, through use and eligibles being unavailable, the commission may, upon the recommendation of the officer charged with certifying eligibles, and after due notice to eligibles who may have made themselves unavailable for appointment, terminate it before the expiration date.

A list may be extended for an additional period of one year or less in the discretion of the commission.

CHAPTER 553

An act to amend Section 23405.2 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 23405.2 of the Business and Professions Code is amended to read:

23405.2. Notwithstanding any other provision of this division, the department may issue a license to a limited partnership in which there are more than 10 limited partners. The application for such license shall be signed by, and the license shall be issued in the names of, the general partners and each limited partner who owns 10 percent or more of the capital or profits of such limited partnership.

The issuance of a license under this section shall be conditioned upon the following:

(a) Any and all articles or agreements of limited partnership or certificates or amendments thereto shall be filed with the department at the time of filing the application for the license. Any and all articles, agreements, certificates or amendments executed after the issuance of the license shall be filed with the department within 30 days after execution.

(b) The general partners and limited partners who are required to sign the application shall certify to the department on such forms as prescribed by the department whether or not any general partner or any limited partner holds the ownership, directly or indirectly, in any license within or without this state to manufacture, import, distribute, rectify, or sell alcoholic beverages.

The department may deny any application or suspend or revoke any license under this section where conditions exist relative to any general partner or any limited partner who owns 10 percent or more of the capital or profits of the limited partnership which would cause grounds for denial or action against such person if he were a licensee or applicant.

The department may deny any application or suspend or revoke any license under this section in the event any general partner or any limited partner holds or acquires any prohibited ownership interest, directly or indirectly, in any licensed business in violation of the tied-house provisions of Chapter 15 of this division.

Notwithstanding any other provision of this division, the department may issue a license under this section where it is determined by the department that the interest in the limited partnership by a limited partner who also holds the ownership, directly or indirectly, in any other license issued under this division, is diminutive and, if the department so requires, the license issued

under this section may contain a condition thereon prohibiting any business transaction, direct or indirect, between the business licensed under this section and any other such licensed business.

CHAPTER 554

An act relating to a study of underdeveloped areas, and making an appropriation therefor.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. The Legislature finds and declares that:

(a) There is a need to identify those California regions which are now being served with a comprehensive economic and demographic data base and those regions which have little or no relevant data available to them.

(b) By cataloging this type of information and the sources of this information, regional decisionmakers and businesses interested in the region would have relevant data immediately available to them.

(c) There is a need for the recommendation of programs that encourage appropriate and comparable data bases for all regions to include funding subsidies in economically depressed areas.

(d) Tying all regional informational bases together through a communications network under the auspices of the California State University and Colleges system or the community college system would be of great benefit to the state.

SEC. 2. The Legislature authorizes funds to be expended from the current appropriation for the Lieutenant Governor or the Commission for Economic Development for the purpose of conducting a study to survey, develop, and establish economic and demographic profiles for the underdeveloped areas of the state and to accomplish the purposes of this act.

CHAPTER 555

An act to amend Section 1536 of, and to add Section 270.1 to, the Health and Safety Code, relating to health.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 270.1 is added to the Health and Safety Code, to read:

270.1. The State Department of Health Services and the placing adoption agency at the time of placement shall notify all prospective adopting parents in writing, that funds received under the California Children's Services Program shall terminate if the adopting parents move out of the state. However, the department and the placing adoption agency shall advise the prospective adopting parents that they may be eligible for such funds in the new state, subject to any applicable qualifications.

SEC. 2. Section 1536 of the Health and Safety Code is amended to read:

1536. At least annually, the director shall publish and make available to interested persons a list or lists covering all licensed community care facilities, other than foster family homes providing 24-hour care for six or fewer foster children and family day care homes, the services for which each such facility has been licensed or issued a special permit, and the evaluation rating of each such community care facility, as determined pursuant to Section 1535. A list or lists containing changes in facility ratings shall be published and made available periodically as determined by the director.

To encourage the recruitment of foster family homes, protect their personal privacy, and to preserve the security and confidentiality of the placements in the homes, the names, addresses, and other identifying information of facilities licensed as foster family homes providing 24-hour care for six or fewer children shall be considered personal information for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). Such information shall not be disclosed by any state or local agency pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) except as necessary for administering the licensing program, facilitating the placement of children in such facilities, and providing names and addresses only to bona fide professional foster parent organizations upon request. To encourage the recruitment of family day care homes and protect their personal privacy, the director shall promulgate regulations to prevent the use of names, addresses, and other identifying information of facilities licensed as family day care homes, except as necessary for administering the licensing program, facilitating the placement of children in such facilities, and providing the names and addresses only to resource and referral agencies, family day care organizations, or parents seeking local day care services, upon request.

As used in this section, "family day care home" means a facility licensed to regularly provide care, protection, and supervision to six or fewer children in the caregiver's own home, exclusive of children

who reside at the home, for periods of less than 24 hours per day, while the parents or guardians are away.

CHAPTER 556

An act to add Article 3 (commencing with Section 19835) to Chapter 9 of Part 3 of Division 13 of the Health and Safety Code, relating to building permits.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Article 3 (commencing with Section 19835) is added to Chapter 9 of Part 3 of Division 13 of the Health and Safety Code, to read:

Article 3. Local Regulations

19835. Whenever a local ordinance authorizes or requires the furnishing of security in connection with the performance of any act or agreement required as a condition for the issuance of a building permit, the building permit applicant may provide any of the following as such security:

(a) A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

(b) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

(c) Bond or bonds by one or more duly authorized corporate sureties.

(d) Any form of security which is acceptable to the local agency and specified by ordinance thereof.

19836. Security given for faithful performance of an act or agreement pursuant to Section 19835 shall be released immediately upon the performance of the act or final completion and acceptance of the required work and performance of the act, or the legislative body may provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses, under rules established by the legislative body.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 557

An act to add Chapter 4 (commencing with Section 13220) to Part 2 of Division 12 of the Health and Safety Code, relating to fire protection.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981.]

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

SECTION 1. Chapter 4 (commencing with Section 13220) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 4. HOTELS AND MOTELS

13220. (a) The owner or operator of any privately owned high-rise structure, as defined in Section 13210, or any hotel or motel, shall provide to persons entering those buildings specific emergency procedures to be followed in the event of fire.

(b) In the case of hotels and motels, the emergency procedure information shall be posted in a conspicuous place in every room available for rental in the hotel or motel, or, at the option of the hotel or motel operator, it shall be provided through the use of brochures, pamphlets, videotapes, or other means pursuant to regulations adopted by the State Fire Marshal.

(c) In the case of other high-rise structures, the emergency procedure information shall be made available in an area of the structure which is easily accessible to all persons entering the structure, designated pursuant to the regulations of the State Fire Marshal.

13221. The State Fire Marshal shall adopt regulations for the furnishing of emergency procedure information according to this chapter. Those regulations may include the general contents of brochures, pamphlets, signs, or videotapes used in furnishing emergency procedure information, but shall provide for at least the following:

(a) A reference to the posting of exit plans for the structure.

(b) A general explanation of operation of the fire alarm system of the structure.

(c) Other fire emergency procedures.

13222. Section 13220 shall become operative four months after the regulations adopted pursuant to Section 13221 become effective.

13223. Any person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction, shall be punished by

a fine of not to exceed ten thousand dollars ($10,000) or imprisonment in the county jail not to exceed six months, or both.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 558

An act to add Section 1373.7 to the Health and Safety Code, and to add Sections 10176.5, 10177.5 and 11512.2 to, the Insurance Code, relating to insurance.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 1373.7 is added to the Health and Safety Code, to read:

1373.7. A health care service plan contract, which is written or issued for delivery outside of California and which provides benefits for California residents that are within the scope of psychological practice, shall not be deemed to prohibit persons covered under the contract from selecting a psychologist licensed in California to perform the services in California which are within the terms of the contract even though the psychologist is not licensed in the state where the contract is written or issued for delivery.

SEC. 2. Section 10176.5 is added to the Insurance Code, to read:

10176.5. Disability insurance which is written or issued for delivery outside California in a state the laws of which require recognition of psychologists licensed in such state for services performed within the scope of psychological practice shall not be deemed to prohibit the insured from selecting a psychologist licensed in California to perform services in California which are covered under the terms of the policy even though such psychologist is not licensed in the state in which the insurance is written or issued for delivery.

SEC. 3. Section 10177.5 is added to the Insurance Code, to read:

10177.5. A self-insured employee welfare benefit plan which is written or issued for delivery outside California in a state the laws of which require recognition of psychologists licensed in such state for services performed within the scope of psychological practice shall not be deemed to prohibit the insured from selecting a psychologist

licensed in California to perform services in California which are covered under the terms of the policy even though such psychologist is not licensed in the state in which the insurance is written or issued for delivery.

SEC. 4. Section 11512.2 is added to the Insurance Code, to read:

11512.2. A hospital service plan contract which is written or issued for delivery outside California in a state the laws of which require recognition of psychologists licensed in such state for services performed within the scope of psychological practice shall not be deemed to prohibit the insured from selecting a psychologist licensed in California to perform services in California which are covered under the terms of the policy even though such psychologist is not licensed in the state in which the insurance is written or issued for delivery.

CHAPTER 559

An act to add Section 17084 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 17084 is added to the Revenue and Taxation Code, to read:

17084. If two individuals are married to each other at the end of the taxable year and do not file a joint return for that year, and if those individuals live separate and apart from each other with no present intention to resume the marital relationship for all or part of that year, then the earnings and accumulations of each spouse during separation shall be reported on each spouse's return as separate income in accordance with the provisions of Section 5118 of the Civil Code.

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

CHAPTER 560

An act to amend Section 61375 of, and to repeal Section 61386 of, the Food and Agricultural Code, relating to milk and dairy products.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 61375 of the Food and Agricultural Code is amended to read:

61375. (a) The giving of any milk, cream, dairy product, service, money, or article of any kind, except to a bona fide charity, for the purpose of securing or retaining the milk, cream, or dairy product business of any wholesale customer or consumer is an unfair practice.

(b) The issuance of coupons, premiums, certificates, or similar devices to be redeemed in connection with the retail sale of dairy products classified as class 1, except yogurts, is prohibited. This section shall not prohibit the issuance of coupons, premiums, certificates, or similar devices to be redeemed in connection with the retail sale of yogurts, and dairy products other than those classified as class 1, if all the costs incurred in the issuance and redemption is borne by the person issuing and redeeming the coupons, premiums, certificates, or similar devices. The issuance and redemption of premiums, coupons, certificates, and similar devices in connection with the retail sale of dairy products, to the extent permitted under this section, shall otherwise comply with all the requirements of this chapter.

SEC. 2. Section 61386 of the Food and Agricultural Code is repealed.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 561

An act to add Sections 2475.1, 2475.2, 2475.3, and 2475.4 to the Business and Professions Code, relating to podiatry.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 2475.1 is added to the Business and Professions Code, to read:

2475.1. The Legislature hereby finds and declares that the number of postgraduate clinical training positions available to graduates of California schools of podiatric medicine are inadequate and that many of such graduates are forced to enter into the practice

of podiatric medicine without the benefit of postgraduate clinical training. The Legislature further finds that it is in the public interest and to the benefit of the state to assist in increasing the number of postgraduate clinical training programs available to graduates of California schools of podiatric medicine.

The Legislature further finds and declares that the didactic education offered at California schools of podiatric medicine is significantly broader in scope than is the subsequent clinical experience and practice of doctors of podiatric medicine and that increased availability of programs of postgraduate clinical training would improve the quality of podiatric care offered to the public and would additionally assist doctors of podiatric medicine in qualifying for expanded role functions in the health care delivery system, thus ameliorating the health care manpower shortage in the state. It is the intent of the Legislature to provide for a program designed primarily to increase the number of postgraduate clinical training residencies sufficiently that all able and qualified graduates of California schools of podiatric medicine have the opportunity to avail themselves of such training. It is further the intent of the Legislature that this program is to be supplemented, after its purpose has been realized, with subsequent legislation mandating one year of postgraduate clinical training as a condition for issuance of a certificate to practice podiatry.

SEC. 2. Section 2475.2 is added to the Business and Professions Code, to read:

2475.2. As used in this article, "podiatric residency" means a program of supervised postgraduate clinical training, one year or more in duration, approved by the examining committee.

SEC. 3. Section 2475.3 is added to the Business and Professions Code, to read:

2475.3. The examining committee shall approve podiatric residency programs, as defined in Section 2475.2, in the field of podiatric medicine, affiliated with, and under the supervision of, schools of podiatric medicine approved by the examining committee, for persons who are applicants for or have been issued a certificate to the practice of podiatry pursuant to this article. A maximum of 100 training positions shall be made available in the approved podiatric residency programs.

SEC. 4. Section 2475.4 is added to the Business and Professions Code, to read:

2475.4. The Student Aid Commission shall, within their current level of appropriations, maintain statistical records of the expenditures of funds by schools of podiatric medicine for operating podiatric residency programs established pursuant to this section, and of the numbers of students enrolled in such programs. The commission shall report to the Legislature no later than each January 1, concerning the numbers of students who have completed or are enrolled in such podiatric residency programs, the schools of podiatric medicine such students attend, the attrition rate of

students enrolled in various programs, and recommendations for changes in funding such programs.

CHAPTER 562

An act to amend Section 96.7 of the Labor Code, and to amend and supplement the Budget Act of 1981 (Chapter 99 of the Statutes of 1981) by amending Item 835-001-001, and the provisions applicable thereto, relating to unpaid wages, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 96.7 of the Labor Code is amended to read:

96.7. The Labor Commissioner, after investigation and upon determination that wages or monetary benefits are due and unpaid to any worker in the State of California, may collect such wages or benefits on behalf of the worker without assignment of such wages or benefits to the commissioner

(a) The Labor Commissioner shall act as trustee of all such collected unpaid wages or benefits, and shall deposit such collected moneys in the Industrial Relations Unpaid Wage Fund

(b) The Labor Commissioner shall make a diligent search to locate any worker for whom the Labor Commissioner has collected unpaid wages or benefits.

(c) All wages or benefits collected under this section shall be remitted to the worker, his lawful representative, or to any trust or custodial fund established under a plan to provide health and welfare, pension, vacation, retirement, or similar benefits from the Industrial Relations Unpaid Wage Fund.

(d) Any unpaid wages or benefits collected by the Labor Commissioner pursuant to this section shall be retained in the Industrial Relations Unpaid Wage Fund until remitted pursuant to subdivision (c), or until deposited in the General Fund pursuant to subdivision (e)

(e) Whenever the balance in the Industrial Relations Unpaid Wage Fund is in excess of two hundred thousand dollars ($200,000), the Labor Commissioner shall transmit this excess amount to the Controller for deposit in the General Fund.

(f) All wages or benefits collected under this section which cannot be remitted from the Industrial Relations Unpaid Wage Fund pursuant to subdivision (c) because money has been transmitted to the General Fund pursuant to subdivision (e) shall be paid out of the General Fund from funds appropriated for that purpose.

SEC. 2 Item 835-001-001 of the Budget Act of 1981 (Chapter 99

of the Statutes of 1981), and the provisions applicable thereto, are amended to read:

835-001-001—For support of Department of Industrial Relations		71,675,922
Schedule:		
(a) 10-Regulation of Workers' Compensation Self-Insurance Plans	401,158	
(1) 10-Total Regulation of Workers' Compensation Self-Insurance Plans	915,580	
(2) Reimbursements	−514,422	
(b) 20-Conciliation of Employer-Employee Disputes	1,445,513	
(c) 30-Preventing, Settling, Adjudicating and Administrating Disputes under Workers' Compensation Laws	28,796,556	
(d) 40-The Prevention of Industrial Injuries and Deaths of California Workers	18,937,558	
(1) 40-Total the Prevention of Industrial Injuries and Deaths of California Workers	19,180,704	
(2) Reimbursements	−243,146	
(e) 50-Enforcement and Promulgation of Laws Relating to Wages, Hours, and Conditions of Employment, and Licensing and Adjudication	16,250,726	
(1) 50-Total Enforcement and Promulgation of Laws Relating to Wages, Hours, and Conditions of Employment, and Licensing and Adjudication	16,737,600	
(2) Reimbursements	−486,874	
(f) 60-Promotion, Development and Administration of Apprenticeship and Other On-the-Job Training	4,372,822	
(1) 60-Total Promotion, Develop-		

ment and Administration of Apprenticeship and Other On-the-Job Training	4,568,490	
(2) Reimbursements..	−195,668	
(g) 70-Labor Force Research and Data Dissemination		1,471,589
(1) 70-Total Labor Force Research and Data Dissemination	1,478,069	
(2) Reimbursements..	−6,480	

Provisions applicable to Item 835-001-001—For support of Department of Industrial Relations:

1. Provided, that the Director of Industrial Relations, after receiving approval of the Director of Finance, may establish a maximum of 15 positions in the Division of Labor Standards Enforcement for unlicensed contractors enforcement to be funded by reimbursements from the State Contractor's License Board, if funds are appropriated by Item 123-018-735 for that purpose.

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 allow the large surplus of unclaimed unpaid wages to be used for other purposes as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 563

An act to amend Sections 4550, 4551, 4611, 4626, and 4677 of, and to repeal Section 4645 of, the Welfare and Institutions Code, relating to developmental disabilities.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 4550 of the Welfare and Institutions Code is amended to read:

4550. The state council's operating costs shall include honoraria and actual and necessary expenses for council members, and administrative, professional, and secretarial support services. Federal developmental disability funds received by the state under the provisions of Public Law 94-103, as amended, shall be allotted in any one year for these operating costs. Each member of the state council shall receive fifty dollars ($50) per day for each full day of work performed directly related to council business, not to exceed 50 days in any fiscal year, and shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

SEC. 2. Section 4551 of the Welfare and Institutions Code is amended to read:

4551. Within the limit of funds allotted for such purposes, the state council chairperson, with the concurrence of a majority of the state council, shall appoint an executive director. The Governor, upon the recommendation of the executive director, shall appoint not more than two staff persons. All other state council employees that the state council may require shall be appointed by the executive director, with the approval of the state council.

The executive director shall be paid a salary which is comparable to the director of other state boards and commissions with similar responsibilities. The executive director appointed by the state council and not more than two staff persons appointed by the Governor shall be exempt from civil service.

SEC. 3. Section 4611 of the Welfare and Institutions Code is amended to read.

4611. Each year each area board shall present for consideration by the state council a proposal for funds to support the activities of the area board. The state council shall review all area board proposals and shall include in the state plan the amount of federal funds under Public Law 94-103 that shall be allotted to each area board.

The allotment of federal Public Law 94-103, federal developmental disability funds, in the state plan, shall include an allotment to all area boards Nothing in this section shall prevent the appropriation of additional funds to area boards from the General Fund.

Area boards may receive grants of funds in addition to an allocation of state funds or federal funds under Public Law 94-103 as authorized under this division Such funds shall be used only for purposes of extending the area boards' activities as authorized in this division.

SEC. 4. Section 4626 of the Welfare and Institutions Code is amended to read:

4626. In order to prevent potential conflicts of interest, no member of the governing board or member of the program policy committee of a regional center shall be any of the following:

(a) An employee of the State Department of Developmental Services or any state or local agency which provides services to a regional center client if employed in a capacity which includes administrative or policymaking responsibility, or responsibility for

the regulation of the regional center.

(b) An employee or a member of the state council or an area board.

(c) An employee or member of the governing board of any entity from which the regional center purchases client services.

(d) Any person who has a financial interest, as defined in Section 87107 of the Government Code, in regional center operations, except as a consumer of regional center services.

Notwithstanding the provisions of subdivision (a) of this section, members serving on the governing board or program policy committee of a regional center on January 1, 1982, may continue to serve on the board or committee until the expiration of their term as defined in subdivision (f) of Section 4622. Notwithstanding any other provision of this section, members serving on the governing board or program policy committee of a regional center on January 1, 1982, may continue to serve on the board or committee until the expiration of their current term. Changes in the composition of such board or committee required by amendments to this section that are operative on January 1, 1982, shall apply only to subsequent vacancies on the board or committee.

SEC. 5. Section 4645 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 4677 of the Welfare and Institutions Code is amended to read:

4677. All parental fees collected by or for regional centers shall be remitted to the State Treasury to be deposited in the Developmental Disabilities Program Development Fund, which is hereby created and hereinafter called the Program Development Fund The purpose of the Program Development Fund shall be to provide resources needed to initiate new programs, consistent with approved priorities for program development in the state plan In no event shall an allocation from the Program Development Fund be granted for more than 24 months.

Parental fee schedules shall be evaluated pursuant to the provisions of Section 4785 and adjusted annually by the department, with the approval of the state council. Fees for out-of-home care shall bear an equitable relationship to the cost of such care and the ability of the family to pay.

In addition to parental contributions and General Fund appropriations, the Program Development Fund may be augmented by federal funds available to the state for program development purposes, when such funds are allotted to the Program Development Fund in the state plan. The Program Development Fund is hereby appropriated to the department until June 30, 1983, for the purposes of this section. In no event shall any such funds revert to the General Fund, except after June 30, 1983. Prior to July 1, 1983, the Department of Finance shall review the utilization and effectiveness of the Program Development Fund and shall report its findings to the Legislature.

The Legislative Analyst shall review and comment on the utilization and effectiveness of the Program Development Fund in connection with the annual budget hearings.

The department may allocate funds from the Program Development Fund for any legal purpose, provided, that requests for proposals and such allocations are approved by the state council, in consultation with the department, and are consistent with the priorities for program development in the state plan. Allocations from the Program Development Fund shall take into consideration the future fiscal impact of such allocations on other state-supported programs for developmentally disabled persons. To the extent feasible, allocation decisions shall also take into consideration distribution of funds to geographic areas proportionate to such area's contributions to the Program Development Fund.

Under no circumstances shall the deposit of federal moneys into the Developmental Disabilities Program Development Fund be construed as requiring the State Department of Developmental Services to comply with a definition of "developmental disabilities" and "services for persons with developmental disabilities" other than as specified in subdivisions (a) and (b) of Section 4512 for the purposes of determining eligibility for developmental services or for allocating parental fees and state general funds deposited in the Program Development Fund.

CHAPTER 564

An act to amend Sections 41502 and 41652 of the Health and Safety Code, relating to air pollution.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1 Section 41502 of the Health and Safety Code is amended to read:

41502. (a) Before taking any action pursuant to Section 41503, 41504, 41505, or 41652, the state board shall hold a public hearing within the air basin affected, upon a 45-day written notice given to the basinwide air pollution control council, if any, the affected districts, the affected air quality planning agencies, and the public. However, except with respect to action taken pursuant to Section 41652, upon receipt of evidence that a concentration of air contaminants in any place is presenting an imminent and substantial endangerment to the health of persons, and that the districts affected are not taking reasonable action to abate the concentration of air contaminants, the state board shall give, orally if necessary, as much notice as possible, but not less than 24 hours. The state board shall,

in the action taken, include a statement of the facts which prevented the state board from giving a 45-day written notice.

(b) In addition to any other statutory requirements, interested persons shall have the right, at the public hearing, to present oral and written evidence and to question and solicit testimony of qualified representatives of the state board on the matter being considered. The state board may, at the public hearing, place reasonable limits on such right to question and solicit testimony.

(c) If, after conducting the public hearing required by subdivision (a), the state board determines to take action pursuant to any section enumerated in subdivision (a), the state board shall, based on the record of the public hearing, adopt written findings which explain the action to be taken by the state board, why the state board decided to take the action, and why the action is authorized by, and meets the requirements of, the statutory provisions pursuant to which it was taken. In addition, the findings shall address the significant issues raised or written evidence presented by interested persons or the staff of the state board. The transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, shall constitute the exclusive record for decision by the state board.

(d) Subdivisions (a), (b), and (c) shall be applicable to the executive officer of the state board acting pursuant to Section 39515, or to his delegates acting pursuant to Section 39516, with respect to any action taken pursuant to any section enumerated in subdivision (a).

SEC. 2. Section 41652 of the Health and Safety Code is amended to read:

41652. If, after the public hearing, the state board finds that the nonattainment area plan approved by the designated air quality planning agencies does not comply with the requirements of the Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the state board may adopt such revisions as necessary to comply with such requirements, except as otherwise provided in Article 5.5 (commencing with Section 53098) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code.

CHAPTER 565

An act to amend Sections 5544.2 and 5568 of, and to add Sections 5545.3 and 5566 to, the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1981. Filed with Secretary of State September 19, 1981.]

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

SECTION 1. Section 5544.2 of the Public Resources Code is amended to read:

5544 2. (a) A district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract.

(b) The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for the next four-year period derived pursuant to Section 5545 or the anticipated tax income for the next 10-year period derived pursuant to Section 50077 of the Government Code, or both; or, with respect to the East Bay Regional Park District only, the anticipated tax income for the next two-year period derived pursuant to Sections 5545 and 5545.5 or the anticipated tax income for the next 10-year period derived pursuant to Section 50077 of the Government Code, or both. All indebtedness which is incurred on or after July 1, 1982, pursuant to this section shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 10 percent per annum, or the rate allowed pursuant to Section 53531 of the Government Code, if higher, payable annually or semiannually or in part annually and in part semiannually. Each indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least two-thirds of the members of the district board and shall be evidenced by a promissory note or contract signed by at least two-thirds of the members of the board of directors. At the time of making the general tax levy after incurring each indebtedness and annually thereafter until the indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on the indebtedness as they become due, a portion of the taxes levied and collected pursuant to Section 50077 of the Government Code, if any, and pursuant to Sections 5545 and 5545.5 shall be levied and collected and set aside sufficient to pay the interest on the indebtedness and the part of the principal that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(c) 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.

SEC. 2. Section 5545.3 is added to the Public Resources Code, to read:

5545.3. In the event the board of directors proposes to submit a special tax, as provided in Section 50077 of the Government Code, and a bond issue for approval by the voters of the district, or a zone or zones within the district, both the special tax and the bond issue may be consolidated and may appear on the ballot as a single proposition if the special tax and the bond issue are for the same

object or purpose.

SEC. 3. Section 5566 is added to the Public Resources Code, to read:

5566. In exercising the authority conferred by Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, a district may establish a zone or zones and a rate of tax for each zone. All revenue from a tax levied in a zone shall be expended in connection with land and facilities that are located in that zone, including a reasonable amount thereof allocated for general administrative expenses of the district.

SEC. 4. Section 5568 of the Public Resources Code is amended to read:

5568. For the purpose of acquiring, constructing, or completing any improvement or improvements authorized by this article, or for the purpose of acquiring any land or other property necessary or useful therefor, the board of directors may incur an indebtedness not to exceed 5 percent of the assessed valuation of the real and personal property situated in the district or in any zone established pursuant to Section 5566 for the purpose of levying a tax to pay all sums coming due to repay the indebtedness. The district may issue bonds for the indebtedness under and in full compliance with the provisions of Article 1 (commencing with Section 43600) of Chapter 4 of Division 4 of Title 4 of the Government Code. The provisions of that chapter, as they may exist from time to time and insofar as they may be applicable, shall govern all district bond issues, and the board of each district is the legislative branch of the district, and authorized to do all acts and things which may be done by the legislative branch of cities, towns, and municipal corporations in the incurring of indebtedness and the issuance and sale of bonds.

Taxes for the payment of the bonds shall be levied and collected in the manner provided in this article.

The bonds issued under this section shall be signed by the president of the board and the treasurer of the district, and countersigned by the secretary. The coupons shall be signed by the treasurer. If any officers whose signatures appear on the bonds or coupons cease to be officers before the delivery of the bonds to the purchaser, those signatures or countersignatures are, nevertheless, valid and sufficient for all purposes, the same as if the officers had remained in office until the delivery of the bonds.

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 the necessity are:

In order to provide local financing for urgently needed fire, police, and other programs and projects of regional park, regional open-space, and regional park and open-space districts, it is necessary that this act take effect immediately.

CHAPTER 566

An act to add Section 243.5 to the Penal Code, and to add Section 729 to the Welfare and Institutions Code, relating to assault and battery.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 243 5 is added to the Penal Code, to read:

243.5. (a) When a person is convicted of committing an assault or battery on school property during hours when school activities are being conducted , and the court grants probation, the court as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that such a condition would be inappropriate, shall require that the person make restitution to the victim. If restitution is found to be inappropriate, the court shall require as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that such a condition would be inappropriate, that the defendant perform specified community service. Nothing in this section shall be construed to limit the authority of the court to grant or deny probation or provide conditions of probation.

(b) Notwithstanding subdivision (2) or (3) of Section 836, a peace officer may, without a warrant, arrest a person who commits an assault or battery described in subdivision (a):

(1) Whenever the person has committed the assault or battery, although not in his presence.

(2) Whenever the peace officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed

(c) School as used in this section means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18 5 of the Education Code, and any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school.

SEC. 2. Section 729 is added to the Welfare and Institutions Code, to read:

729 If a minor is found to be a person described in Section 602 by reason of the commission of a battery on _____ described in Penal Code Section 243.5, and the court does not remove the minor from the physical custody of the parent or guardian, the court as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that such condition would be inappropriate, shall require the minor to make restitution

to the victim of the battery. If restitution is found to be inappropriate, the court, except in any case in which the court makes a finding and states on the record its reasons that such condition would be inappropriate, shall require the minor to perform specified community service. Nothing in this section shall be construed to limit the authority of a juvenile court to provide conditions of probation.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 567

An act to amend Sections 1005.4 and 1357 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 1005.4 of the Water Code is amended to read.

1005.4. (a) Cessation of or reduction in the extraction of ground water, to permit the replenishment of such ground water by the use of water from an alternate nontributary source, is hereby declared to be a reasonable beneficial use of the ground water to the extent and in the amount that water from such alternate source is applied to beneficial use, not exceeding, however, the amount of such reduction. No lapse, reduction or loss of any right in ground water, shall occur under such conditions.

(b) Any such user of water from an alternative source may file with the board, on or before December 31st of each calendar year, a statement of the amount of reduction in the extraction of groundwater as a result of water from the alternative source having been so applied to reasonable beneficial use during the next preceding water year (October 1st to September 30th) to permit replenishment of such groundwater. However, failure to file such a statement shall in no way affect the right of a user to claim the benefit of this section.

(c) The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this state defined by the exterior boundaries of every county, except

the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

(d) The term "nontributary source," as used in this section, shall be deemed to include water imported from another watershed or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

SEC. 2. Section 1357 of the Water Code is amended to read:

1357. The board may order a reconsideration of all or part of a decision or order on the board's own motion or on petition of any person interested in any application, permit, or license affected by the decision or order. The petition shall be filed within 30 days after adoption by the board of a decision or order. The power of the board to order a reconsideration on its own motion shall expire 30 days after it has adopted a decision or order. The board shall order or deny reconsideration on a petition therefor within 60 days after the petition is filed.

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:

Many water users will be required to file certain reports with the state by December 31, 1981, in order to protect their existing groundwater rights. In order that the provisions of this act may go into effect before that date, and thereby protect the rights of existing water users within the agency, it is necessary that this act take effect immediately.

CHAPTER 568

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 September 18, 1981 Filed with Secretary of State September 19, 1981]

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.
Industrial development authority.
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 transit development boards.
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 1981.

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 the 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 569

An act to amend Section 41420 of, and to add Sections 41609 and 46146 to, the Education Code, relating to average daily attendance.

[Approved by Governor September 18, 1981. Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 41420 of the Education Code is amended to read:

41420. (a) No school district, other than one newly formed, shall, except as otherwise provided in this article, receive any apportionment based upon average daily attendance from the State School Fund unless it has maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year.

(b) If any school within a school district fails to maintain its school for the required 175 days, the Superintendent of Public Instruction shall withhold from the district's apportionment based upon average daily attendance a product of 0.01143 times the district's apportionment for each additional day the school would have had to maintain operations to meet the 175 day requirement.

For the purpose of this subdivision, except as otherwise provided, the State Board of Education shall establish the standards and criteria for defining a day qualifying for the 175-day minimum requirement.

SEC. 2. Section 41609 is added to the Education Code, to read:

41609. (a) It is the intent of the Legislature in enacting this section that responsible school district officials be held fully accountable for the sum and substance of attendance accounting and reporting and also that minor and inadvertent instances of noncompliance shall be resolved in a fair and equitable manner to the satisfaction of the Superintendent of Public Instruction and the Department of Finance.

(b) The Superintendent of Public Instruction, with the approval of the Department of Finance, may waive strict compliance by school districts with the statutes and regulations relating to attendance accounting for purposes of making apportionments from

Section A of the State School Fund if he or she determines that the noncompliance involved is minor or inadvertent, or both, according to guidelines adopted by the superintendent.

SEC. 3. Section 46146 is added to the Education Code, to read:

46146. A day of attendance in grades 11 and 12 is 180 minutes of attendance if the pupil is enrolled part-time in classes of a community college or state university or college, or the University of California for which academic credit will be provided upon satisfactory completion of enrolled courses.

Notwithstanding any other provisions of law, the 180-minute minimum school day permitted by this section shall, for the purposes of average daily attendance, be computed and reported as attendance for three-quarters of the full 240-minute minimum school day prescribed by Section 46141.

CHAPTER 570

An act to amend Sections 9212, 9221, 9243, 9410, 9411, 9412, 9414, 9417, and 10250 of, to add Section 9621 to, to repeal Sections 9225 and 9416 of, and to repeal and add Section 9415 of, the Corporations Code, relating to nonprofit corporations.

[Approved by Governor September 18, 1981. Filed with Secretary of State September 19, 1981.]

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

SECTION 1. Section 9212 of the Corporations Code is amended to read:

9212. (a) Subject to any provision in the articles or bylaws: (i) the board may, by resolution adopted by a majority of the number of directors then in office, provided that a quorum is present, create one or more committees, each consisting of two or more directors, to serve at the pleasure of the board; and (ii) appointments to such committees shall be by a majority vote of the directors then in office. The bylaws may authorize one or more committees, each consisting of two or more directors, and may provide that a specified officer or officers who are also directors of the corporation shall be a member or members of such committee or committees. The board may appoint one or more directors as alternate members of any committee, who may replace any absent member at any meeting of the committee. Any such committee, to the extent provided in the resolution of the board or in the bylaws, shall have all the authority of the board, except with respect to:

(1) The approval of any action for which this part also requires approval of the members (Section 5034) or approval of a majority of all members (Section 5033).

(2) The filling of vacancies on the board or in any committee

which has the authority of the board.

(3) The fixing of compensation of the directors for serving on the board or on any committee.

(4) The amendment or repeal of bylaws or the adoption of new bylaws.

(5) The amendment or repeal of any resolution of the board which by its express terms is not so amendable or repealable.

(6) The appointment of committees of the board or the members thereof.

(b) Subdivision (a) shall not apply to any committee which does not exercise the authority of the board.

(c) Unless the bylaws otherwise provide, the board may delegate to any committee powers as authorized by Section 9210, but may not delegate the powers set forth in paragraphs (1) through (6) of subdivision (a) of this section.

SEC. 2. Section 9221 of the Corporations Code is amended to read:

9221. The board may declare vacant the office of a director who has been declared of unsound mind by a final order of court, or convicted of a felony, or, if at the time a director is elected, the bylaws provide that a director may be removed for missing a specified number of board meetings, fails to attend the specified number of meetings.

SEC. 3. Section 9225 of the Corporations Code is repealed.

SEC. 4. Section 9243 of the Corporations Code is amended to read:

9243. (a) Except as provided in subdivision (b), for the purpose of this section, a self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest and which does not meet the requirements of paragraph (1), (2), (3), or (4) of subdivision (d). Such a director is an "interested director" for the purpose of this section.

(b) The provisions of this section do not apply to any of the following:

(1) An action of the board fixing the compensation of a director as a director or officer of the corporation or making any loan of money or property to or guaranteeing the obligation of any director or officer;

(2) A transaction which is part of a public, charitable or religious program of the corporation if it: (i) is approved or authorized by the corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public, charitable or religious program; or

(3) A transaction, of which the interested director or directors have no actual knowledge, and which does not exceed the lesser of 1 percent of the gross receipts of the corporation for the preceding fiscal year or one hundred thousand dollars ($100,000).

(c) Any of the following may bring an action in the superior court of the proper county for the remedies specified in subdivision (h):

(1) The corporation, or a member asserting the right in the name of the corporation; however, for the purpose of this paragraph the provisions of Section 5710 shall apply to the action;

(2) A director of the corporation;

(3) An officer of the corporation; or

(4) Any person authorized by the bylaws to bring an action.

(d) In any action brought under subdivision (c) the remedies specified in subdivision (h) shall not be granted if:

(1) The Attorney General, or the court in an action in which the Attorney General is an indispensable party, has approved the transaction before or after it was consummated; or

(2) The transaction is approved or ratified in good faith by the members (Section 5034) other than the directors, after notice and disclosure to the members of the material facts concerning the transaction and the director's interest in the transaction; or

(3) If the followng facts are established:

(A) The corporation entered into the transaction for its own benefit or for the benefit of the religious organization;

(B) The transaction was fair and reasonable as to the corporation or was in furtherance of its religious purposes at the time the corporation entered into the transaction;

(C) Prior to consummating the transaction or any part thereof the board authorized or approved the transaction in good faith by a vote of a majority of the directors then in office without counting the vote of the interested director or directors, and with knowledge of the material facts concerning the transaction and the director's interest in the transaction. Except as provided in paragraph (4) of this subdivision, action by a committee of the board shall not satisfy this paragraph; and

(D) (i) Prior to authorizing or approving the transaction the board considered and in good faith determined after reasonable investigation under the circumstances that either the corporation could not have obtained a more advantageous arrangement with reasonable effort under the circumstances or the transaction was in furtherance of the corporation's religious purposes or (ii) in fact, either the corporation could not have obtained a more advantageous arrangement with reasonable effort under the circumstances or the transaction was in furtherance of the corporation's religious purposes; or

(4) The following facts are established:

(A) A committee or person authorized by the board approved the transaction in a manner consistent with the standards set forth in paragraph (3) of this subdivision;

(B) It was not reasonably practicable to obtain approval of the board prior to entering into the transaction; and

(C) The board, after determining in good faith that the conditions of subparagraphs (A) and (B) of this paragraph were satisfied,

ratified the transaction at its next meeting by a vote of the majority of the directors then in office without counting the vote of the interested director or directors.

(e) Except as provided in subdivision (f), an action under subdivision (c) or Section 9230 shall be commenced within two years after written notice setting forth the material facts of the transaction is filed with the Attorney General in accordance with such regulations, if any, as the Attorney General may adopt or if no such notice is filed, five years after the cause of action has accrued.

(f) In any action for breach of an obligation of the corporation owed to an interested director, where the obligation arises from a self-dealing transaction which has not been approved as provided in subdivision (d), the court may, by way of offset only, make any order authorized by subdivision (h), notwithstanding the expiration of the applicable period specified in subdivision (e).

(g) Interested directors may be counted in determining the presence of a quorum at a meeting of the board which authorizes, approves or ratifies a contract or transaction.

(h) If a self-dealing transaction has taken place, the interested director or directors shall do such things and pay such damages as in the discretion of the court will provide an equitable and fair remedy to the corporation taking into account any benefit received by the corporation and whether the interested director or directors acted in good faith and with intent to further the best interest of the corporation. Without limiting the generality of the foregoing, the court may order the director to do any or all of the following:

(1) Account for any profits made from such transaction, and pay them to the corporation;

(2) Pay the corporation the value of the use of any of its property used in such transactions; and

(3) Return or replace any property lost to the corporation as a result of such transaction, together with any income or appreciation lost to the corporation by reason of such transaction, or account for any proceeds of sale of such property, and pay the proceeds to the corporation together with interest at the legal rate.

The court may award prejudgment interest to the extent allowed in Sections 3287 and 3288 of the Civil Code. In addition, the court may, in its discretion, grant exemplary damages for a fraudulent or malicious violation of this section.

SEC 5. Section 9410 of the Corporations Code is amended to read:

9410. (a) In the absence of a contrary provision in the articles or bylaws, the provisions of this chapter shall apply to any regular or special meetings of members or obtaining approval of members (Section 5034) or approval of a majority of members (Section 5033). The articles or bylaws may provide any reasonable method of calling, noticing, and holding such meetings or obtaining such approvals.

(b) Anything in subdivision (a) to the contrary notwithstanding, the articles or bylaws may not vary the provisions of subdivision (e) of Section 9411, subdivision (e) of Section 9417 (if proxies are

authorized), or Section 9418.

SEC. 6. Section 9411 of the Corporations Code is amended to read:

9411. (a) Subject to the provisions of this chapter, regular and special meetings of members shall be called, noticed and held as may be ordered by the board.

(b) Special meetings of members may be called by the board or the chairman of the board or the president for any lawful purpose. In addition, special meetings of members may be called by 5 percent or more of the members for any lawful purpose.

(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 members, the board shall expeditiously set a reasonable time and place for the meeting and the officer forthwith shall cause notice to be given to the members entitled to vote of the time and place of the meeting. 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 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 members entitled to vote and the form of notice.

(d) The transactions of any meeting of members, 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 part 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 members need be specified in any written waiver of notice, consent to the holding of the meeting or approval of the minutes thereof except as provided in subdivision (e).

(e) Any member approval required under subdivision (b) of Section 9150, Section 9222, Section 5812 (made applicable pursuant to Section 9620), subdivision (a) of Section 9631, subdivision (c) of Section 9640, subdivision (a) of Section 6015 (made applicable

pursuant to Section 9640), or subdivision (b) of Section 9680, other than unanimous approval by those entitled to vote, 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. 7. Section 9412 of the Corporations Code is amended to read:

9412. (a) A majority of the voting power, represented in person, by written ballot, or by proxy, shall constitute a quorum at a meeting of members. If a quorum is present, the affirmative vote of the majority of the voting power represented at the meeting, entitled to vote, and voting on any matter shall be the act of the members.

(b) The members present at a duly called or held meeting at which a quorum is present may continue to transact business until adjournment notwithstanding the withdrawal of enough members to leave less than a quorum, if any action taken (other than adjournment) is approved by at least a majority of the members required to constitute a quorum.

(c) In the absence of a quorum, any meeting of members may be adjourned from time to time by the vote of a majority of the votes represented either in person or by proxy, but no other business may be transacted, except as provided in subdivision (b).

SEC. 8. Section 9414 of the Corporations Code is amended to read:

9414. (a) If for any reason it is impractical or impossible for any corporation to call or conduct a meeting of its members, delegates or directors, or otherwise obtain their consent, in the manner prescribed by its articles or bylaws, or this part, then the superior court of the proper county, upon petition of a director, officer, delegate, or member, may order that such a meeting be called or that a written ballot or other form of obtaining the vote of members, delegates or directors be authorized, in such a manner as the court finds fair and equitable under the circumstances.

(b) The court shall, in an order issued pursuant to this section, provide for a method of notice reasonably designed to give actual notice to all parties who would be entitled to notice of a meeting held pursuant to the articles, bylaws and this part, whether or not the method results in actual notice to every such person, or conforms to the notice requirements that would otherwise apply. In a proceeding under this section the court may determine who the members or directors are.

(c) The order issued pursuant to this section may dispense with any requirement relating to the holding of and voting at meetings or obtaining of votes, including any requirement as to quorums or as to the number or percentage of votes needed for approval, that would otherwise be imposed by the articles, bylaws, or this part.

(d) Wherever practical any order issued pursuant to this section shall limit the subject matter of the meetings or other forms of consent authorized to items, including amendments to the articles or bylaws, the resolution of which will or may enable the corporation

to continue managing its affairs without further resort to this section; provided, however, that an order under this section may also authorize the obtaining of whatever votes and approvals are necessary for the dissolution, merger, sale of assets or reorganization of the corporation

(e) Any meeting or other method of obtaining the vote of members, delegates or directors conducted pursuant to an order issued under this section, and which complies with all the provisions of such order, is for all purposes a valid meeting or vote, as the case may be, and shall have the same force and effect as if it complied with every requirement imposed by the articles, bylaws and this part.

SEC. 9. Section 9415 of the Corporations Code is repealed.

SEC. 10. Section 9415 is added to the Corporations Code, to read:

9415. (a) If the articles or bylaws authorize cumulative voting, but not otherwise, every member entitled to vote at any election of directors may cumulate such member'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 member is entitled, or distribute the member's votes on the same principle among as many candidates as the member thinks fit.

(b) No member shall be entitled to cumulate votes for a candidate or candidates unless such candidate's name or candidates' names have been placed in nomination prior to the voting and the member has given notice at the meeting prior to the voting of the member's intention to cumulate votes. If any one member has given such notice, all members may cumulate their votes for candidates in nomination.

(c) In any election of directors, the candidates receiving the highest number of votes are elected, subject to any lawful provision specifying election by classes.

(d) Elections for directors need not be by ballot unless a member demands election by ballot at the meeting and before the voting begins or unless the bylaws so require.

SEC. 11. Section 9416 of the Corporations Code is repealed.

SEC. 12. Section 9417 of the Corporations Code is amended to read:

9417. (a) Any member may authorize another person or persons to act by proxy with respect to such membership, except that this right may be limited or withdrawn by the articles or bylaws. Any proxy purported to be executed in accordance with the provisions of this part shall be presumptively valid.

(b) No proxy shall be valid after the expiration of 11 months from the date thereof unless otherwise provided in the proxy, except that the maximum term of any proxy shall be three years from the date of execution. Every proxy continues in full force and effect until revoked by the person executing it prior to the vote pursuant thereto. Such revocation may be effected by a writing delivered to the corporation stating that the proxy is revoked or by a subsequent proxy executed by the person executing the prior proxy and

presented to the meeting, or as to any meeting by attendance at such meeting and voting in person by the person executing the proxy.

(c) A proxy is not revoked by the death or incapacity of the maker or the termination of a membership as a result thereof unless, before the vote is counted, written notice of such death or incapacity is received by the corporation.

(d) The proxy of a member may not be irrevocable.

(e) Any proxy covering matters requiring a vote of the members pursuant to Section 5812 (made applicable pursuant to Section 9620), subdivision (a) of Section 9631, subdivision (c) of Section 9640, subdivision (a) of Section 6015 (made applicable pursuant to Section 9640), or subdivision (b) of Section 9680 is not valid unless it sets forth the general nature of the matter to be voted on.

SEC. 13. Section 9621 is added to the Corporations Code, to read:

9621. (a) A religious corporation may amend its articles to change its status to that of a public benefit corporation, by complying with the provisions of this section and the other sections of Chapter 8 (commencing with Section 5810) of Part 2 (made applicable pursuant to Section 9620).

(b) Amended articles authorized by this section shall include the provisions which would have been required (other than the name of the initial agent for service of process if a statement has been filed pursuant to Section 6210, made applicable pursuant to Section 9660) and may in addition only include those provisions which would have been permitted, in original articles filed by the public benefit corporation.

SEC. 14. Section 10250 of the Corporations Code is amended to read:

10250. (a) Any corporation organized under the provisions of or for the purposes set forth in Part 6 (commencing with Section 10000) of this division or organized on or prior to December 31, 1979, under the provisions of or for purposes set forth in Part 3 (commencing with Section 10200) of this division, then in effect, or organized under or subject to Part 2 (commencing with Section 5110), or organized under or subject to Part 4 (commencing with Section 9110), may, if authorized so to do by its articles of incorporation, establish one or more common trust funds for the purpose of furnishing investments to such corporation or to any church, parish, congregation, society, chapel, mission, religious, beneficial, charitable or educational institution affiliated with it, or to any organization, society or corporation holding funds or property for the benefit of any of the foregoing, or holding funds for the purpose of supporting a bishop, priest, religious pastor, or teacher or any building or buildings used by or owned by any of the foregoing, whether holding such funds or property as fiduciary or otherwise. Notwithstanding the provisions of any general or special law in any way limiting the right of any of the foregoing or the officers or directors thereof, as fiduciary or otherwise, to invest funds held by them, it shall be lawful for any of the foregoing to invest any or all

of their funds or property in shares or interests of such common trust fund or trust funds; provided, that, in the case of funds or property held as fiduciary, such investment is not prohibited by the wording of the will, deed or other instrument creating such fiduciary relationship.

(b) The directors or trustees of any such common trust fund, or trust funds, so organized, may employ such officers or agents as they think best, define their duties, and fix their compensation. They may also appoint a trust company or bank as custodian of the trust estate and may employ an investment adviser or advisers, define their duties, and fix their compensation. Securities which constitute part or all of the trust estate may be deposited in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code, and such securities may be held by such securities depository in the manner authorized by Section 775 of the Financial Code.

(c) The directors or trustees of any such common trust fund, or trust funds, shall pay ratably among the holders of shares or beneficial certificates then outstanding, semiannual dividends which shall approximately equal, in each fiscal year, the net income of the trust, or trusts.

(d) The provisions of the Corporate Securities Law (Division 1 (commencing with Section 25000) of Title 4) shall not apply to the creation, administration, or termination of common trust funds created hereunder, nor to participation therein.

CHAPTER 571

An act to add Article 7 (commencing with Section 52450) to Chapter 9 of Part 28 of the Education Code, relating to agricultural vocational education.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Article 7 (commencing with Section 52450) is added to Chapter 9 of Part 28 of the Education Code, to read:

Article 7. Agricultural Vocational Education

52450. The Legislature of the State of California recognizes that agriculture is the most basic and singularly important industry in the state, that agriculture is of central importance to the welfare and economic stability of the state, and that the maintenance of this vital industry requires a continued source of trained and qualified

individuals for employment in agriculture and agribusiness. The Legislature hereby declares that it is within the best interests of the people of the State of California that a comprehensive vocational education program in agriculture be created and maintained by the state's school system in order to ensure an adequate supply of trained and skilled individuals and to ensure appropriate representation of racial and ethnic groups in all phases of the industry. For this purpose, the Legislature affirms that a state program for agricultural vocational education shall be established. It is the intent of the Legislature that a state program for agricultural education shall be a part of the curriculum of the state school system and made readily available to all school districts who may, at their option, include programs in vocational education in agriculture as a part of the curriculum of that district.

52451. The State Department of Education shall adopt such rules and regulations as are necessary to implement the provisions of this article. The rules and regulations shall not create any new state mandates on school districts or county offices of education as a condition of receiving federal, state, and local funds by those entities.

It is the intent of the Legislature that, although this article does not create any new mandates, school districts and county offices of education are strongly advised to follow the guidelines set forth in this article.

52452. (a) There is hereby created within the State Department of Education an agricultural vocational education unit to assist school districts in the establishment and maintenance of educational programs established pursuant to the provisions of this article.

(b) The staffing of the unit shall at all times be comprised of an appropriate number of full-time employees; provided, that any decrease in federal support of this staffing unit shall be applied in direct proportion to all other staffs so funded, including the State Supervisor of Agricultural Vocational Education who shall, under the direction of the Superintendent of Public Instruction, assume responsibility for the administration of the state program adopted under this article throughout the public school system as well as the articulation of the state program to the requirements and mandates of federally assisted vocational education.

(c) An appropriate number of employees shall serve as program consultants in agricultural vocational education and shall be available to provide assistance to local school districts. To the extent that it is possible, the program consultants shall be geographically located in those areas most readily accessible to the school districts they assist. At least one consultant shall be responsible for the coordination of the state program. At least one consultant shall be responsible for the coordination of the activities of student agricultural organizations and associations

(d) The State Department of Education shall accomplish the staffing of the agricultural vocational education unit in compliance with this article by reassigning priorities in staff assignments within

the department in a manner such that there will be no new costs to the state as a consequence.

52453. It shall be the responsibility of the Superintendent of Public Instruction to establish and convene an advisory committee of agriculturists representative of the various and diverse areas of the agricultural industry in California. It shall be the purpose of this committee to develop recommendations for state programs in agricultural vocational education for presentation to the Legislature for review and to the State Board of Education for its approval and adoption. These recommendations shall be made available on or before January 1, 1983. The advisory committee shall be terminated on June 30, 1983. Recommendations shall include, but not be limited to, the development of a curriculum and a strategy for the purpose of establishing a source of trained and qualified individuals in agriculture, a strategy for articulating the state program in agricultural vocational education throughout the state school system, and a consumer education outreach strategy regarding the importance of agriculture in California. The advisory committee of agriculturists shall serve without compensation, including travel and per diem.

CHAPTER 572

An act to add Section 1170.7 to the Penal Code, relating to robbery.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 1170.7 is added to the Penal Code, to read:

1170.7. Robbery or attempted robbery for the purpose of obtaining any controlled substance, as defined in Section 11007 of the Health and Safety Code, when committed against a pharmacist, pharmacy employee, or other person lawfully possessing controlled substances, shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.

CHAPTER 573

An act to amend Sections 762.5 and 1001 of, and to add Section 1002 to, the Public Utilities Code, relating to public utilities.

[Approved by Governor September 18, 1981. Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 762.5 of the Public Utilities Code is amended to read:

762.5 The commission, as a basis for making any order pursuant to the provisions of Section 762 relating to location of structures, shall give consideration to, and include in its order findings upon, the following factors:

(a) Community values.

(b) Recreational and park areas.

(c) Historical and aesthetic values.

(d) Influence on environment, except that in the case of any structure located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 (Chapter 55 (commencing with Section 4321) of Title 42 of the United States Code) or similar state laws in the other state, the commission shall not consider influence on the environment unless any emissions or discharges therefrom would have a significant influence on the environment of this state.

SEC. 2. Section 1001 of the Public Utilities Code is amended to read:

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

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

SEC. 3. Section 1002 is added to the Public Utilities Code, to read:

1002. (a) The commission, as a basis for granting any certificate pursuant to Section 1001 shall give consideration to the following factors

(1) Community values.
(2) Recreational and park areas.
(3) Historical and aesthetic values.
(4) Influence on environment, except that in the case of any line, plant, or system or extension thereof located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 (Chapter 55 (commencing with Section 4321) of Title 42 of the United States Code) or similar state laws in the other state, the commission shall not consider influence on the environment unless any emissions or discharges therefrom would have a significant influence on the environment of this state.

(b) With respect to any thermal powerplant or electrical transmission line for which a certificate is required pursuant to the provisions of Division 15 (commencing with Section 25000) of the Public Resources Code, no certificate of public convenience and necessity shall be granted pursuant to Section 1001 without such other certificate having been obtained first, and the decision granting such other certificate shall be conclusive as to all matters determined thereby and shall take the place of the requirement for consideration by the commission of the four factors specified in subdivision (a) of this section.

CHAPTER 574

An act to amend Section 35252 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 35252 of the Vehicle Code is amended to read:

35252. Notwithstanding Section 35250, no mobilehome, as defined in Section 396, required to be moved under the authority of a permit, shall exceed a height of 15 feet, measured from the surface upon which the vehicle stands.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction

CHAPTER 575

An act to add Section 2106.3 to the Streets and Highways Code, relating to transportation.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 2106.3 is added to the Streets and Highways Code, to read:

2106.3. If Los Angeles County elects to allocate any portion of the revenues it receives pursuant to Section 2104 or 2106 to the cities within the county under any program in which those revenues are allocated to at least 70 percent of the cities, it shall make allocations to each city within the county based on the two following equally weighted factors:

(1) The population of the city to the total population of all the cities in the county.

(2) The city street mileage to the total street mileage of all the cities in the county, as determined from the county master plan.

CHAPTER 576

An act to add Section 31838.5 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

The people of the State of California do enact as follows

SECTION 1. Section 31838.5 is added to the Government Code, to read:

31838.5 No provision of this chapter shall be construed to authorize any member, credited with service in more than one entity and who is eligible for a nonservice connected disability allowance, to receive an amount from one county that, when combined with any amount from other counties or the Public Employees' Retirement System, results in a pension greater than the amount the member would have received if all the member's service has been with only one entity.

Each entity shall calculate its respective obligations based upon the member's service with that entity and each shall adjust its payment on a pro rata basis

CHAPTER 577

An act making an appropriation to pay the settlement of claims, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund in augmentation of Item 819-001-001 of the 1981 Budget Act (Chapter 99, Statutes of 1981) to the Department of Justice to pay the settlement of the claims of the plaintiffs against the State of California in the case entitled Shanklin v. State of California, brought in the Superior Court of the State of California for the County of San Diego.

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:

In order to pay the settlement arising out of an action brought by the plaintiff, and ending a hardship to those persons as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 578

An act to amend Section 10376 8 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

The people of the State of California do enact as follows

SECTION 1. Section 10376.8 of the Health and Safety Code is amended to read.

10376.8. (a) Upon the presentation of a certificate of death properly executed and completed in accordance with the policies and procedures of the county coroner in which the death occurred which are not in conflict with state law, the permit for disposition required by Sections 10375, 10376, and 10376.5 shall be issued by any local registrar pursuant to this section The local registrar issuing the permit for disposition pursuant to this section shall promptly forward the death certificate and a duplicate of the permit for disposition to the local registrar of the district in which death occurred or the body was found.

(b) The applicant for a permit under this section shall pay a fee of six dollars ($6) to the issuing registrar. Thirty percent of such fee shall be transferred by the issuing registrar to the local registrar of the county where the death occurred and 40 percent shall be transferred to the State Registrar for the administration of the provisions of this section.

(c) Applicants for a permit for disposition pursuant to this section shall not be subject to the provisions of Section 10610.

CHAPTER 579

An act to add Section 18906.6 to the Welfare and Institutions Code, relating to food stamps.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 18906.6 is added to the Welfare and Institutions Code, to read:

18906.6. At the time the United States Department of Agriculture allows the state to retain a portion of the value of any claims collected, the state shall retain 50 percent of this portion. The remaining 50 percent shall be distributed by the State Department of Social Services to the counties based upon the amount of claims collected by each county.

CHAPTER 580

An act to add Section 41514.8 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 41514.8 is added to the Health and Safety Code, to read:

41514.8. (a) Prior to adopting rules or regulations which would affect the operation of existing powerplants, the state board or any district shall consider and adopt written findings that specify the supporting information relied upon with regard to all of the following:

(1) The need for the emission reductions expected to be achieved from the implementation of the proposed rule or regulation, and the

extent to which the rule or regulation is necessary solely for the attainment of a state ambient air quality standard.

(2) The relative cost of achieving the emission reductions from the proposed rule or regulation compared to the cost of feasible reductions from sources other than powerplants.

(3) The availability and technological feasibility of control technologies required by the proposed rule or regulation.

(b) Rules and regulations affecting the operation of existing powerplants adopted after January 1, 1982 by the state board or any district shall take into consideration the findings under subdivision (a).

SEC. 2. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 581

An act to add Section 13105.5 to the Health and Safety Code, relating to fire protection.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1 Section 13105.5 is added to the Health and Safety Code, to read:

13105.5. The State Fire Marshal shall establish or cause to be established a program of fire prevention training for fire prevention inspectors employed by local fire protection agencies The training program shall be conducted on a regional basis located near such agencies which employ or contract with such inspectors.

CHAPTER 582

An act to add and repeal Article 3 (commencing with Section 7360) of Chapter 2 of Part 2 of the Fish and Game Code, relating to fishing, and making an appropriation therefor

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Article 3 (commencing with Section 7360) is added to Chapter 2 of Part 2 of the Fish and Game Code, to read:

Article 3. Striped Bass

7360. In addition to a valid California sport fishing license and any applicable license stamp issued pursuant to Section 7149, a person taking striped bass shall have permanently affixed to his or her license a striped bass stamp which may be obtained from the department or an authorized agent of the department upon payment of a fee of three dollars and fifty cents ($3.50).

7361. Fees received by the department pursuant to Section 7360 shall be allocated for the preservation and enhancement of the striped bass fishery in California.

7362. On or before January 1, 1985, the department shall report to the Legislature regarding the effectiveness of the program initiated by this article in preserving and enhancing the striped bass fishery in California.

7363. This article shall remain in effect only until January 1, 1986, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1986, deletes or extends that date.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction

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CHAPTER 583

An act to amend Section 7140 of the Business and Professions Code, relating to contractors.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

The people of the State of California do enact as follows

SECTION 1 Section 7140 of the Business and Professions Code is amended to read·

7140 All licenses issued under the provisions of this chapter shall expire on June 30th of each odd-numbered year or as established

pursuant to Section 152.6.

To renew a license which has not expired, the licensee shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the registrar and pay the renewal fee prescribed by this chapter. Renewal of an unexpired license shall continue the license in effect for the two-year period following the expiration date of the license, when it shall expire if it is not again renewed.

CHAPTER 584

An act to amend Sections 13365, 14904, and 40509 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 13365 of the Vehicle Code is amended to read:

13365. Upon receipt of a notification of a violation of subdivision (a) of Section 40509, the department shall suspend the driving privilege of any person when his or her record contains one or more prior notifications of a violation of subdivision (a) of Section 40509, unless the person's driving privilege is currently suspended under this section

A suspension under this section shall not be effective before a date 90 days after the date of receipt, by the department, of the notification of the violation of subdivision (a) of Section 40509, and the notice of suspension shall not be mailed by the department before a date 60 days after receipt of the notice of violation.

The suspension shall continue until the suspended person's driver record does not contain any notification of a violation of subdivision (a) of Section 40509.

This section shall become operative on July 1, 1982.

SEC. 2. Section 14904 of the Vehicle Code is amended to read:

14904. (a) Notwithstanding any other provision of this code, before a driver's license may be issued, reissued, or returned to the licensee after a mandatory suspension or a mandatory revocation of a person's driving privilege ordered by the department has been terminated or reinstated, there shall, in addition to any other fees required by this code, be paid the department a fee sufficient to pay the actual costs of the issuance, reissuance, or return as determined by the department.

(b) This section shall not apply to any suspension or revocation that is set aside by the department or a court.

SEC. 3. Section 40509 of the Vehicle Code is amended to read.

40509. (a) Whenever any person has for a period of 15 or more days violated his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court or before the person authorized to receive a deposit of bail or violated an order to appear in court or to pay a fine pursuant to subdivision (a) of Section 42003, the magistrate or clerk of the court may give notice of the fact to the department. The notice shall be given within 60 days of the failure to appear. Whenever thereafter the case in which such promise was given is adjudicated or the person who has violated the court order appears in court or otherwise satisfies the order of the court, the magistrate or clerk of the court hearing the case shall sign and file with the department a certificate to that effect.

(b) Whenever any person has for a period of 15 or more days willfully failed to pay a lawfully imposed fine within the time authorized by the court, the magistrate or clerk of the court may give notice of the fact to the department for any violation which is required to be reported pursuant to Section 1803. Whenever thereafter the fine is fully paid, the magistrate or clerk of the court shall sign and file with the department a certificate showing that the fine has been paid.

This section shall become operative on July 1, 1982.

CHAPTER 585

An act to amend, repeal, and add Section 75080 of the Government Code, relating to the Judges' Retirement System.

[Approved by Governor September 18, 1981. Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 75080 of the Government Code is amended to read:

75080 (a) If, after retirement for disability, a retired judge engages in the practice of law or other gainful occupation while less than 70 years of age, the retirement allowance otherwise payable to him or her shall cease permanently, except as provided in this section. If a retired judge becomes entitled to any salary or other compensation as the incumbent of any public office after retirement under Section 75025 or 75060, or any salary for assignment to a court by the Chairman of the Judicial Council after retirement under Section 75060, the retirement allowance otherwise payable to him shall, during the time he is entitled to receive that salary or other compensation, be reduced by the amount of such salary or compensation.

(b) A judge who is retired for disability and is less than 70 years

of age may, without loss or reduction in allowance, engage in the practice of law or any other gainful occupation other than a public office as long as the compensation earned in any month when combined with the judge's allowance does not exceed 75 percent of the salary payable to the judge holding the judicial office to which the retired judge was last elected or appointed, and the retirement allowance otherwise payable to the judge shall be reduced by the amount of any earning in excess of that amount. The judge shall report the compensation earned during each month to the board by the eighth day of the following month.

(c) Persons affected by this section shall report all compensation earned in a form and manner required by the Board of Administration of the Public Employees' Retirement System under penalty of perjury. The board shall have the authority to require these persons to grant the board permission to request wage information for the purposes of verifying the reported compensation earned. The Employment Development Department shall report compensation in a form and manner required by the board in accordance with Section 1798.24 of the Civil Code. The board shall reimburse the Employment Development Department for the costs that the department incurs in searching for and providing that information

When a person affected by this section reaches age 70, his or her retirement allowance shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified for any cause

(d) The retired judge shall not be eligible to receive service credit in another public retirement system or under this chapter or to be reinstated to this system

The Legislature reserves the right to increase or reduce the benefits prescribed by this section as it may find appropriate.

The Board of Administration of the Public Employees' Retirement System shall study and make recommendations regarding the implementation of this section and shall transmit a report to the Legislature prior to January 1, 1987.

This section shall remain in effect only until January 1, 1987, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1987, deletes or extends that date

SEC 2. Section 75080 is added to the Government Code, to read:

75080. If, after retirement for disability, a retired judge engages in the practice of law or other gainful occupation while less than 70 years of age, the retirement allowance otherwise payable to him or her shall cease permanently, except as provided in this section. If, after retirement either under Section 75025 or Section 75060, a retired judge becomes entitled to any salary or other compensation as the incumbent of any public office, the retirement allowance otherwise payable to him or her shall, during the time he or she is entitled to receive such salary or other compensation, be reduced by the amount of that salary or compensation.

This section shall become operative on January 1, 1987.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 586

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

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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.
Industrial development authority.
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 transit development boards.
Metropolitan water districts.
Mosquito abatement districts.
Mosquito abatement or vector control districts.
Municipal facilities districts
Municipal improvement district improvement districts.
Municipal improvement assessment 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 ground 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 Third Validating Act of 1981.

CHAPTER 587

An act to amend Section 331 of the Civil Code, to amend Sections 5056, 5121, 5213, 5220, 5223, 5233, 5236, 5240, 5311, 5510, 5511, 5523, 5527, 5611, 5613, 5813, 5911, 6010, 6012, 6015, 6610, 6611, 7111, 7121, 7211, 7220, 7223, 7311, 7510, 7511, 7521, 7527, 7611, 7613, 7813, 7911, 8010, 8012, 8015, 8018, 8019, 8322, 8610, 8611, 9121, 9151, 9320, 9410, 9411, 9417, 9513, 9620, 9631, 9640, 9913, 9915, 9920, 10840, 10844, and 12205 of, and to add Sections 6019, 7516, 9420, and 10847 to, the Corporations Code, and to amend Section 39363.5 of, to add Section 94306 to, and to repeal Sections 94306, 94307, and 94308 of, the Education Code, relating to nonprofit corporations.

[Approved by Governor September 18, 1981 Filed with Secretary of State September 19, 1981]

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

SECTION 1. Section 331 of the Civil Code is amended to read:

331. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or domestic use, and not as a public utility, may levy assessments upon its shares, whether or not fully paid, unless otherwise provided in its articles or bylaws. If any shares of any such corporation which have been made appurtenant to any land as provided in this code, become delinquent in the payment of assessments, the right to receive water or dividends thereon may be denied, and they may be sold and transferred without said lands as if not appurtenant thereto, and the purchaser shall acquire the right to receive water as provided in the articles or bylaws of the corporation, or they may be forfeited to the corporation.

SEC. 2. Section 5056 of the Corporations Code is amended to read:

5056. (a) "Member" means any person who, pursuant to a specific provision of a corporation's articles or bylaws, has the right to vote for either (i) the election of a director or directors or on a disposition of all or substantially all of the assets of a corporation or on a merger or on a dissolution unless the provision granting such right to vote is only effective as a result of paragraph (2) of subdivision (a) of Section 7132 or (ii) the selection of delegates who possess any such voting rights. "Member" also means any person who is designated in the articles or bylaws as a member and, pursuant to a specific provision of a corporation's articles or bylaws, has the right to vote on changes to the articles or bylaws.

(b) The articles or bylaws may confer some or all of the rights of a member, set forth in this part and in Parts 2 through 5 of this division, upon any person or persons who do not have any of the voting rights referred to in subdivision (a).

(c) Where a member of a corporation is not a natural person, such member may authorize in writing one or more natural persons to vote on its behalf on any or all matters which may require a vote of the members.

(d) A person is not a member by virtue of any of the following:

(1) Any rights such person has as a delegate.

(2) Any rights such person has to designate or select a director or directors.

(3) Any rights such person has as a director.

SEC. 3. Section 5121 of the Corporations Code is amended to read:

5121. (a) In the case of an existing unincorporated association, the association may change its status to that of a corporation upon a proper authorization for such by the association in accordance with its rules and procedures.

(b) In addition to the matters required to be set forth in the articles pursuant to Section 5130, the articles in the case of an

incorporation authorized by subdivision (a) shall set forth that an existing unincorporated association, stating its name, is being incorporated by the filing of the articles.

(c) The articles filed pursuant to this section shall be accompanied by a verified statement of any two officers or governing board members of the association stating that the incorporation of the association by means of the articles to which the verified statement is attached has been approved by the association in accordance with its rules and procedures.

(d) Upon the change of status of an unincorporated association to a corporation pursuant to subdivision (a), the property of the association becomes the property of the corporation and the members of the association who had any voting rights of the type referred to in Section 5056 become members of the corporation.

(e) The filing for record in the office of the county recorder of any county in this state in which any of the real property of the association is located of a copy of the articles of incorporation filed pursuant to this section, certified by the Secretary of State shall evidence record ownership in the corporation of all interests of the association in and to the real property located in that county.

(f) All rights of creditors and all liens upon the property of the association shall be preserved unimpaired. Any action or proceeding pending by or against the unincorporated association may be prosecuted to judgment, which shall bind the corporation, or the corporation may be proceeded against or substituted in its place.

(g) If a corporation is organized by a person who is or was an officer, director or member of an unincorporated association and such corporation is not organized pursuant to subdivision (a), the unincorporated association may continue to use its name and the corporation may not use a name which is the same as or similar to the name of the unincorporated association.

SEC. 4. Section 5213 of the Corporations Code is amended to read:

5213. (a) A corporation shall have a chairman of the board or a president or both, a secretary, a chief financial officer and such other officers with such titles and duties as shall be stated in the bylaws or determined by the board and as may be necessary to enable it to sign instruments. The president, or if there is no president the chairman of the board, is the general manager and chief executive officer of the corporation, unless otherwise provided in the articles or bylaws. Any number of offices may be held by the same person unless the articles or bylaws provide otherwise, except that neither the secretary nor the chief financial officer may serve concurrently as the president or chairman of the board.

(b) Except as otherwise provided by the articles or bylaws, officers shall be chosen by the board and serve at the pleasure of the board, subject to the rights, if any, of an officer under any contract of employment. Any officer may resign at any time upon written notice to the corporation without prejudice to the rights, if any, of

the corporation under any contract to which the officer is a party.

(c) If the articles or bylaws provide for the election of any officers by the members, the term of office of the elected officer shall be one year unless the articles or bylaws provide for a different term which shall not exceed three years.

SEC. 5. Section 5220 of the Corporations Code is amended to read:

5220 (a) Except as provided in subdivision (d), directors shall be elected for such terms, not longer than three years, as are fixed in the articles or bylaws. However, the terms of directors of a corporation without members may be up to six years. In the absence of any provision in the articles or bylaws, the term shall be one year No amendment of the articles or bylaws may extend the term of a director beyond that for which the director was elected, nor may any bylaw provision increasing the terms of directors be adopted without approval of the members (Section 5034).

(b) Unless the articles or bylaws otherwise provide, each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified.

(c) The articles or bylaws may provide for the election of one or more directors by the members of any class voting as a class.

(d) Subdivisions (a) through (c) notwithstanding, all or any portion of the directors authorized in the articles or bylaws of a corporation without members and up to one-third of the directors authorized in the articles or bylaws of a corporation with members, may hold office by virtue of designation or selection as provided by the articles or bylaws rather than by election by a member or members. Such directors shall continue in office for the term prescribed by the governing article or bylaw provision, or, if there is no term prescribed, until the governing article or bylaw provision is duly amended or repealed, except as provided in subdivision (e) of Section 5222. A bylaw provision authorized by this subdivision may be adopted, amended, or repealed only by approval of the members (Section 5034), subject, if so provided in the bylaws, to the consent of the person or persons entitled to designate or select any such director or directors.

(e) In computing the one-third limit set forth in subdivision (d) the following directors shall not be counted either as designated or selected directors or as authorized directors:

(1) Directors designated or selected by a government office, board, commission, department, agency or political subdivision.

(2) Directors designated or selected by a person who is elected by the members as an officer of the corporation.

(3) Directors appointed to fill vacancies on the board created by the death, resignation or removal of directors.

SEC. 6. Section 5223 of the Corporations Code is amended to read:

5223. (a) The superior court of the proper county may, at the

suit of a director, or twice the authorized number (Section 5036) of members or 20 members, whichever is less, remove from office any director in case of fraudulent or dishonest acts or gross abuse of authority or discretion with reference to the corporation or breach of any duty arising under Article 3 (commencing with Section 5230) of this chapter, and may bar from reelection any director so removed for a period prescribed by the court. The corporation shall be made a party to such action.

(b) The Attorney General may bring an action under subdivision (a), may intervene in such an action brought by any other party and shall be given notice of any such action brought by any other party.

SEC. 7. Section 5233 of the Corporations Code is amended to read:

5233. (a) Except as provided in subdivision (b), for the purpose of this section, a self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest and which does not meet the requirements of paragraph (1), (2), or (3) of subdivision (d). Such a director is an "interested director" for the purpose of this section.

(b) The provisions of this section do not apply to any of the following:

(1) An action of the board fixing the compensation of a director as a director or officer of the corporation.

(2) A transaction which is part of a public or charitable program of the corporation if it: (i) is approved or authorized by the corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public or charitable program.

(3) A transaction, of which the interested director or directors have no actual knowledge, and which does not exceed the lesser of 1 percent of the gross receipts of the corporation for the preceding fiscal year or one hundred thousand dollars ($100,000).

(c) The Attorney General or, if the Attorney General is joined as an indispensable party, any of the following may bring an action in the superior court of the proper county for the remedies specified in subdivision (h):

(1) The corporation, or a member asserting the right in the name of the corporation pursuant to Section 5710.

(2) A director of the corporation.

(3) An officer of the corporation.

(4) Any person granted relator status by the Attorney General.

(d) In any action brought under subdivision (c) the remedies specified in subdivision (h) shall not be granted if.

(1) The Attorney General, or the court in an action in which the Attorney General is an indispensable party, has approved the transaction before or after it was consummated; or

(2) The following facts are established:

(A) The corporation entered into the transaction for its own

benefit;

(B) The transaction was fair and reasonable as to the corporation at the time the corporation entered into the transaction;

(C) Prior to consummating the transaction or any part thereof the board authorized or approved the transaction in good faith by a vote of a majority of the directors then in office without counting the vote of the interested director or directors, and with knowledge of the material facts concerning the transaction and the director's interest in the transaction. Except as provided in paragraph (3) of this subdivision, action by a committee of the board shall not satisfy this paragraph; and

(D) (i) Prior to authorizing or approving the transaction the board considered and in good faith determined after reasonable investigation under the circumstances that the corporation could not have obtained a more advantageous arrangement with reasonable effort under the circumstances or (ii) the corporation in fact could not have obtained a more advantageous arrangement with reasonable effort under the circumstances; or

(3) The following facts are established:

(A) A committee or person authorized by the board approved the transaction in a manner consistent with the standards set forth in paragraph (2) of this subdivision;

(B) It was not reasonably practicable to obtain approval of the board prior to entering into the transaction; and

(C) The board, after determining in good faith that the conditions of subparagraphs (A) and (B) of this paragraph were satisfied, ratified the transaction at its next meeting by a vote of the majority of the directors then in office without counting the vote of the interested director or directors.

(e) Except as provided in subdivision (f), an action under subdivision (c) must be filed within two years after written notice setting forth the material facts of the transaction and the director's interest in the transaction is filed with the Attorney General in accordance with such regulations, if any, as the Attorney General may adopt or, if no such notice is filed, within three years after the transaction occurred, except for the Attorney General, who shall have 10 years after the transaction occurred within which to file an action.

(f) In any action for breach of an obligation of the corporation owed to an interested director, where the obligation arises from a self-dealing transaction which has not been approved as provided in subdivision (d), the court may, by way of offset only, make any order authorized by subdivision (h), notwithstanding the expiration of the applicable period specified in subdivision (e).

(g) Interested directors may be counted in determining the presence of a quorum at a meeting of the board which authorizes, approves or ratifies a contract or transaction.

(h) If a self-dealing transaction has taken place, the interested director or directors shall do such things and pay such damages as in

the discretion of the court will provide an equitable and fair remedy to the corporation, taking into account any benefit received by the corporation and whether the interested director or directors acted in good faith and with intent to further the best interest of the corporation. Without limiting the generality of the foregoing, the court may order the director to do any or all of the following:

(1) Account for any profits made from such transaction, and pay them to the corporation;

(2) Pay the corporation the value of the use of any of its property used in such transaction; and

(3) Return or replace any property lost to the corporation as a result of such transaction, together with any income or appreciation lost to the corporation by reason of such transaction, or account for any proceeds of sale of such property, and pay the proceeds to the corporation together with interest at the legal rate. The court may award prejudgment interest to the extent allowed in Section 3287 or 3288 of the Civil Code. In addition, the court may, in its discretion, grant exemplary damages for a fraudulent or malicious violation of this section.

SEC. 8. Section 5236 of the Corporations Code is amended to read:

5236. (a) A corporation shall not make any loan of money or property to or guarantee the obligation of any director or officer, unless approved by the Attorney General; provided, however, that a corporation may advance money to a director or officer of the corporation or of its parent or any subsidiary for expenses reasonably anticipated to be incurred in the performance of the duties of such officer or director, 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.

(b) The provisions of subdivision (a) 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.

(c) The provisions of subdivision (a) do not apply to a loan of money to or for the benefit of an officer in circumstances where the loan is necessary, in the judgment of the board, to provide financing for the purchase of the principal residence of the officer in order to secure the services or continued services of the officer and the loan is secured by real property located in the state.

SEC. 9. Section 5240 of the Corporations Code is amended to read:

5240. (a) This section applies to all assets held by the corporation for investment. Assets which are directly related to the corporation's public or charitable programs are not subject to this section.

(b) Except as provided in subdivision (c), in investing, reinvesting, purchasing, acquiring, exchanging, selling and managing the corporation's investments, the board shall do the

following:

(1) Avoid speculation, looking instead to the permanent disposition of the funds, considering the probable income, as well as the probable safety of the corporation's capital.

(2) Comply with additional standards, if any, imposed by the articles, bylaws or express terms of an instrument or agreement pursuant to which the assets were contributed to the corporation.

(c) No investment violates this section where it conforms to provisions authorizing such investment contained in an instrument or agreement pursuant to which the assets were contributed to the corporation. No investment violates this section or Section 5231 where it conforms to provisions requiring such investment contained in an instrument or agreement pursuant to which the assets were contributed to the corporation.

(d) In carrying out duties under this section, each director shall act as required by subdivision (a) of Section 5231, may rely upon others as permitted by subdivision (b) of Section 5231, and shall have the benefit of subdivision (c) of Section 5231, and the board may delegate its investment powers as permitted by Section 5210.

(e) Nothing in this section shall be construed to preclude the application of the Uniform Management of Institutional Funds Act, Chapter 3 (commencing with Section 2290.1) of Title 8 of Part 4 of Division 3 of the Civil Code, if that act would otherwise be applicable.

SEC. 10. Section 5311 of the Corporations Code is amended to read:

5311. Subject to the articles or bylaws, memberships may be issued by a corporation for no consideration or for such consideration as is determined by the board.

SEC. 11. Section 5510 of the Corporations Code is amended to read:

5510. (a) Meetings of members may be held at a place within or without the state that is stated in or fixed in accordance with the bylaws. If no other place is so stated or fixed, meetings of members shall be held at the principal office of the corporation.

(b) A regular meeting of members shall be held on a date and time, and with the frequency stated in or fixed in accordance with the bylaws, but in any event in each year in which directors are to be elected at that meeting for the purpose of conducting such election, and to transact any other proper business which may be brought before the meeting.

(c) If a corporation with members fails to hold the regular meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the formation of the corporation, or after its last regular meeting, or if the corporation fails to hold a written ballot for a period of 60 days after the date designated therefor, then the superior court of the proper county may summarily order the meeting to be held or the ballot to be conducted upon the application of a member or the

Attorney General, after notice to the corporation giving it an opportunity to be heard.

(d) The votes represented, either in person or by proxy, at a meeting called or by written ballot ordered pursuant to subdivision (c), and entitled to be cast on the business to be transacted shall constitute a quorum, notwithstanding any provision of the articles or bylaws or in this part to the contrary. 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 members entitled to vote, and the form of notice of the meeting.

(e) Special meetings of members may be called by the board, the chairman of the board, the president, or such other persons, if any, as are specified in the bylaws. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members.

SEC. 12. Section 5511 of the Corporations Code is amended to read:

5511. (a) Whenever members are required or permitted to take any action at a meeting, a written notice of the meeting shall be given not less than 10 nor more than 90 days before the date of the meeting to each member who, on the record date for notice of the meeting, is entitled to vote thereat; provided, however, that if notice is given by mail, and the notice is not mailed by first-class, registered, or certified mail, that notice shall be given not less than 20 days before the meeting. Subject to subdivision (f), and subdivision (b) of Section 5512, such notice shall state the place, date and time 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 regular meeting, those matters which the board, at the time the notice is given, intends to present for action by the members, but, except as provided in subdivision (b) of Section 5512, 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 all those who are nominees at the time the notice is given to members.

(b) Notice of a members' meeting or any report shall be given either personally or by mail or other means of written communication, addressed to the member at the address of such member appearing on the books of the corporation or given by the member to the corporation for purpose of notice; or if no such address appears or is given, at the place where the principal 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 office is located. An affidavit of giving of any notice or report in accordance with the provisions of this part, 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 a member at the address of

such member 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 member 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 member upon written demand of the member at the principal office of the corporation for a period of one year from the date of the giving of the notice or report to all other members.

(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 members, the officer forthwith shall cause notice to be given to the members entitled to vote that a meeting will be held at a time fixed by the board, not less than 35 nor more than 90 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 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 members entitled to vote and the form of notice.

(d) When a members' 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. No meeting may be adjourned for more than 45 days. At the adjourned meeting the corporation may transact any business which might have been transacted at the original meeting. If after the adjournment a new record date is fixed for notice or voting, a notice of the adjourned meeting shall be given to each member who, on the record date for notice of the meeting, is entitled to vote at the meeting.

(e) The transactions of any meeting of members, 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 part 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 members 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 approval of the members required under Section 5222, 5224, 5812, or 6610, other than unanimous approval by those entitled to vote, 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.

(g) A court may find that notice not given in conformity with this section is still valid, if it was given in a fair and reasonable manner.

SEC. 13. Section 5523 of the Corporations Code is amended to read:

5523. Where a corporation with 500 or more members distributes any written election material soliciting a vote for any nominee for director at the corporation's expense, it shall make available, at the corporation's expense to each other nominee, in or with the same material, the same amount of space that is provided any other nominee, with equal prominence, to be used by the nominee for a purpose reasonably related to the election.

SEC. 14. Section 5527 of the Corporations Code is amended to read:

5527. An action challenging the validity of any election, appointment or removal of a director or directors must be commenced within nine months after the election, appointment or removal. If no such action is commenced, in the absence of fraud, any election, appointment or removal of a director is conclusively presumed valid nine months thereafter.

SEC. 15. Section 5611 of the Corporations Code is amended to read:

5611. (a) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to notice of any meeting of members. Such record date shall not be more than 90 nor less than 10 days before the date of the meeting. If no record date is fixed, members at the close of business on the business day preceding the day on which notice is given or, if notice is waived, at the close of business on the business day preceding the day on which the meeting is held are entitled to notice of a meeting of members. A determination of members entitled to notice of a meeting of members shall apply to any adjournment of the meeting unless the board fixes a new record date for the adjourned meeting.

(b) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to vote at a meeting of members. Such record date shall not be more than 60 days before the date of the meeting. Such record date shall also apply in the case

of an adjournment of the meeting unless the board fixes a new record date for the adjourned meeting. If no record date is fixed, members on the day of the meeting who are otherwise eligible to vote are entitled to vote at the meeting of members or, in the case of an adjourned meeting, members on the day of the adjourned meeting who are otherwise eligible to vote are entitled to vote at the adjourned meeting of members.

(c) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to cast written ballots (Section 5513). Such record date shall not be more than 60 days before the day on which the first written ballot is mailed or solicited. If no record date is fixed, members on the day the first written ballot is mailed or solicited who are otherwise eligible to vote are entitled to cast written ballots.

(d) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to exercise any rights in respect of any other lawful action. Such record date shall not be more than 60 days prior to such other action. If no record date is fixed, members at the close of business on the day on which the board adopts the resolution relating thereto, or the 60th day prior to the date of such other action, whichever is later, are entitled to exercise such rights.

SEC. 16. Section 5613 of the Corporations Code is amended to read:

5613. (a) Any member may authorize another person or persons to act by proxy with respect to such membership, except that this right may be limited or withdrawn by the articles or bylaws, subject to subdivision (e). Any proxy purported to be executed in accordance with the provisions of this part shall be presumptively valid.

(b) No proxy shall be valid after the expiration of 11 months from the date thereof unless otherwise provided in the proxy, except that the maximum term of any proxy shall be three years from the date of execution. Every proxy continues in full force and effect until revoked by the person executing it prior to the vote pursuant thereto. Such revocation may be effected by a writing delivered to the corporation stating that the proxy is revoked or by a subsequent proxy executed by the person executing the prior proxy and presented to the meeting, or as to any meeting by attendance at such meeting and voting in person by the person executing the proxy. The dates contained on the forms of proxy presumptively determine the order of execution, regardless of the postmark dates on the envelopes in which they are mailed.

(c) A proxy is not revoked by the death or incapacity of the maker or the termination of a membership as a result thereof unless, before the vote is counted, written notice of such death or incapacity is received by the corporation.

(d) The proxy of a member may not be irrevocable.

(e) Subdivision (a) notwithstanding, no amendment of the articles or bylaws repealing, restricting, creating or expanding proxy rights may be adopted without approval by the members (Section 5034).

(f) Anything to the contrary notwithstanding, any proxy covering matters requiring a vote of the members pursuant to Section 5222, Section 5224, subdivision (e) of this section, Section 5812, paragraph (2) of subdivision (a) of Section 5911, Section 6012, subdivision (a) of Section 6015, or Section 6610 is not valid as to such matters unless it sets forth the general nature of the matter to be voted on, or, in the event of a vote pursuant to Section 5220, unless the proxy lists those nominated at the time the notice of the vote is given to members.

SEC. 17. Section 5813 of the Corporations Code is amended to read:

5813. An amendment must also be approved by the members (Section 5034) of a class, whether or not such class is entitled to vote thereon by the provisions of the articles or bylaws, if the amendment would materially and adversely affect the rights of that class as to voting or transfer in a manner different than such action affects another class.

SEC. 18. Section 5911 of the Corporations Code is amended to read:

5911. (a) Subject to the provisions of Section 5142, a corporation may sell, lease, convey, exchange, transfer or otherwise dispose of all or substantially all of its assets when the principal terms are:

(1) Approved by the board; and

(2) Unless the transaction is in the usual and regular course of its activities, approved by the members (Section 5034) and by any other person or persons whose approval is required by the articles, either before or after approval by the board and before or after the transaction.

(b) Notwithstanding approval by the members (Section 5034) or such other person, the board may abandon the proposed transaction without further action by the members, subject to the contractual rights, if any, of third parties.

(c) Subject to the provisions of Section 5142, such sale, lease, conveyance, exchange, transfer or other disposition may be made upon such terms and conditions and for such consideration as the board may deem in the best interests of the corporation. The consideration may be money, property, or securities of any domestic corporation, foreign corporation, or foreign business corporation or any of them.

SEC. 19. Section 6010 of the Corporations Code is amended to read:

6010. (a) A public benefit corporation may merge with any domestic corporation, foreign corporation or foreign business corporation. However, without the prior written consent of the

Attorney General, a public benefit corporation may only merge with another public benefit corporation or a religious corporation or a foreign nonprofit corporation the articles of which provide that its assets are irrevocably dedicated to charitable, religious, or public purposes.

(b) At least 20 days prior to consummation of any merger allowed by subdivision (a), the Attorney General must be provided with a copy of the proposed agreement of merger.

(c) Without the prior written consent of the Attorney General, when a merger occurs pursuant to subdivision (a), each member of a constituent corporation may only receive or keep a membership in the surviving corporation for or as a result of such member's membership in the constituent corporation.

SEC. 20. Section 6012 of the Corporations Code is amended to read:

6012. The principal terms of the merger shall be approved by the members (Section 5034) of each constituent corporation and by each other person or persons whose approval of an amendment of articles is required by the articles; and the approval by the members (Section 5034) or such other person or persons required by this section may be given before or after the approval by the board.

SEC. 21. Section 6015 of the Corporations Code is amended to read:

6015. (a) Any amendment to the agreement may be adopted and the agreement so amended may be approved by the board and, if it changes any of the principal terms of the agreement, by the members (Section 5034) or other person or persons, as required by Section 6012, of any constituent corporation in the same manner as the original agreement.

(b) If the agreement so amended is approved as provided in subdivision (a), the agreement so amended shall then constitute the agreement of merger.

SEC. 22. Section 6019 is added to the Corporations Code, to read:

6019. If an agreement of merger is entered into between a nonprofit corporation and a business corporation: (i) Sections 6011, 6012, 6014, and 6015 shall apply to any constituent public benefit corporation; (ii) Sections 8011, 8011.5, 8012, 8014, and 8015 shall apply to any constituent mutual benefit corporation; (iii) Sections 6014 and 6015 and subdivisions (c) and (d) of Section 9640 shall apply to any constituent religious corporation; and (iv) Sections 1101, 1101.1, 1103, and 1104 shall apply to any constituent business corporation.

SEC. 23. Section 6610 of the Corporations Code is amended to read:

6610. (a) Any corporation may elect voluntarily to wind up and dissolve (1) by approval of a majority of all members (Section 5033) or (2) by approval of the board and approval of the members (Section 5034).

(b) Any corporation which comes within one of the following

descriptions may elect by approval of the board to wind up and dissolve:

(1) A corporation which has been adjudicated a bankrupt.

(2) A corporation which has disposed of all of its assets and has not conducted any activity for a period of five years immediately preceding the adoption of the resolution electing to dissolve the corporation.

(3) A corporation which has no members.

(4) A corporation which is required to dissolve under provisions of its articles adopted pursuant to subdivision (a), paragraph (2), clause (i), of Section 5132.

SEC. 24. Section 6611 of the Corporations Code is amended to read:

6611. (a) Whenever a corporation has elected to wind up and dissolve a certificate evidencing such election shall forthwith be filed and a copy thereof filed with the Attorney General.

(b) The certificate shall be an officers' certificate or shall be signed and verified by at least a majority of the directors then in office or by one or more members authorized to do so by approval of a majority of all members (Section 5033) and shall set forth:

(1) That the corporation has elected to wind up and dissolve.

(2) If the election was made by the vote of members alone, the number of votes for the election and that the election was made by a majority of all members (Section 5033).

(3) If the election was made by the board and members pursuant to paragraph (2) of subdivision (a) of Section 6610, the certificate shall state that it was made by the board and the members in accordance with Section 5034.

(4) If the certificate is executed by a member or members, that the subscribing person or persons were authorized to execute the certificate by a majority of all members (Section 5033).

(5) If the election was made by the board pursuant to subdivision (b) of Section 6610, the circumstances showing the corporation to be within one of the categories described in such subdivision.

SEC. 25. Section 7111 of the Corporations Code is amended to read:

7111. Subject to any other provision of law of this state applying to the particular class of corporation or line of activity, a corporation may be formed under this part for any lawful purpose; provided that a corporation all of the assets of which are irrevocably dedicated to charitable, religious, or public purposes and which as a matter of law or according to its articles or bylaws must, upon dissolution, distribute its assets to a person or persons carrying on a charitable, religious, or public purpose or purposes may not be formed under this part.

SEC. 26. Section 7121 of the Corporations Code is amended to read:

7121. (a) In the case of an existing unincorporated association, the association may change its status to that of a corporation upon a

proper authorization for such by the association in accordance with its rules and procedures.

(b) In addition to the matters required to be set forth in the articles pursuant to Section 7130, the articles in the case of an incorporation authorized by subdivision (a) shall set forth that an existing unincorporated association, stating its name, is being incorporated by the filing of the articles.

(c) The articles filed pursuant to this section shall be accompanied by a verified statement of any two officers or governing board members of the association stating that the incorporation of the association by means of the articles to which the verified statement is attached has been approved by the association in accordance with its rules and procedures.

(d) Upon the change of status of an unincorporated association to a corporation pursuant to subdivision (a), the property of the association becomes the property of the corporation and the members of the association who had any voting rights of the type referred to in Section 5056 become members of the corporation.

(e) The filing for record in the office of the county recorder of any county in this state in which any of the real property of the association is located, of a copy of the articles of incorporation filed pursuant to this section, certified by the Secretary of State, shall evidence record ownership in the corporation of all interests of the association in and to the real property located in that county.

(f) All rights of creditors and all liens upon the property of the association shall be preserved unimpaired. Any action or proceeding pending by or against the unincorporated association may be prosecuted to judgment, which shall bind the corporation, or the corporation may be proceeded against or substituted in its place.

(g) If a corporation is organized by a person who is or was an officer, director or member of an unincorporated association and such corporation is not organized pursuant to subdivision (a), the unincorporated association may continue to use its name and the corporation may not use a name which is the same as or similar to the name of the unincorporated association.

SEC. 27. Section 7211 of the Corporations Code is amended to read:

7211. (a) Unless otherwise provided in the articles or in the bylaws:

(1) Meetings of the board may be called by the chairman of the board or the president or any vice president or the secretary or any two directors.

(2) Regular meetings of the board may be held without notice if the time and place of such meetings are fixed by the bylaws or the board. Special meetings of the board shall be held upon four days' notice by first-class mail or 48 hours' notice delivered personally or by telephone or telegraph. The articles or bylaws may not dispense with notice of a special meeting. A notice, or waiver of notice, need not specify the purpose of any regular or special meeting of the

board.

(3) Notice of a meeting need not be given to any director who signed a waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such director. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meetings.

(4) A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than 24 hours, notice of any adjournment to another time or place shall be given prior to the time of the adjourned meeting to the directors who were not present at the time of the adjournment.

(5) Meetings of the board may be held at any place within or without the state which has been designated in the notice of the meeting or, if not stated in the notice or if there is no notice, designated in the bylaws or by resolution of the board.

(6) Members of the board may participate in a meeting through use of conference telephone or similar communications equipment, so long as all members participating in such meeting can hear one another. Participation in a meeting pursuant to this subdivision constitutes presence in person at such meeting.

(7) A majority of the number of directors authorized in the articles or bylaws constitutes a quorum of the board for the transaction of business. The articles or bylaws may not provide that a quorum shall be less than one-fifth the number of directors authorized in the articles or bylaws, or less than two, whichever is larger, unless the number of directors authorized in the articles or bylaws is one, in which case one director constitutes a quorum.

(8) Subject to the provisions of Sections 7212, 7233, 7234, and subdivision (e) of Section 7237 and Section 5233, insofar as it is made applicable pursuant to Section 7238, every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the board. The articles or bylaws may not provide that a lesser vote than a majority of the directors present at a meeting is the act of the board. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for such meeting, or such greater number as is required by this division, the articles or bylaws.

(b) Any action required or permitted to be taken by the board may be taken without a meeting, if all members of the board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the board. Such action by written consent shall have the same force and effect as a unanimous vote of such directors. For the purposes of this section only, "all members of the board" shall not

include any "interested director" as defined in Section 5233, insofar as it is made applicable pursuant to Section 7238.

(c) The provisions of this section apply also to incorporators, to committees of the board, and to action by such incorporators or such committees mutatis mutandis.

SEC. 28. Section 7220 of the Corporations Code is amended to read:

7220. (a) Except as provided in subdivision (d), directors shall be elected for such terms, not longer than three years, as are fixed in the articles or bylaws. However, the terms of directors of a corporation without members may be up to six years. In the absence of any provision in the articles or bylaws, the term shall be one year. No amendment of the articles or bylaws may extend the term of a director beyond that for which the director was elected, nor may any bylaw provision increasing the terms of directors be adopted without approval of the members (Section 5034).

(b) Unless the articles or bylaws otherwise provide, each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified.

(c) The articles or bylaws may provide for the election of one or more directors by the members of any class voting as a class

(d) Subdivisions (a) through (c) notwithstanding, all or any portion of the directors authorized in the articles or bylaws of a corporation without members, and up to one-third of the directors authorized in the articles or bylaws of a corporation with members, may hold office by virtue of designation or selection as provided by the articles or bylaws rather than by election by a member or members. Such directors shall continue in office for the term prescribed by the governing article or bylaw provision, or, if there is no term prescribed, until the governing article or bylaw provision is duly amended or repealed, except as provided in subdivision (e) of Section 7222. A bylaw provision authorized by this subdivision may be adopted, amended, or repealed only by approval of the members (Section 5034).

(e) In computing the one-third limit set forth in subdivision (d) the following directors shall not be counted either as designated or selected directors or as authorized directors:

(1) Directors designated or selected by a government office, board, commission, department, agency or political subdivision.

(2) Directors designated or selected by a person who is elected by the members as an officer of the corporation.

(3) Directors appointed to fill vacancies on the board created by the death, resignation or removal of directors

SEC 29. Section 7223 of the Corporations Code is amended to read:

7223 (a) The superior court of the proper county may, at the suit of one of the parties specified in subdivision (b), remove from office any director in case of fraudulent or dishonest acts or gross

abuse of authority or discretion with reference to the corporation or breach of any duty arising as a result of Section 7238 and may bar from reelection any director so removed for a period prescribed by the court. The corporation shall be made a party to such action.

(b) An action under subdivision (a) may be instituted by any of the following:

(1) A director.

(2) In the case of a corporation where the total number of votes entitled to be cast for a director is less than 5,000, twice the authorized number (Section 5036) of members, or 20 members, whichever is less.

(3) In the case of a corporation where the total number of votes entitled to be cast for a director is 5,000 or more, twice the authorized number (Section 5036) of members, or 100 members, whichever is less.

(c) In the case of a corporation holding assets in charitable trust, the Attorney General may bring an action under subdivision (a), may intervene in such an action brought by any other party and shall be given notice of any such action brought by any other party.

SEC. 30. Section 7311 of the Corporations Code is amended to read:

7311. Subject to the articles or bylaws, memberships may be issued by a corporation for no consideration or for such consideration as is determined by the board.

SEC. 31 Section 7510 of the Corporations Code is amended to read.

7510. (a) Meetings of members may be held at a place within or without the state that is stated in or fixed in accordance with the bylaws. If no other place is so stated or fixed, meetings of members shall be held at the principal office of the corporation.

(b) A regular meeting of members shall be held on a date and time, and with the frequency stated in or fixed in accordance with the bylaws, but in any event in each year in which directors are to be elected at that meeting for the purpose of conducting such election, and to transact any other proper business which may be brought before the meeting.

(c) If a corporation with members fails to hold the regular meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the formation of the corporation or after its last regular meeting, or if the corporation fails to hold a written ballot for a period of 60 days after the date designated therefor, then the superior court of the proper county may summarily order the meeting to be held or the ballot to be conducted upon the application of a member, after notice to the corporation giving it an opportunity to be heard.

(d) The votes represented, either in person or by proxy, at a meeting called or by written ballot ordered pursuant to subdivision (c) and entitled to be cast on the business to be transacted shall constitute a quorum, notwithstanding any provision of the articles or

bylaws or in this part to the contrary. 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 members entitled to vote, and the form of notice of the meeting.

(e) Special meetings of members may be called by the board, the chairman of the board, the president, or such other persons, if any, as are specified in the bylaws. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members.

SEC. 32. Section 7511 of the Corporations Code is amended to read:

7511. (a) Whenever members are required or permitted to take any action at a meeting, a written notice of the meeting shall be given not less than 10 nor more than 90 days before the date of the meeting to each member who, on the record date for notice of the meeting, is entitled to vote thereat; provided, however, that if notice is given by mail, and the notice is not mailed by first-class, registered, or certified mail, that notice shall be given not less than 20 days before the meeting. Subject to subdivision (f), and subdivision (b) of Section 7512, such notice shall state the place, date and time 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 regular meeting, those matters which the board, at the time the notice is given, intends to present for action by the members, but, except as provided in subdivision (b) of Section 7512, 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 all those who are nominees at the time the notice is given to members.

(b) Notice of a members' meeting or any report shall be given either personally or by mail or other means of written communication, addressed to a member at the address of such member appearing on the books of the corporation or given by the member to the corporation for purpose of notice; or if no such address appears or is given, at the place where the principal 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 office is located. An affidavit of giving of any notice or report in accordance with the provisions of this part, 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 member at the address of such member 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 member 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 member upon written

demand of the member at the principal office of the corporation for a period of one year from the date of the giving of the notice or report to all other members.

(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 members, the officer forthwith shall cause notice to be given to the members entitled to vote that a meeting will be held at a time fixed by the board not less than 35 nor more than 90 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 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 members entitled to vote and the form of notice.

(d) When a members' 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. No meeting may be adjourned for more than 45 days. At the adjourned meeting the corporation may transact any business which might have been transacted at the original meeting. If after the adjournment a new record date is fixed for notice or voting, a notice of the adjourned meeting shall be given to each member who, on the record date for notice of the meeting, is entitled to vote at the meeting.

(e) The transactions of any meeting of members 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 part 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 members 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 approval of the members required under Section 7222, 7224, 7233, 7812, 8610, or 8719 other than unanimous approval by those entitled to vote, 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.

(g) A court may find that notice not given in conformity with this section is still valid, if it was given in a fair and reasonable manner.

SEC. 33. Section 7516 is added to the Corporations Code, to read:

7516. Any action required or permitted to be taken by the members may be taken without a meeting, if all members shall individually or collectively consent in writing to the action. The written consent or consents shall be filed with the minutes of the proceedings of the members. The action by written consent shall have the same force and effect as the unanimous vote of the members.

SEC. 34. Section 7521 of the Corporations Code is amended to read.

7521. Except for directors who are elected as authorized by Section 7152 or 7153, and except as provided in Section 7522, any person who is qualified to be elected to the board of directors of a corporation with 500 or more members may be nominated:

(a) By any method authorized by the bylaws, or if no method is set forth in the bylaws by any method authorized by the board;

(b) By petition delivered to an officer of the corporation, signed within 11 months preceding the next time directors will be elected, by members representing the following number of votes:

Number of Votes Eligible to be Cast for Director Disregarding any Provision for Cumulative Voting	Number of Votes
Under 5,000	2 percent of voting power
5,000 or more	one-twentieth of 1 percent of voting power but not less than 100.

This subdivision does not apply to a corporation described in subdivision (c).

(c) In corporations with one million or more members engaged primarily in the business of retail merchandising of consumer goods, by petition delivered to an officer of the corporation, signed within 11 months preceding the next time directors will be elected, by such reasonable number of members as is set forth in the bylaws, or if no number is set forth in the bylaws, by such reasonable number of members as is determined by the directors.

(d) If there is a meeting to elect directors, by any member present at the meeting in person or by proxy if proxies are permitted.

SEC. 35. Section 7527 of the Corporations Code is amended to

read:

7527. An action challenging the validity of any election, appointment or removal of a director or directors must be commenced within nine months after the election, appointment or removal. If no such action is commenced, in the absence of fraud, any election, appointment or removal of a director is conclusively presumed valid nine months thereafter.

SEC. 36. Section 7611 of the Corporations Code is amended to read:

7611. (a) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to notice of any meeting of members. Such record date shall not be more than 90 nor less than 10 days before the date of the meeting. If no record date is fixed, members at the close of business on the business day preceding the day on which notice is given or, if notice is waived, at the close of business on the business day preceding the day on which the meeting is held are entitled to notice of a meeting of members. A determination of members entitled to notice of a meeting of members shall apply to any adjournment of the meeting unless the board fixes a new record date for the adjourned meeting.

(b) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to vote at a meeting of members. Such record date shall not be more than 60 days before the date of the meeting. Such record date shall also apply in the case of an adjournment of the meeting unless the board fixes a new record date for the adjourned meeting. If no record date is fixed, members on the day of the meeting who are otherwise eligible to vote are entitled to vote at the meeting of members or, in the case of an adjourned meeting, members on the day of the adjourned meeting who are otherwise eligible to vote are entitled to vote at the adjourned meeting of members.

(c) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to cast written ballots (Section 7513). Such record date shall not be more than 60 days before the day on which the first written ballot is mailed or solicited. If no record date is fixed, members on the day the first written ballot is mailed or solicited who are otherwise eligible to vote are entitled to cast written ballots

(d) The bylaws may provide or, in the absence of such provision, the board may fix, in advance, a date as the record date for the purpose of determining the members entitled to exercise any rights in respect of any other lawful action. Such record date shall not be more than 60 days prior to such other action. If no record date is fixed, members at the close of business on the day on which the board adopts the resolution relating thereto, or the 60th day prior to the date of such other action, whichever is later, are entitled to exercise

such rights.

SEC. 37. Section 7613 of the Corporations Code is amended to read:

7613. (a) Any member may authorize another person or persons to act by proxy with respect to such membership except that this right may be limited or withdrawn by the articles or bylaws, subject to subdivision (f) Any proxy purported to be executed in accordance with the provisions of this part shall be presumptively valid.

(b) No proxy shall be valid after the expiration of 11 months from the date thereof unless otherwise provided in the proxy, except that the maximum term of any proxy shall be three years from the date of execution. Every proxy continues in full force and effect until revoked by the person executing it prior to the vote pursuant thereto, except as otherwise provided in this section. Such revocation may be effected by a writing delivered to the corporation stating that the proxy is revoked or by a subsequent proxy executed by the person executing the prior proxy and presented to the meeting, or as to any meeting by attendance at such meeting and voting in person by the person executing the proxy. The dates contained on the forms of proxy presumptively determine the order of execution, regardless of the postmark dates on the envelopes in which they are mailed.

(c) A proxy is not revoked by the death or incapacity of the maker or the termination of a membership as a result thereof unless, before the vote is counted, written notice of such death or incapacity is received by the corporation.

(d) Unless otherwise provided in the articles or bylaws, the proxy of a member which states that it is irrevocable is irrevocable for the period specified therein (notwithstanding subdivisions (b) and (c)) when it is held by any of the following or a nominee of any of the following:

(1) A person who has purchased or who has agreed to purchase the membership;

(2) A creditor or creditors of the corporation or the member who extended or continued credit to the corporation or the member in consideration of the proxy if the proxy states that it was given in consideration of such extension or continuation of credit and the name of the person extending or continuing the credit; or

(3) A person who has contracted to perform services as an employee of the corporation, if the proxy is required by the contract of employment and if the proxy states that it was given in consideration of such contract of employment, the name of the employee and the period of employment contracted for

Notwithstanding the period of irrevocability specified, the proxy becomes revocable when the agreement to purchase is terminated; the debt of the corporation or the member is paid; or the period of employment provided for in the contract of employment has terminated. In addition to the foregoing paragraphs (1) through (3), a proxy of a member may be made irrevocable (notwithstanding

subdivision (c)) if it is given to secure the performance of a duty or to protect a title, either legal or equitable, until the happening of events which, by its terms, discharge the obligations secured by it.

(e) A proxy may be revoked, notwithstanding a provision making it irrevocable, by a transferee of a membership without knowledge of the existence of the provision unless the existence of the proxy and its irrevocability appears on the certificate representing the membership.

(f) Subdivision (a) notwithstanding:

(1) No amendment of the articles or bylaws repealing, restricting, creating or expanding proxy rights may be adopted without approval by the members (Section 5034); and

(2) No amendment of the articles or bylaws restricting or limiting the use of proxies may affect the validity of a previously issued irrevocable proxy during the term of its irrevocability, so long as it complied with applicable provisions, if any, of the articles or bylaws at the time of its issuance, and is otherwise valid under this section.

(g) Anything to the contrary notwithstanding, any revocable proxy covering matters requiring a vote of the members pursuant to Section 7222; Section 7224; Section 7233; paragraph (1) of subdivision (f) of this section, Section 7812; paragraph (2) of subdivision (a) of Section 7911; Section 8012; subdivision (a) of Section 8015, Section 8610; or subdivision (a) of Section 8719 is not valid as to such matters unless it sets forth the general nature of the matter to be voted on

SEC. 38 Section 7813 of the Corporations Code is amended to read:

7813 An amendment must also be approved by the members (Section 5034) of a class, whether or not such class is entitled to vote thereon by the provisions of the articles or bylaws, if the amendment would.

(a) Materially and adversely affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption or transfer in a manner different than such action affects another class;

(b) Materially and adversely affect such class as to voting, dissolution, redemption or transfer by changing the rights, privileges, preferences, restrictions or conditions of another class;

(c) Increase or decrease the number of memberships authorized for such class,

(d) Increase the number of memberships authorized for another class;

(e) Effect an exchange, reclassification or cancellation of all or part of the memberships of such class; or

(f) Authorize a new class of memberships.

SEC. 39. Section 7911 of the Corporations Code is amended to read:

7911. (a) Subject to the provisions of Section 7142, a corporation may sell, lease, convey, exchange, transfer or otherwise dispose of all or substantially all of its assets when the principal terms are

(1) Approved by the board; and

(2) Unless the transaction is in the usual and regular course of its activities, approved by the members (Section 5034), either before or after approval by the board and before or after the transaction.

(b) Notwithstanding approval by the members (Section 5034), the board may abandon the proposed transaction without further action by the members, subject to the contractual rights, if any, of third parties.

(c) Subject to the provisions of Section 7142, such sale, lease, conveyance, exchange, transfer or other disposition may be made upon such terms and conditions and for such consideration as the board may deem in the best interests of the corporation. The consideration may be money, property, or securities of any domestic corporation, foreign corporation, or foreign business corporation or any of them

SEC. 40. Section 8010 of the Corporations Code is amended to read.

8010. A mutual benefit corporation may merge with any domestic corporation, foreign corporation, or foreign business corporation, provided, however, that a merger with a public benefit corporation or a religious corporation must have the prior written consent of the Attorney General.

SEC 41. Section 8012 of the Corporations Code is amended to read:

8012. The principal terms of the merger shall be approved by the members (Section 5034) of each class of each constituent corporation and by each other person or persons whose approval of an amendment of articles is required by the articles; and the approval by the members (Section 5034) or such other person or persons required by this section may be given before or after the approval by the board

SEC. 42. Section 8015 of the Corporations Code is amended to read·

8015. (a) Any amendment to the agreement may be adopted and the agreement so amended may be approved by the board and, if it changes any of the principal terms of the agreement, by the members (Section 5034) or other person or persons, as required by Section 8012, of any constituent corporation in the same manner as the original agreement.

(b) If the agreement so amended is approved as provided in subdivision (a), the agreement so amended shall then constitute the agreement of merger

SEC. 43 Section 8018 of the Corporations Code is amended to read:

8018. (a) Subject to the provisions of Section 8010, the merger of any number of corporations with any number of foreign corporations, foreign business corporations or domestic corporations may be effected if the foreign corporations are authorized by the laws under which they are formed to effect such a merger The

surviving corporation may be any one of the constituent corporations and shall continue to exist under the laws of the state or place of its incorporation.

(b) If the surviving corporation is a mutual benefit corporation, the merger proceedings with respect to that corporation and any domestic disappearing corporation shall conform to the provisions of this chapter and other applicable laws of this state, but if the surviving corporation is a foreign corporation, then, subject to the requirements of subdivision (d) and Section 8012 the merger proceedings may be in accordance with the laws of the state or place of incorporation of the surviving corporation.

(c) If the surviving corporation is a mutual benefit corporation, the agreement and the officers' certificate of each constituent corporation shall be filed as provided in Section 8014 and thereupon, subject to subdivision (c) of Section 5008, the merger shall be effective as to each corporation; and each foreign disappearing corporation which is qualified for the transaction of intrastate business shall, by virtue of the filing, automatically surrender its right to transact intrastate business.

(d) If the surviving corporation is a foreign corporation, or foreign business corporation, the merger shall become effective in accordance with the law of the jurisdiction in which it is organized, but shall be effective as to any disappearing corporation as of the time of effectiveness in such foreign jurisdiction upon the filing in this state as required by this subdivision. There shall be filed as to the domestic disappearing corporation or corporations a copy of the agreement, certificate or other document filed by the surviving foreign corporation in the state or place of its incorporation for the purpose of effecting the merger, which copy shall be certified by the public officer having official custody of the original or, in lieu thereof, either an executed counterpart of such agreement, certificate or other document or, in the case of a merger by agreement of merger, a copy of the agreement of merger with an officers' certificate of each constituent corporation attached as prescribed in Section 8014, and each foreign disappearing corporation which is qualified for the transaction of intrastate business shall automatically by such filing surrender its right to transact intrastate business.

SEC 44. Section 8019 of the Corporations Code is amended to read:

8019. If an agreement of merger is entered into between a nonprofit corporation and a business corporation· (a) Sections 6011, 6012, 6014, and 6015 shall apply to any constituent public benefit corporation; (b) Sections 8011, 8011.5, 8012, 8014, and 8015 shall apply to any constituent mutual benefit corporation; (c) Sections 6014 and 6015 and subdivisions (c) and (d) of Section 9640 shall apply to any constituent religious corporation; and (d) Sections 1101, 1101.1, 1103, and 1104 shall apply to any constituent business corporation.

SEC. 45. Section 8322 of the Corporations Code is amended to

read:

8322. (a) Any provision of the articles or bylaws notwithstanding, every corporation shall furnish annually to its members and directors a statement of any transaction or indemnification of a kind described in subdivision (d) or (e), if any such transaction or indemnification took place. If the corporation issues an annual report to all members, this subdivision shall be satisfied by including the required information in the annual report. A corporation which does not issue an annual report to all members, pursuant to subdivision (c) of Section 8321, shall satisfy this section by mailing or delivering to its members the required statement within 120 days after the close of the corporation's fiscal year.

(b) Except as provided in subdivision (c), a covered transaction under this section is a transaction in which the corporation, its parent, or its subsidiary was a party, and in which either of the following had a direct or indirect material financial interest:

(1) Any director or officer of the corporation, or its parent or subsidiary

(2) Any holder of more than 10 percent of the voting power of the corporation, its parent or its subsidiary.

For the purpose of subdivision (d), an "interested person" is any person described in paragraph (1) or (2) of this subdivision.

(c) Transactions approved by the members of a corporation (Section 5034), under subdivision (a) of Section 7233, are not covered transactions. For the purpose of subdivision (b), a mere common directorship is not a material financial interest.

(d) The statement required by subdivision (a) shall describe briefly:

(1) Any covered transaction (excluding compensation of officers and directors) during the previous fiscal year involving more than fifty thousand dollars ($50,000), or which was one of a number of covered transactions in which the same interested person had a direct or indirect material financial interest, and which transactions in the aggregate involved more than fifty thousand dollars ($50,000).

(2) The names of the interested persons involved in such transactions, stating such person's relationship to the corporation, the nature of such person's interest in the transaction and, where practicable, the amount of such interest; provided, that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated.

(e) The statement required by subdivision (a) shall describe briefly the amount and circumstances of any indemnifications or advances aggregating more than ten thousand dollars ($10,000) paid during the fiscal year to any officer or director of the corporation pursuant to Section 7237; provided that no such report need be made in the case of indemnification approved by the members (Section 5034) under subdivision (e) (2) of Section 7237

SEC. 46 Section 8610 of the Corporations Code is amended to read:

8610. (a) Any corporation may elect voluntarily to wind up and dissolve (1) by approval of a majority of all members (Section 5033), or (2) by approval of the board and approval of the members (Section 5034).

(b) Any corporation which comes within one of the following descriptions may elect by approval of the board to wind up and dissolve:

(1) A corporation which has been adjudicated as bankrupt.

(2) A corporation which has disposed of all of its assets and has not conducted any activity for a period of five years immediately preceding the adoption of the resolution electing to dissolve the corporation.

(3) A corporation which has no members.

(4) A corporation which is required to dissolve under provisions of its articles adopted pursuant to subdivision (a), paragraph (4), clause (i) of Section 7132.

SEC 47. Section 8611 of the Corporations Code is amended to read:

8611. (a) Whenever a corporation has elected to wind up and dissolve a certificate evidencing such election shall forthwith be filed A copy of such certificate shall be filed with the Attorney General if the corporation holds assets in charitable trust or has a charitable dissolution clause.

(b) The certificate shall be an officers' certificate or shall be signed and verified by at least a majority of the directors then in office or by one or more members authorized to do so by approval of a majority of all members (Section 5033) and shall set forth:

(1) That the corporation has elected to wind up and dissolve.

(2) If the election was made by the vote of members alone, the number of votes for the election and that the election was made by a majority of all members (Section 5033).

(3) If the election was made by the board and the members pursuant to paragraph (2) of subdivision (a) of Section 8610, the certificate shall state that it was made by the board and the members in accordance with Section 5034

(4) If the certificate is executed by a member or members, that the subscribing person or persons were authorized to execute the certificate a majority of all members (Section 5033).

(5) If the election was made by the board pursuant to subdivision (b) of Section 8610, the circumstances showing the corporation to be within one of the categories described in such subdivision.

SEC 48. Section 9121 of the Corporations Code is amended to read:

9121. (a) In the case of an existing unincorporated association, the association may change its status to that of a corporation upon a proper authorization for such by the association in accordance with its rules and procedures.

(b) In addition to the matters required to be set forth in the articles pursuant to Section 9130, the articles in the case of an

incorporation authorized by subdivision (a) shall set forth that an existing unincorporated association, stating its name, is being incorporated by the filing of the articles.

(c) The articles filed pursuant to this section shall be accompanied by a verified statement of any two officers or governing board members of the association stating that the incorporation of the association by means of the articles to which the verified statement is attached has been approved by the association in accordance with its rules and procedures.

(d) Upon the change of status of an unincorporated association to a corporation pursuant to subdivision (a), the property of the association becomes the property of the corporation and the members of the association who had any voting rights of the type referred to in Section 5056 become members of the corporation.

(e) The filing for records in the office of the county recorder of any county in this state in which any of the real property of the association is located of a copy of the articles of incorporation filed pursuant to this section, certified by the Secretary of State, shall evidence record ownership in the corporation of all interests of the association in and to the real property located in that county.

(f) All rights of creditors and all liens upon the property of the association shall be preserved unimpaired. Any action or proceeding pending by or against the unincorporated association may be prosecuted to judgment, which shall bind the corporation, or the corporation may be proceeded against or substituted in its place.

(g) If a corporation is organized by a person who is or was an officer, director or member of an unincorporated association and such corporation is not organized pursuant to subdivision (a), the unincorporated association may continue to use its name and the corporation may not use a name which is the same as or similar to the name of the unincorporated association.

SEC 49 Section 9151 of the Corporations Code is amended to read·

9151. (a) The bylaws shall set forth (unless such provision is contained in the articles, in which case it may only be changed by an amendment of the articles) the number of directors of the corporation, or that the number of directors shall be not less than a stated minimum nor more than a stated maximum with the exact number of directors to be fixed, within the limits specified, by approval of the board or the members (Section 5034), in the manner provided in the bylaws, subject to subdivision (e) of Section 9151. The number or minimum number of directors may be one or more.

(b) Except as otherwise provided in the articles or bylaws, once members have been admitted, a bylaw specifying or changing a fixed number of directors or the maximum or minimum number or changing from a fixed to a variable board or vice versa may only be adopted by approval of the members (Section 5034).

(c) The bylaws may contain any provision, not in conflict with law or the articles, for the management of the activities and for the

conduct of the affairs of the corporation, including but not limited to:

(1) Any provision referred to in subdivision (c) of Section 9132.

(2) The time, place and manner of calling, conducting and giving notice of members', directors' and committee meetings, or of conducting mail ballots.

(3) The qualifications, duties and compensation of directors; the time of their election; and the requirements of a quorum for directors' and committee meetings.

(4) The appointment of committees, composed of directors or nondirectors or both, by the board or any officer and the authority of any such committees.

(5) The appointment, duties, compensation and tenure of officers.

(6) The mode of determination of members of record.

(7) The making of reports and financial statements to members.

(8) Setting, imposing and collecting dues, assessments, and admissions and transfer fees.

(d) The bylaws may provide for the manner of admission, withdrawal, suspension, and expulsion of members.

(e) The bylaws may require, for any or all corporate actions (except as provided in Section 9222 and subdivision (b) of Section 9680), the vote of a larger proportion of, or all of, the members or the members of any class, unit, or grouping of members, or the vote of a larger proportion of, or all of, the directors than is otherwise required by this part. Such a provision in the bylaws requiring such greater vote shall not be altered, amended or repealed except by such greater vote, unless otherwise provided in the bylaws.

(f) The bylaws may contain a provision limiting the number of members, in total or of any class, which the corporation is authorized to admit

SEC. 50. Section 9320 of the Corporations Code is amended to read.

9320 Subject to Section 9417:

(a) No member may transfer for value a membership or any right arising therefrom; and

(b) Unless otherwise provided in the corporation's articles or bylaws, all rights of membership cease upon the member's death or dissolution.

SEC 51. Section 9410 of the Corporations Code is amended to read·

9410 (a) In the absence of a contrary provision in the articles or bylaws, the provisions of this chapter shall apply to any regular or special meeting of members or obtaining approval of members (Section 5034) or approval of a majority of members (Section 5033). The articles or bylaws may provide any reasonable method of calling, noticing, and holding such meetings or obtaining such approvals

(b) Anything in subdivision (a) to the contrary notwithstanding, the articles or bylaws may not vary the provisions of subdivision (e) of Section 9411, subdivision (e) of Section 9417 (if proxies are authorized), or Section 9418

SEC. 52. Section 9411 of the Corporations Code is amended to read:

9411. (a) Subject to the provisions of this chapter, regular and special meetings of members shall be called, noticed and held as may be ordered by the board.

(b) Special meetings of members for any lawful purpose may be called by the board or the chairman of the board or the president. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members.

(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 members, the board shall expeditiously set a reasonable time and place for the meeting and the officer forthwith shall cause notice to be given to the members entitled to vote of the time and place of the meeting. 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 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 members entitled to vote and the form of notice.

(d) The transactions of any meeting of members, 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 part 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 members need be specified in any written waiver of notice, consent to the holding of the meeting or approval of the minutes thereof except as provided in subdivision (e)

(e) Any member approval required under subdivision (b) of Section 9150, Section 9222, Section 5812 (made applicable pursuant to Section 9620), subdivision (a) of Section 9631, subdivision (c) of Section 9640, subdivision (a) of Section 6015 (made applicable pursuant to Section 9640), or subdivision (b) of Section 9680, other

than unanimous approval by those entitled to vote, 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. 53. Section 9417 of the Corporations Code is amended to read:

9417. (a) Any member may authorize another person or persons to act by proxy with respect to such membership, except that this right may be limited or withdrawn by the articles or bylaws. Any proxy purported to be executed in accordance with the provisions of this part shall be presumptively valid.

(b) No proxy shall be valid after the expiration of 11 months from the date thereof unless otherwise provided in the proxy, except that the maximum term of any proxy shall be three years from the date of execution. Every proxy continues in full force and effect until revoked by the person executing it prior to the vote pursuant thereto. Such revocation may be effected by a writing delivered to the corporation stating that the proxy is revoked or by a subsequent proxy executed by the person executing the prior proxy and presented to the meeting, or as to any meeting by attendance at such meeting and voting in person by the person executing the proxy.

(c) A proxy is not revoked by the death or incapacity of the maker or the termination of a membership as a result thereof unless, before the vote is counted, written notice of such death or incapacity is received by the corporation.

(d) The proxy of a member may not be irrevocable.

(e) Any proxy covering matters requiring a vote of the members pursuant to Section 5812 (made applicable pursuant to Section 9620), subdivision (a) of Section 9631, subdivision (c) of Section 9640, subdivision (a) of Section 6015 (made applicable pursuant to Section 9640), or subdivision (b) of Section 9680 is not valid unless it sets forth the general nature of the matter to be voted on.

SEC. 54. Section 9420 is added to the Corporations Code, to read

9420. Any action required or permitted to be taken by the members may be taken without a meeting, if all members shall individually or collectively consent in writing to the action. The written consent or consents shall be filed with the minutes of the proceedings of the members. The action by written consent shall have the same force and effect as the unanimous vote of the members.

SEC. 55. Section 9513 of the Corporations Code is amended to read.

9513. Every director shall have the right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the corporation of which such person is a director for a purpose reasonably related to such person's interests as a director

SEC. 56. Section 9620 of the Corporations Code is amended to read:

9620. (a) The provisions of Chapter 8 (commencing with

Section 5810) of Part 2 apply to religious corporations except for Section 5813.5, the second sentence of Section 5817, and Section 5818

(b) A corporation formed for a limited period may at any time subsequent to the expiration of the term of its corporate existence, extend the term of its existence by an amendment to its articles removing any provision limiting the term of its existence and providing for perpetual existence. If the filing of the certificate of amendment providing for perpetual existence would be prohibited if it were original articles by the provisions of Section 9122 the Secretary of State shall not file such certificate unless, by the same or a concurrently filed certificate of amendment, the articles of such corporation are amended to adopt a new available name. For the purpose of the adoption of any such amendment, persons who have been functioning as directors of such corporation shall be considered to have been validly elected even though their election may have occurred after the expiration of the original term of the corporate existence.

SEC. 57. Section 9631 of the Corporations Code is amended to read:

9631. (a) Subject to the provisions of Section 9142, a corporation may sell, lease, convey, exchange, transfer or otherwise dispose of all or substantially all of its assets when the principal terms are:

(1) Approved by the board; and

(2) Unless the transaction is in the usual and regular course of its activities, approved by the members (Section 5034) and by any other person or persons whose approval is required by the articles or bylaws either before or after approval by the board and before or after the transaction.

(b) Subject to any provision in the articles or bylaws, the board may, notwithstanding approval by the members (Section 5034) or such other person, abandon the proposed transaction without further action by the members, subject to the contractual rights, if any, of third parties.

(c) Subject to the provisions of Section 9142, such sale, lease, conveyance, exchange, transfer or other disposition may be made upon such terms and conditions and for such consideration as the board may deem in the best interests of the corporation. The consideration may be money, property, or securities of any domestic corporation, foreign corporation, or foreign business corporation or any of them.

SEC. 58. Section 9640 of the Corporations Code is amended to read:

9640. (a) The provisions of Chapter 10 (commencing with Section 6010) of Part 2 apply to religious corporations except subdivision (a) of Section 6010 and Sections 6011 and 6012.

(b) A corporation may merge with any domestic corporation, foreign corporation, or foreign business corporation. However, without the prior written consent of the Attorney General, a religious corporation may only merge with another religious

corporation or with a public benefit corporation or a foreign nonprofit corporation the articles of which provide that its assets are irrevocably dedicated to charitable, religious or public purposes

(c) The principal terms of the merger shall be approved by the members (Section 5034) of each class of each constituent corporation and by each other person or persons whose approval of an amendment of articles is required by the articles or bylaws; and the approval by the members (Section 5034) or such other person or persons required by this section may be given before or after the approval by the board

(d) The board of each corporation which desires to merge shall approve an agreement of merger. The constituent corporations shall be parties to the agreement of merger and other persons may be parties to the agreement of merger. The agreement shall state:

(1) The terms and conditions of the merger;

(2) The amendments, subject to Sections 5810 and 5816, to the articles of the surviving corporation to be effected by the merger, if any; if any amendment changes the name of the surviving corporation, the new name may be the same as or similar to the name of a disappearing corporation, subject to subdivision (b) of Section 9122.

(3) The amendments to the bylaws of the surviving corporation to be effected by the merger, if any;

(4) The name and place of incorporation of each constituent corporation and which of the constituent corporations is the surviving corporation;

(5) The manner, if any, of converting memberships of the constituent corporations into memberships of the surviving corporation; and

(6) Such other details or provisions as are desired, if any.

SEC. 59. Section 9913 of the Corporations Code is amended to read:

9913. (a) The provisions of Sections 5130, 5131 and 5132 of the new Public Benefit Corporation Law relating to the contents of articles of incorporation do not apply to subject corporations designated as public benefit corporations unless and until an amendment of the articles is filed stating that the corporation elects to be governed by all of the provisions of the new law not otherwise applicable to it under this part.

(b) The provisions of Sections 7130, 7131, and 7132 of the new Mutual Benefit Corporation Law relating to the contents of articles of incorporation do not apply to subject corporations governed by the Mutual Benefit Corporation Law unless and until an amendment of the articles of incorporation is filed stating that the corporation elects to be governed by all of the provisions of the new law not otherwise applicable to it under this part.

(c) The provisions of Sections 9130, 9131, and 9132 of the new Religious Corporation Law relating to the contents of articles of incorporation do not apply to subject corporations governed by the

Religious Corporation Law unless and until an amendment of the articles is filed stating that the corporation elects to be governed by all of the provisions of the new law not otherwise applicable to it under this part.

(d) The amendment described in subdivision (a) may be adopted by the board alone, except that if such amendment makes any change in the articles other than conforming the statement of purposes of the public benefit corporation to Section 5130 and the deletion of any references to the location of principal office and deleting any statement regarding the number of directors or conforming any such statement to Section 5151 (subject to Section 9915), it shall also be approved by the members (Section 5034) if such approval is otherwise required for the changes made.

(e) The amendment described in subdivision (b) may be adopted by the board alone, except that if such amendment makes any change in the articles other than conforming the statement of purposes of the mutual benefit corporation to subdivisions (a) and (b) of Section 7130 and the deletion of any references to the location of principal office and deleting any statement regarding the number of directors or conforming any such statement to Section 7151 (subject to Section 9915), it shall also be approved by the members (Section 5034) if such approval is otherwise required for the changes made.

(f) The amendment described in subdivision (c) may be adopted by the board alone, except that if such amendment makes any change in the articles other than conforming the statement of purposes of the religious corporation to Section 9130 and the deletion of any references to the location of principal office and deleting any statement regarding the number of directors or conforming any such statement to Section 9151 (subject to Section 9915), it shall also be approved by the members (Section 5034) if such approval is otherwise required for the changes made.

(g) The amendment shall not name the corporation's initial agent for service of process if a report required by Section 6210, 8210, or 6210 (made applicable by Section 9660), as the case may be, has been filed.

SEC. 60. Section 9915 of the Corporations Code is amended to read:

9915. Subdivision (a) of Section 5151 of the new public benefit corporation law does not apply to subject corporations governed by the public benefit corporation law, subdivision (a) of Section 7151 of the new mutual benefit corporation law does not apply to subject corporations governed by the mutual benefit corporation law, and subdivision (a) of Section 9151 of the new religious corporation law does not apply to subject corporations governed by the religious corporation law, but such corporations shall continue to be governed by the prior nonprofit law unless and until an amendment of the articles is filed pursuant to Section 9913. If such amendment makes any change in the number of directors or the maximum or minimum

number of directors or makes change from a fixed to a variable board or vice versa, it shall also be approved by the members (Section 5034).

SEC. 61. Section 9920 of the Corporations Code is amended to read:

9920. (a) The provisions of Chapter 5 (commencing with Section 5510) and Chapter 6 (commencing with Section 5610) of the new Public Benefit Corporation Law apply to any meeting of members of a public benefit corporation, the provisions of Chapter 5 (commencing with Section 7510) and Chapter 6 (commencing with Section 7610) of the new Mutual Benefit Corporation Law apply to any meeting of members of a mutual benefit corporation, and the provisions of Chapter 4 (commencing with Section 9410) of the new Religious Corporation Law apply to any meeting of members of a religious corporation, held on or after January 1, 1980, and to any action by such members pursuant to a written ballot, which becomes effective on or after January 1, 1980, and to any vote cast at such a meeting or ballot, given for such action (whether or not a proxy or ballot was executed by the member prior to January 1, 1980).

(b) Notwithstanding subdivision (a).

(1) The prior nonprofit law shall apply to any such meeting of members and to any vote cast at such a meeting if such meeting was initially called for a date prior to January 1, 1980, and notice thereof was given to members entitled to vote thereat; and

(2) Where a proxy would be valid under the prior nonprofit law but would not be valid for a public benefit corporation under the new Public Benefit Corporation Law, for a mutual benefit corporation under the new Mutual Benefit Corporation Law, or for a religious corporation under the new Religious Corporation Law, and where the proxy by its terms expires during or after 1980, such proxy may be voted at meetings of members during 1980 (prior to its expiration date) but not thereafter.

(3) Action taken by the board or the members after December 31, 1979, and before January 1, 1982, shall be valid if such action was taken in compliance with the prior nonprofit law and the articles and bylaws as they then existed, subject to the rights of any person who acted in detrimental reliance upon the invalidity of such action prior to Janaury 1, 1982. This subdivision does not validate any provision in the articles or bylaws after December 31, 1981, which does not comply with the then existing provisions of the new public benefit, mutual benefit, or religious corporation law, as the case may be.

SEC. 62. Section 10840 of the Corporations Code is amended to read:

10840. (a) "Hospital service plan," as used in this section means a corporation which is a nonprofit hospital service plan defined in Chapter 11a (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code.

(b) A hospital service plan may be formed under or subject to Part 2 (commencing with Section 5110) or Part 3 (commencing with

Section 7110).

(c) Notwithstanding any other provision of this article or Part 1 (commencing with Section 5002) or Part 2 (commencing with Section 5110) of this division, a hospital service plan which is formed under or subject to Part 2 (commencing with Section 5110) shall not be subject to Section 5142, 5223, 5226, 5233, 5236, 5250, or 5820 but shall instead be governed as to such matters by Sections 10841 to 10847, inclusive.

SEC. 63. Section 10844 of the Corporations Code is amended to read:

10844. (a) Except as provided in subdivision (b), for the purpose of this section, a self-dealing transaction means a transaction to which the corporation is a party and in which one or more directors has a material financial interest and which does not meet the requirements of paragraph (1), (2), or (3) of subdivision (d). Such a director is an "interested director" for the purpose of this section.

(b) The provisions of this section do not apply to any of the following:

(1) An action of the board fixing the compensation of a director as a director or officer of the corporation.

(2) A transaction which is part of a public or charitable program of the corporation if it: (i) is approved or authorized by the corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public or charitable program.

(3) A transaction, of which the interested director or directors have no actual knowledge, and which does not exceed the lesser of one percent of the gross receipts of the corporation for the preceding fiscal year or one hundred thousand dollars ($100,000).

(c) The Insurance Commissioner or, if the Insurance Commissioner is joined as an indispensable party, any of the following may bring an action in the superior court of the proper county for the remedies specified in subdivision (h):

(1) The corporation or a member asserting the right in the name of the corporation pursuant to Section 5710;

(2) A director of the corporation; or

(3) An officer of the corporation.

(d) In any action brought under subdivision (c) the remedies specified in subdivision (h) shall not be granted if:

(1) The Insurance Commissioner or the court in an action in which the Insurance Commissioner is an indispensable party has approved the transaction before or after it was consummated; or

(2) The following facts are established:

(A) The corporation entered into the transaction for its own benefit;

(B) The transaction was fair and reasonable as to the corporation at the time the corporation entered into the transaction;

(C) Prior to consummating the transaction or any part thereof the

board authorized or approved the transaction in good faith by a vote of a majority of the directors then in office without counting the vote of the interested director or directors, and with knowledge of the material facts concerning the transaction and the director's interest in the transaction. Except as provided in paragraph (3), action by a committee of the board shall not satisfy this paragraph; and

(D) (i) Prior to authorizing or approving the transaction the board considered and in good faith determined after reasonable investigation under the circumstances that the corporation could not have obtained a more advantageous arrangement with reasonable effort under the circumstances or (ii) the corporation in fact could not have obtained a more advantageous arrangement with reasonable effort under the circumstances; or

(3) The following facts are established:

(A) A committee or person authorized by the board approved the transaction in a manner consistent with the standards set forth in paragraph (2);

(B) It was not reasonably practicable to obtain approval of the board prior to entering into the transaction; and

(C) The board, after determining in good faith that the conditions of subparagraphs (A) and (B) were satisfied, ratified the transaction at its next meeting by a vote of the majority of the directors then in office without counting the vote of the interested director or directors.

(e) Except as provided in subdivision (f), an action under subdivision (c) must be filed within two years after written notice setting forth the material facts of the transaction and the director's interest in the transaction is filed with the Insurance Commissioner in accordance with such regulations, if any, as the Insurance Commissioner may adopt or, if no such notice is filed, within three years after the transaction occurred, except for the Insurance Commissioner, who shall have 10 years after the transaction occurred within which to file the action.

(f) In any action for breach of an obligation of the corporation owed to an interested director, where the obligation arises from a self-dealing transaction which has not been approved as provided in subdivision (d), the court may, by way of offset only, make any order authorized by subdivision (h), notwithstanding the expiration of the applicable period specified in subdivision (e).

(g) Interested directors may be counted in determining the presence of a quorum at a meeting of the board which authorizes, approves or ratifies a contract or transaction.

(h) If a self-dealing transaction which has not been approved as provided in subdivision (d) has taken place, the interested director or directors shall do such things and pay such damages as in the discretion of the court will provide an equitable and fair remedy to the corporation, taking into account any benefit received by the corporation and whether the interested director or directors acted in good faith and with intent to further the best interest of the

corporation. Without limiting the generality of the foregoing, the court may order the director to do any or all of the following:

(1) Account for any profits made from such transaction, and pay them to the corporation;

(2) Pay the corporation the value of the use of any of its property used in such transaction; and

(3) Return or replace any property lost to the corporation as a result of such transaction, together with any income or appreciation lost to the corporation by reason of such transaction, or account for any proceeds of sale of such property, and pay the proceeds to the corporation together with interest at the legal rate. The court may award prejudgment interest to the extent allowed in Section 3287 or 3288 of the Civil Code. In addition, the court may, in its discretion, grant exemplary damages for a fraudulent or malicious violation of this section.

SEC 64. Section 10847 is added to the Corporations Code, to read·

10847. (a) A hospital service plan shall not make any loan of money or property to or guarantee the obligation of any director or officer, unless approved by the Insurance Commissioner or pursuant to regulations adopted by the Insurance Commissioner, provided, however, that a corporation may advance money to a director or officer of the corporation or of its parent or any subsidiary for expenses reasonably anticipated to be incurred in the performance of the duties of that officer or director, provided that in the absence of such advance, that director or officer would be entitled to be reimbursed for those expenses by the corporation, its parent, or any subsidiary.

(b) The provisions of subdivision (a) 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. 65. Section 12205 of the Corporations Code is amended to read:

12205. (a) Until December 31, 1982, 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, 1983, the provisions 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.

SEC. 66. Section 39363.5 of the Education Code is amended to read:

39363.5. Except as provided for in Article 2 (commencing with Section 39030) of Chapter 1 of this part, the sale or lease with an option to purchase of real property by a school district shall be in accordance with the following priorities and procedures.

(a) First, the property shall be offered for park or recreational purposes pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, in any instance in which such article is applicable.

(b) Second, the property shall be offered for sale or lease with an option to purchase, at fair market value in both of the following ways:

(1) In writing, to the Director of General Services, the Regents of the University of California, the Trustees of the California State University and Colleges, the county and city in which the property is situated, and to any public housing authority in the county in which the property is situated.

(2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to nonprofit public benefit corporations organized under or subject to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. Public notice shall consist of at least publishing its intention to dispose of the real property in a newspaper of general circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. The notice shall specify that the property is being made available to all public districts, public authorities, public agencies, and other political subdivisions or public corporations in this state, and to other nonprofit charitable or nonprofit public benefit corporations

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The written notice required by paragraph (1) of this subdivision shall be mailed no later than the date of the second published notice.

The entity desiring to purchase or lease the property shall, within 60 days after the third publication of notice, notify the school district of its intent to purchase or lease the property If the entity desiring to purchase or lease the property and the district are unable to arrive at a mutually satisfactory price or lease payment during the 60-day period, the property may be disposed of as otherwise provided in this section. In the event the district receives offers from more than one entity pursuant to this subdivision, the school district governing board may determine which of such offers to accept.

(c) Third, the property may be disposed of in any other manner authorized by law

SEC. 67. Section 94306 of the Education Code is repealed.

SEC. 68. Section 94306 is added to the Education Code, to read:

94306. (a) Every corporation authorized to issue shares of stock and organized or existing under this article in effect on December 31, 1981, is subject to and deemed to be organized under the General Corporation Law (Division 1 (commencing with Section 100) of Title 1 of the Corporations Code).

(b) Every nonprofit corporation without authority to issue shares of stock and organized or existing under this article in effect on December 31, 1981, is subject to and deemed to be organized under either Part 2 (commencing with Section 5110), Part 3 (commencing with Section 7110), or Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the Corporations Code, dependent on the application of Section 9912 of the Corporations Code.

(c) For the purposes of Sections 2300 and 9910 of the Corporations Code, this article is the "prior law" or "prior nonprofit law" and January 1, 1982, is the effective date and the transition provisions shall be applied by reference to that effective date.

SEC. 69. Section 94307 of the Education Code is repealed.

SEC. 70. Section 94308 of the Education Code is repealed.

CHAPTER 588

An act to amend Section 3042 of the Penal Code, and to amend Section 1781 of, and to add Section 1767 to, the Welfare and Institutions Code, relating to parole hearings.

[Approved by Governor September 20, 1981 Filed with Secretary of State September 20, 1981]

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

SECTION 1. Section 3042 of the Penal Code is amended to read:

3042. (a) At least 30 days before the Board of Prison Terms shall meet to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant, the district attorney of the county from which the prisoner was sentenced, the law enforcement agency that investigated the case. In the case of a prisoner sentenced to a life sentence for first degree murder, the board shall also send written notice to the next of kin of the person murdered where a request for such notice has been filed with the Board of Prison Terms by the next of kin. The burden shall be on the requesting party to keep the board apprised of the party's current mailing address.

(b) The Board of Prison Terms shall record all such hearings and transcribe such recordings within 30 days of any such hearing. All such transcripts, including the transcripts of all such prior hearings,

shall be filed and maintained in the office of the Board of Prison Terms and shall be made available to the public no later than 30 days from the date of the hearing. No such prisoner shall actually be released on parole prior to 60 days from the date of the hearing.

(c) At any such hearing the presiding hearing officer must state findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of any such hearing, unless such material is confidential in order to preserve institutional security and the security of others who might be endangered by disclosure.

(e) This section shall not apply to any hearing held to consider advancing a prisoner's parole date due to his conduct since his last hearing.

SEC. 1.5. Section 3042 of the Penal Code is amended to read:

3042. (a) At least 30 days before the Board of Prison Terms shall meet to review or consider the parole suitability or the setting of a parole date for any prisoner sentenced to a life sentence, the board shall send written notice thereof to each of the following persons: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant, the district attorney of the county from which the prisoner was sentenced, the law enforcement agency that investigated the case, and where the prisoner was convicted of the murder of a peace officer, the law enforcement agency which had employed that peace officer at the time of the murder. In the case of a prisoner sentenced to a life sentence for first degree murder, the board shall also send written notice to the next of kin of the person murdered where a request for such notice has been filed with the Board of Prison Terms by the next of kin. The burden shall be on the requesting party to keep the board apprised of the party's current mailing address.

(b) The Board of Prison Terms shall record all such hearings and transcribe such recordings within 30 days of any such hearing. All such transcripts, including the transcripts of all such prior hearings, shall be filed and maintained in the office of the Board of Prison Terms and shall be made available to the public no later than 30 days from the date of the hearing. No such prisoner shall actually be released on parole prior to 60 days from the date of the hearing.

(c) At any such hearing the presiding hearing officer must state findings and supporting reasons on the record.

(d) Any statements, recommendations, or other materials considered shall be incorporated into the transcript of any such hearing, unless such material is confidential in order to preserve institutional security and the security of others who might be endangered by disclosure.

(e) This section shall not apply to any hearing held to consider advancing a prisoner's parole date due to his or her conduct since his or her last hearing.

SEC. 2. Section 1767 is added to the Welfare and Institutions

Code, to read:

1767. In the case of any person under the control of the Youth Authority for the commission of any offense of rape in violation of subdivision (2) or subdivision (3) of Section 261 of the Penal Code, or murder, written notice of any hearing to consider the release on parole of the person shall be sent by the Youthful Offender Parole Board to the following persons at least 30 days before the hearing: the judge of the court by whom the person was committed to the authority, the attorney for the person, the district attorney of the county from which the person was committed, and the law enforcement agency which investigated the case. The board shall also send written notice to the victim of the rape or the next of kin of the person murdered if he or she requests notice from the board and keeps it apprised of his or her current mailing address.

SEC. 3. Section 1781 of the Welfare and Institutions Code is amended to read:

1781. Upon the filing of a petition under this article, the court shall notify the person whose liberty is involved, and if he is a minor his parent or guardian if practicable, of the application and shall afford him an opportunity to appear in court with the aid of counsel and of process to compel attendance of witnesses and production of evidence. When he is unable to provide his own counsel, the court shall appoint counsel to represent him.

In the case of any person who is the subject of such a petition and who is under the control of the Youth Authority for the commission of any offense of rape in violation of subdivision (2) or subdivision (3) of Penal Code Section 261, or murder, the Youthful Offender Parole Board shall send written notice of the petition and of any hearing set for the petition to each of the following persons: the attorney for the person who is the subject of the petition, the district attorney of the county from which the person was committed, and the law enforcement agency which investigated the case. The board shall also send written notice to the victim of the rape or the next of kin of the person murdered if he or she requests notice from the board and keeps it apprised of his or her current mailing address. Notice shall be sent at least 30 days before the hearing.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill 1025 are both chaptered and become effective January 1, 1982, both bills amend Section 3042 of the Penal Code, and this bill is chaptered after Assembly Bill 1025, that the amendments to Section 3042 proposed by both bills be given effect and incorporated in Section 3042 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 1025 are both chaptered and become effective January 1, 1982, both amend Section 3042, and this bill is chaptered after Assembly Bill 1025, in which case Section 1 of this act shall not become operative.

CHAPTER 589

An act to add Sections 45 and 30012 to, and to amend Section 23302.5 of, the Elections Code, relating to elections.

[Approved by Governor September 20, 1981 Filed with Secretary of State September 20, 1981]

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

SECTION 1. Section 45 is added to the Elections Code, to read:

45. For purposes of verifying signatures on any initiative, referendum, recall, nomination, or other election petition or paper, the clerk shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the petition or paper does not specify the residence address, or, in the case of an initiative or referendum petition, if the information specified in Section 3516 is not contained in the petition, the affected signature shall not be counted as valid.

Any signature invalidated pursuant to this section shall not affect the validity of other valid signatures on the particular petition or paper.

SEC. 2. Section 23302.5 of the Elections Code is amended to read:

23302.5. Notwithstanding any other provision of the law, whenever other elections are consolidated with the statewide general election, the period for the filing of nomination documents by candidates in elections consolidated with the general election shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than 5 p.m. on the 88th day prior to the general election in the office of the appropriate officer during regular office hours.

SEC. 3. Section 30012 is added to the Elections Code, to read:

30012. Notwithstanding the provisions of Section 30011, as added by Assembly Bill No. 300 of the 1981–82 Regular Session of the Legislature, Assembly districts designated in Section 30011 and set forth in this section shall be constituted in a manner to reflect the following adjustments:

Assembly District 18, that part contained in Santa Clara County, shall not consist of partial census tract 5050.02.

Assembly District 20 shall consist of the whole Census Tract 6115, contained in San Mateo County, rather than the partial Census Tract 6115.

Assembly District 21, with respect to Santa Clara County, shall not consist of the partial Census Tracts 5102 and 5104; shall consist of partial Census Tract 5085.06, consisting of that part of the tract not contained in the City of Santa Clara, rather than whole Census Tract 5085.06; partial Census Tract 5116.01 shall be limited to that portion of the tract not contained in the City of Los Altos Hills; and, with

respect to San Mateo County, shall not consist of partial Census Tract 6115.

Assembly District 22, as contained in Santa Clara County, shall consist of whole Census Tracts 5102 and 5104, rather than those partial Census Tracts; and partial Census Tract 5116.01 shall be limited to that portion which is not contained in Assembly District 21.

Assembly District 23, as contained in Santa Clara County, shall consist of partial Census Tract 5201.01, consisting of that portion of the tract north of Fruitdale Avenue, and shall consist of partial Census Tract 5085.06 consisting of that portion of the tract contained in the City of Santa Clara.

Assembly District 24, as contained in Santa Clara County, shall consist of partial Census Tract 5201.01, consisting of that portion not contained in Assembly District 23, rather than Census Tract 5021.01—That portion contained within the following Blocks· 101, 104, 304, 307, 315, 310, 314, 316, 204, 203, 202, 205, 211, 207, 208, 209, 210, 206, 111, 115, 106, 107, 201, and 108.

Assembly District 54, as contained in Los Angeles County, shall consist of partial Census Tract 5552.02 consisting of that portion not in Assembly District 63, rather than that whole Census Tract.

Assembly District 63, as contained in Los Angeles County, shall contain partial Census Tract 5552.02 consisting of that portion contained within the following blocks: 101, 103, 104, 106, 107, 108, 109, 110, 116, and 117

Assembly District 65, the part contained in Los Angeles County, shall consist of the unincorporated portion of Census Tract 4017.02.

Assembly District 77, as contained in San Diego County, shall consist of partial Census Tract 28.01, consisting of that portion not in Assembly District 78, rather than whole Census Tract 28.01.

Assembly District 78, as contained in San Diego, shall consist of partial Census Tract 28.01, consisting of that portion east of 55th Street and its northern extension which consists of Block Group 1.

CHAPTER 590

An act relating to elections.

[Approved by Governor September 20, 1981 Filed with Secretary of State September 20, 1981]

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

SECTION 1. Notwithstanding the provisions of 30032 of the Elections Code, as proposed to be added by Assembly Bill 301 of the 1981–82 Regular Session, CT 42.02 in the 17th Congressional District shall include only that portion thereof in the City of Fresno.

SEC. 2. Notwithstanding the provisions of Section 30032 of the

Elections Code, as proposed to be added by Assembly Bill 301 of the 1981–82 Regular Session, CT 43 in the 17th Congressional District shall include all such census tract except Block 908 and the unincorporated portions of Blocks 912 and 913.

SEC. 3. Notwithstanding the provisions of Section 30032 of the Elections Code, as proposed to be added by Assembly Bill 301 of the 1981–82 Regular Session, CT 50 in the 17th Congressional District shall include all such census tract except Block Group 2 and Block Group 3, excluding Blocks 313, 314, 317, 318, 319, and 320.

SEC. 4. Notwithstanding the provisions of Section 30032 of the Elections Code, as proposed to be added by Assembly Bill 301 of the 1981–82 Regular Session, CT 9012.01 in the 20th Congressional District shall include only portions of that census tract not in Congressional District 22.

SEC. 5. Notwithstanding the provisions of Section 30032 of the Elections Code, as proposed to be added by Assembly Bill 301 of the 1981–82 Regular Session, CT 1211 in the 21st Congressional District shall also include Block 209.

SEC. 6. Notwithstanding the provisions of Section 30032 of the Elections Code, as proposed to be added by Assembly Bill 301 of the 1981–82 Regular Session, CT 4059 in the 30th Congressional District shall consist only of the unincorporated portions northwest of the San Dimas Wash.

SEC. 7. Notwithstanding the provisions of Section 30032 of the Elections Code, as proposed to be added by Assembly Bill 301 of the 1981–82 Regular Session, CT 4800.02 in the 30th Congressional District shall consist only of Blocks 206, 301, and 315.

CHAPTER 591

An act to add Section 1767 to the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 20, 1981 Filed with Secretary of State September 21, 1981.]

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

SECTION 1. Section 1767 is added to the Welfare and Institutions Code, to read:

1767. At least 30 days before the Youthful Offender Parole Board meets to review or consider the parole of any person over 18 years of age who has been committed to the control of the Youth Authority for the commission of any offense described in subdivision (b) of Section 707, the board shall send written notice thereof to each of the following persons: the judge of the court which committed the person to the authority, the attorney for the person, the district

attorney of the county from which the person was committed, the law enforcement agency that investigated the case, and, where he or she has filed a request for such notice with the board, the victim or next of kin of the victim of the offense for which the person was committed to the authority. The burden shall be on the requesting party to keep the board apprised of his or her current mailing address.

Each of the persons so notified shall have the right to submit a written statement to the board at least 10 days prior to the scheduled hearing for the board's consideration at the hearing. Nothing in this subdivision shall be construed to permit any person so notified to attend the hearing.

At the hearing the presiding officer shall state findings and supporting reasons for the decision of the board. Such findings and reasons shall be reduced to writing, and shall be made available for inspection by members of the public no later than 30 days from the date of the hearing.

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:

In order to insure immediate public input into the Youthful Offender Parole Board decisions, it is necessary for this act to take effect immediately.

CHAPTER 592

An act to amend Section 11350 of the Government Code, relating to administrative regulations.

[Became law without Governor's signature Filed with Secretary of State September 21, 1981]

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

SECTION 1. Section 11350 of the Government Code is amended to read.

11350. (a) Any interested person may obtain a judicial declaration as to the validity of any regulation by bringing an action for declaratory relief in the superior court in accordance with the provisions of the Code of Civil Procedure. The right to judicial determination shall not be affected by the failure to seek reconsideration of a petition filed pursuant to Section 11347.1 before the agency promulgating the regulations. The regulation may be declared to be invalid for a substantial failure to comply with the provisions of this chapter, or, in the case of an emergency regulation or order to repeal, upon the ground that the facts recited in the statement do not constitute an emergency within the provisions of

Section 11346.1.

(b) In addition to any other ground which may exist, such regulation may be declared invalid if the court cannot find that the record of the rulemaking proceeding supports the agency's determination that the regulation is reasonably necessary to effectuate the purpose of the statute, court decision, or other provision of law being implemented, interpreted, or made specific by the regulation.

For purposes of this section, the record shall be deemed to consist of all material maintained in the file of the rulemaking proceeding as defined in Section 11347.3.

(c) The approval of a regulation by the office or the Governor's overruling of a decision of the office disapproving a regulation shall not be considered by a court in any action for declaratory relief brought with respect to a regulation.

CHAPTER 593

An act to amend, repeal, and add Section 11731 of the Water Code, relating to water resources, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature Filed with Secretary of State September 21, 1981]

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

SECTION 1. Section 11731 of the Water Code is amended to read:

11731. The department shall determine the interest rate on the bonds. The rate shall not exceed 8½ percent per annum, except that, from the operative date of this section until January 1, 1984, the rate on bonds issued to finance the construction or acquisition of electric power, power resources, or power facilities for the project shall not exceed 12 percent per annum.

This section shall remain in effect only until January 1, 1984, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1984, deletes or extends that date.

SEC. 2. Section 11731 is added to the Water Code, to read:

11731. The department shall determine the interest rate on the bonds. The rate shall not exceed 8½ percent per annum.

This section shall become operative on January 1, 1984.

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:

Bond market conditions have made it impossible for state and local governmental agencies, including the Department of Water

Resources, to market bonds within existing interest rate limitations In order for the department to undertake needed power projects and to service existing obligations as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 594

An act to add and repeal Section 53602.1 of the Government Code, relating to investments by local agencies.

[Became law without Governor's signature Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 53602.1 is added to the Government Code, to read·

53602.1. (a) Notwithstanding any other provision of this article, the Board of Directors of the Southern California Rapid Transit District and of the San Diego Transit Corporation, respectively, when the district or corporation has money in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the district or corporation, may invest such portion of the money as it deems wise and expedient in futures contracts in heating oil on the New York Mercantile Exchange.

(b) The Legislative Analyst shall submit to the Legislature annually a report on the results of any investments made pursuant to subdivision (a).

(c) This section shall remain in effect only until January 1, 1987, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1987, deletes or extends such date.

CHAPTER 595

An act to add Section 27156.2 to the Vehicle Code, relating to emergency vehicles

[Became law without Governor's signature Filed with Secretary of State September 22, 1981]

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

SECTION 1 Section 27156 2 is added to the Vehicle Code, to read:

27156.2. Notwithstanding any other provision of law, any publicly owned authorized emergency vehicle operated by a peace officer, as defined in Section 830 of the Penal Code, any authorized emergency

vehicle, as defined in Section 165 and used for fighting fires or responding to emergency fire calls pursuant to paragraph (2) of subdivision (b) or pursuant to subdivision (c) or (d) of that section, and any publicly owned authorized emergency vehicle used by an emergency medical technician-paramedic, as defined in Section 1797.84 of the Health and Safety Code, is exempt from requirements imposed pursuant to California law and the regulations adopted pursuant thereto for motor vehicle pollution control devices.

CHAPTER 596

An act to repeal Section 12308 of the Financial Code, relating to check sellers and cashers.

[Became law without Governor's signature Filed with Secretary of State September 22, 1981]

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

SECTION 1. Section 12308 of the Financial Code is repealed.

CHAPTER 597

An act to amend Sections 26 and 32 of, and to add Section 32.5 to, the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951), relating to the Solvang Municipal Improvement District.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981]

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

SECTION 1. Section 26 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951) is amended to read:

Sec. 26. Each member of the board in office on January 1, 1982, may serve out the term of office for which the member was originally elected The district board shall appoint officers to fill the vacancies created by the expiration of such terms Persons appointed to fill vacancies occurring upon the expiration in November 1982, of the terms of office for two members of the board shall serve until the last Friday in November 1983. Persons appointed to fill vacancies occurring upon the expiration in November 1984, of the terms of office for three members of the board shall serve until the last Friday in November 1985. Members of the board in office on January 1, 1982, are eligible for appointment pursuant to this section upon expiration

of their terms of office.

SEC. 2. Section 32 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951) is amended to read:

Sec. 32. All district elections other than bond elections shall be conducted in accordance with the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 14 of the Elections Code, as it may be amended from time to time.

SEC. 3. Section 32.5 is added to the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951), to read:

Sec. 32.5. Persons eligible to vote in district elections shall be those persons qualifying for this purpose under Chapter 1 (commencing with Section 100) of Division 1 of the Elections Code.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 598

An act to amend Sections 18953, 18954, 18958, 18959, and 18960 of the Health and Safety Code, relating to historical buildings.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981]

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

SECTION 1. Section 18953 of the Health and Safety Code is amended to read.

18953. It is the intent of this part to provide means for the preservation of the historical value of designated buildings and, concurrently, to provide reasonable safety from fire, seismic forces or other hazards for occupants of such buildings, and to provide reasonable availability to and usability by, the physically handicapped.

SEC 2. Section 18954 of the Health and Safety Code is amended to read:

18954 Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of an historical building or structure may be made if they conform to this part The building department of every city or county may apply the provisions of regular building standards and building regulations or of alternative building standards and building regulations adopted pursuant to Section 18958, or any combination of regular and

alternative building standards and building regulations, in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of an historical building or structure. A state agency may apply the regular or alternative provisions of the State Building Standards Code or the regular building regulations or the alternative building regulations adopted pursuant to Section 18958, or any combination of regular and alternative building code provisions, in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of an historical building or structure.

The application of any appropriate alternative standards for the provision of access to the physically handicapped or exemption from access requirements shall be done on a case-by-case and item-by-item basis, and shall not be applied to an entire building or structure without individual consideration of each item, and shall not be applied to related sites or areas except on an item-by-item basis.

SEC. 3 Section 18958 of the Health and Safety Code is amended to read.

18958. Except as provided in Section 18930, the following state agencies shall have the authority to adopt alternative rules and regulations governing the rehabilitation, preservation, restoration, or relocation of qualified historical buildings and structures within their jurisdiction:

(a) The Office of the State Architect.

(b) The State Fire Marshal.

(c) The State Building Standards Commission, but only with respect to building standards.

(d) The Department of Housing and Community Development.

(e) The State Office of Historic Preservation, which shall advise on historical criteria and officially registered historical structures.

(f) Other state agencies that may be affected by this part.

SEC 4. Section 18959 of the Health and Safety Code is amended to read:

18959. (a) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all the state agencies in Section 18958 may administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdiction.

(b) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all local building authorities may administer and enforce this part with respect to qualified historical structures under their respective jurisdictions where applicable.

(c) The State Historical Building Code Advisory Board shall coordinate and consult with the other applicable state agencies affected by this part and, except as provided in Section 18943, disseminate provisions adopted pursuant to this part to all local building authorities and state agencies at cost.

(d) Regulations adopted by the State Fire Marshal pursuant to this part shall be enforced in the same manner as regulations are

enforced under Sections 13145, 13146, and 13146.5 of this code.

(e) Regular and alternative building standards published in the State Building Standards Code shall be enforced in the same manner by the same governmental entities as provided by law.

SEC. 5. Section 18960 of the Health and Safety Code is amended to read:

18960. (a) A State Historical Building Code Advisory Board is hereby established within the Office of the State Architect which shall be composed of qualified experts in their respective fields who shall represent various state and local public agencies, professional design societies and building organizations.

(b) This board shall act as a consultant to the State Architect and to the other applicable state agencies. The board shall recommend to the State Architect and the other applicable state agencies rules and regulations for adoption pursuant to this part.

(c) The board shall also act as an advisory review body to state and local agencies and make recommendations on changes in and interpretations of this part as well as on matters of administration and enforcement of it.

(d) The board shall be composed of representatives of state agencies and public and professional building design organizations. Unless otherwise indicated, each named organization shall designate its own representative. Each of the following shall have one member on the board who shall serve without pay, but shall receive actual and necessary expenses incurred while serving on the board.

(1) Office of the State Architect.

(2) The State Fire Marshal.

(3) The State Historical Resources Commission.

(4) The California Occupational, Safety and Health Standards Board.

(5) California Council, American Institute of Architects.

(6) Structural Engineers Association of California.

(7) A mechanical engineer, Consulting Engineers Association of California

(8) An electrical engineer, Consulting Engineers Association of California.

(9) California Council of Landscape Architects.

(10) The Department of Housing and Community Development.

(11) The Department of Parks and Recreation.

(12) County Supervisors Association of California.

(13) League of California Cities

(14) The Office of Statewide Health Planning and Development.

(15) The Department of Rehabilitation

(16) The California Chapter of the American Planning Association

The 16 members listed above shall select (1) a building contractor and (2) a member of the California building officials to serve as members of the board. Such members shall serve without pay, but shall receive actual and necessary expenses incurred while serving

on the board.

Each of the appointing authorities may appoint an alternate in addition to a member. The alternate member shall serve in place of the member at such meetings of the board as the member is unable to attend. The alternate shall have all of the authority that the member would have when the alternate is attending in the place of the member.

(e) The term of membership on the board shall be for four years, with the State Architect's representative serving continually until replaced. Vacancies on the board shall be filled in the same manner as original appointments. The board shall annually select a chairperson from among the members of the board.

CHAPTER 599

An act to amend, repeal, and add Section 10751 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981]

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

SECTION 1. Section 10751 of the Vehicle Code is amended to read:

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

(b) Whenever a vehicle or component part described in subdivision (a) comes into the custody of a peace officer, it shall be destroyed, sold, or otherwise disposed of under the conditions as provided in an order by the court having jurisdiction. No court order providing for disposition shall be issued, unless the person from whom the property was seized and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles are provided a postseizure hearing by the court having jurisdiction within 60 days after the seizure This subdivision shall not apply with respect to a seized vehicle or component part used as evidence in any criminal action or proceeding. Nothing in this section shall, however, preclude the return of a seized vehicle or component part to the owner by the seizing agency following presentation of satisfactory evidence of ownership and, if determined necessary, upon the assignment of an identification number to the vehicle or component part by the department.

(c) Whenever a vehicle or component part described in subdivision (a) comes into the custody of a peace officer, the person from whom the property was seized, and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles, shall be notified within five days, excluding Saturdays, Sundays, and holidays, after the seizure, of the date, time, and place of the hearing required in subdivision (b). The notice shall contain the information specified in subdivision (d).

(d) Whenever a peace officer seizes a vehicle or component part as provided in subdivision (b), the person from whom the property was seized shall be provided a notice of impoundment of the vehicle or component part which shall serve as a receipt and contain the following information:

(1) Name and address of person from whom the property was seized.

(2) A statement that the vehicle or component part seized has been impounded for investigation of a violation of Section 10751 of the California Vehicle Code and that the property will be released upon a determination that the identification number has not been removed, defaced, altered, or destroyed, or upon the presentation of satisfactory evidence of ownership of the vehicle or component part, provided that no other person claims an interest in the property, otherwise, a hearing regarding the disposition of the vehicle or component part shall take place in the proper court.

(3) A statement that the person from whom the property was seized, and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles, will receive written notification of the date, time, and place of the hearing within five days, excluding Saturdays, Sundays, and holidays, after the seizure.

(4) Name and address of the law enforcement agency where evidence of ownership of the vehicle or component part may be presented.

(5) A statement of the contents of Section 10751 of the Vehicle Code.

(e) A hearing on the disposition of the property shall be held by the municipal or justice court within 60 days after the seizure. The hearing shall be before the court without a jury.

(1) If the evidence reveals either that the identification number has not been removed, altered, or destroyed or that the identification number has been removed, altered, or destroyed but satisfactory evidence of ownership has been presented to the seizing agency or the court, the property shall be released to the person entitled thereto. Any vehicle or component part seized pursuant to this section shall be returned to a good faith purchaser following presentation of satisfactory evidence of ownership thereof and, if required, upon the assignment of an identification number to the vehicle or component part by the department

(2) If the evidence reveals that the identification number or

manufacturing number has not been removed, altered, defaced, or destroyed, the court may require the seizing public agency to pay all towing and storage charges incurred pursuant to the seizure of the vehicle or component part.

(3) If the evidence reveals that the identification number has been removed, altered, or destroyed, and satisfactory evidence of ownership has not been presented, the property shall be destroyed, sold, or otherwise disposed of as provided by court order.

(4) At the hearing, the seizing agency shall have the burden of establishing that the identification number has been removed, defaced, altered, or destroyed and that no satisfactory evidence of ownership has been presented.

(f) This section shall not apply to a scrap metal processor engaged primarily in the acquisition, processing, and shipment of ferrous and nonferrous scrap, and who receives dismantled vehicles from licensed dismantlers, licensed junk collectors, or licensed junk dealers as scrap metal for the purpose of recycling the dismantled vehicles for their metallic content, the end product of which is the production of material for recycling and remelting purposes for steel mills, foundries, smelters, and refiners.

(g) This section shall remain in effect only until January 1, 1988, and as of that date is repealed unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends that date.

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

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

(b) Whenever a vehicle or component part described in subdivision (a) comes into the custody of a peace officer, it shall be destroyed, sold, or otherwise disposed of under the conditions as provided in an order by the court having jurisdiction. No court order providing for disposition shall be issued, unless the person from whom the property was seized and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles are provided a postseizure hearing by the court having jurisdiction within 60 days after the seizure. This subdivision shall not apply with respect to a seized vehicle or component part used as evidence in any criminal action or proceeding. Nothing in this section shall, however, preclude the return of a seized vehicle or component part to the owner by the seizing agency following presentation of satisfactory evidence of ownership and, if determined necessary, upon the assignment of an identification number to the vehicle or component part by the department.

(c) Whenever a vehicle or component part described in subdivision (a) comes into the custody of a peace officer, the person

from whom the property was seized, and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles, shall be notified within five days, excluding Saturdays, Sundays, and holidays, after the seizure, of the date, time, and place of the hearing required in subdivision (b). The notice shall contain the information specified in subdivision (d).

(d) Whenever a peace officer seizes a vehicle or component part as provided in subdivision (b), the person from whom the property was seized shall be provided a notice of impoundment of the vehicle or component part which shall serve as a receipt and contain the following information:

(1) Name and address of person from whom the property was seized.

(2) A statement that the vehicle or component part seized has been impounded for investigation of a violation of Section 10751 of the California Vehicle Code and that the property will be released upon a determination that the identification number has not been removed, defaced, altered, or destroyed, or upon the presentation of satisfactory evidence of ownership of the vehicle or component part, provided that no other person claims an interest in the property; otherwise, a hearing regarding the disposition of the vehicle or component part shall take place in the proper court.

(3) A statement that the person from whom the property was seized, and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles, will receive written notification of the date, time, and place of the hearing within five days, excluding Saturdays, Sundays, and holidays, after the seizure.

(4) Name and address of the law enforcement agency where evidence of ownership of the vehicle or component part may be presented.

(5) A statement of the contents of Section 10751 of the Vehicle Code.

(e) A hearing on the disposition of the property shall be held by the municipal or justice court within 60 days after the seizure. The hearing shall be before the court without a jury.

(1) If the evidence reveals either that the identification number has not been removed, altered, or destroyed or that the identification number has been removed, altered, or destroyed but satisfactory evidence of ownership has been presented to the seizing agency or court, the property shall be released to the person entitled thereto. Nothing in this section shall preclude the return of the vehicle or component part to a good faith purchaser following presentation of satisfactory evidence of ownership thereof upon the assignment of an identification number to the vehicle or component part by the department.

(2) If the evidence reveals that the identification number has been removed, altered, or destroyed, and satisfactory evidence of ownership has not been presented, the property shall be destroyed,

sold, or otherwise disposed of as provided by court order.

(3) At the hearing, the seizing agency shall have the burden of establishing that the identification number has been removed, defaced, altered, or destroyed and that no satisfactory evidence of ownership has been presented.

(f) This section shall not apply to a scrap metal processor engaged primarily in the acquisition, processing, and shipment of ferrous and nonferrous scrap, and who receives dismantled vehicles from licensed dismantlers, licensed junk collectors, or licensed junk dealers as scrap metal for the purpose of recycling the dismantled vehicles for their metallic content, the end product of which is the production of material for recycling and remelting purposes for steel mills, foundries, smelters, and refiners.

(g) This section shall become operative on January 1, 1988.

SEC. 3. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 600

An act to amend Section 409.5 of the Penal Code and to amend Section 2800.1 of the Vehicle Code, relating to state police.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981]

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

SECTION 1. Section 409.5 of the Penal Code is amended to read:

409.5. (a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California Highway Patrol, California State Police, police departments or sheriff's office, any officer or employee of the Department of Forestry designated a peace officer by subdivision (f) of Section 830.3, and any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (i) of Section 830.3, may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. If such a calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section.

(b) Officers of the California Highway Patrol, California State Police, police departments, or sheriff's office or officers of the Department of Forestry designated as peace officers by subdivision (f) of Section 830.3 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not such field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within such area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

SEC. 2. Section 2800.1 of the Vehicle Code is amended to read:

2800.1. Every person who, while operating a motor vehicle, hears a siren and sees at least one lighted lamp exhibiting a red light emanating from a vehicle which is distinctively marked and operated by a member of the California Highway Patrol, a member of the California State Police, or any peace officer of any sheriff's department or police department wearing a distinctive uniform and who, with the intent to evade the officer, willfully disregards such siren and light, and who flees or otherwise attempts to elude a pursuing peace officer's motor vehicle, is guilty of a misdemeanor.

CHAPTER 601

An act to amend Section 5536 of the Public Resources Code, relating to regional park districts.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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. (a) The board shall establish rules for its proceedings.

(b) The board 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 this section in any one calendar month. A board member may elect to waive the per diem. In addition, the board may provide, by ordinance or resolution, that each of its members not otherwise eligible for an employer-paid or partially employer-paid group medical or group dental plan, or both, may participate in any of those plans available to permanent employees of the district on the same terms available to those district employees or on terms and conditions as the board may determine. A board member who elects to participate in any plan may also elect to have the premium for the plan charged against his or her per diem and may further elect to waive the balance of the per diem.

(c) The board 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 or her 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 the 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.

CHAPTER 602

An act to amend Sections 33430, 33750, 33760.5, and 52053.5 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981]

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

SECTION 1. Section 33430 of the Health and Safety Code is amended to read:

33430. (a) Except as otherwise provided in subdivision (b), an agency may, within the survey area or for purposes of redevelopment, sell, lease, for a period not to exceed 99 years, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

(b) Any interest acquired by an agency in property described in Section 33032.1 shall be used only for public purposes.

SEC. 1.5. Section 33750 of the Health and Safety Code is amended

to read:

33750. The Legislature finds and declares that it is necessary and essential that redevelopment agencies be authorized to make long-term, low-interest loans through qualified mortgage lenders to finance residential construction in order to encourage investment and upgrade redevelopment project areas and increase the supply of housing. Unless redevelopment agencies intervene to generate mortgage funds and to provide some form of assistance to finance residential construction, many redevelopment areas will stagnate and deteriorate because owners and investors are not able to obtain loans from private sources.

The Legislature further finds and declares that financing of rehabilitation, as provided in this chapter, serves an essential public purpose for the economic renewal of our cities.

SEC. 2. Section 33760.5 of the Health and Safety Code is amended to read:

33760.5. (a) Notwithstanding the requirements of Section 33760, agencies which operate within a jurisdiction, the population of which is in excess of 600,000 persons, as determined by the Department of Finance, may additionally provide financing for residential construction of multifamily rental units outside of a redevelopment project area as set forth in and subject to the limitations of this section.

(b) Within its territorial jurisdiction, an agency may determine the location and character of any residential construction to be financed under the provisions of this chapter and may make mortgage or construction loans to participating parties through qualified mortgage lenders, or purchase mortgage or construction loans without premium made by qualified mortgage lenders to participating parties for financing residential construction of multifamily rental units occupied by, or in the case of projects financed with mortgages insured under Title II of the National Housing Act (Public Law 73-479, as amended) intended for occupancy by, persons and families of low or moderate income, as defined in Section 50093, outside of a redevelopment area.

(c) Not less than 20 percent of the total number of multifamily rental units outside of a project area financed or for which financing has been extended or committed pursuant to this chapter during any calendar year shall be occupied by, or made available to, lower-income households, as defined in Section 50079.5. Not less than 10 percent of the total number of such rental units shall be occupied by, or made available to, very low-income households, as defined in Section 50105.

(d) The provisions of subdivision (c) shall apply for a period of not less than 20 years from the date units financed pursuant to this section are first made available for occupancy. However, in the event federal rent subsidies become unavailable to tenants and projects in the agency's jurisdiction, the requirements of this subdivision and subdivision (c) shall not apply.

(e) 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 such date, deletes or extends such date.

SEC. 3. Section 52053.5 of the Health and Safety Code is amended to read:

52053.5. Notwithstanding subdivision (b) of Section 52053 or any of the limitations of this part:

(a) A charter city having seven community development districts established for purposes of Section 105(a) (8) of Public Law 93-383, as amended, and which, prior to February 1, 1980, issued revenue bonds to finance mortgage loans on homes, may issue not more than thirty-three million dollars ($33,000,000) of additional revenue bonds pursuant to local ordinance to make or purchase mortgage loans on homes as defined in Section 52012, subject to the following conditions:

(1) For mortgage loans on homes located within such a community development district, the income of a purchaser shall not exceed 150 percent of the median income within the city.

(2) For a home located outside of a community development district, the income of a purchaser shall not exceed 120 percent of the city's area median income.

(3) The maximum purchase price for a home not undergoing rehabilitation in connection with financing pursuant to this subdivision shall not exceed the median purchase price of homes in the city.

(4) The maximum loan amount for homes undergoing rehabilitation in connection with financing pursuant to this subdivision shall not exceed the median purchase price of a home in the city.

(b) A city and county may issue not more than sixty million dollars ($60,000,000) of revenue bonds pursuant to local ordinance for the purpose of financing the purchase of residential housing units under the following conditions:

(1) The proceeds of the bonds will be used in combination with subsidy moneys made available through grant programs such as the Urban Development Action Grant, the Community Development Block Grant or other federal, state, local, or private moneys to finance the purchase of residential housing under an ownership or financing arrangement which provides for the sharing of equity appreciation between one or more occupants of each property and the city and county (or an entity acting on its behalf).

(2) The revenue bonds and subsidy moneys shall provide for the following:

(A) At least 50 percent of the participants of the program shall be lower income households, as defined in Section 50079.5, unless after the date six months after the date of issuance of the bonds the city and county makes a written finding that this requirement cannot be achieved in spite of the diligent efforts of the city and county and because of the limited availability of subsidy moneys, in which case

at least 25 percent of the participants of the program shall be lower-income households.

(B) In no case shall participants of the program be persons and families whose incomes are more than 150 percent of the area medium income.

(C) Not less than 30 percent of the residential housing units financed pursuant to this subdivision shall be units where the participant in the program is the first occupant or units which are being substantially rehabilitated. As used in this subparagraph, "substantial rehabilitation" means rehabilitation in which the costs of rehabilitation equal or exceed 20 percent of the value of the structure after rehabilitation.

However, the requirements of this paragraph may be modified by the city and county, as necessary to meet the conditions of approval of the United States Department of Housing and Urban Development.

(c) Notwithstanding any other provision of law, bonds issued pursuant to this section shall be legal investments for all trust funds, insurance companies, savings and loan associations, investment companies and banks, both savings and commercial, and shall be legal investments for executors, administrators, trustees and all other fiduciaries. Such bonds shall be legal investments for state school funds and for any funds which may be invested in county, municipal, or school district bonds, and such bonds shall be deemed to be securities which may properly and legally be deposited with, and received by, any state or municipal officer or by any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now, or may hereafter be authorized by law, including deposits to secure public funds.

(d) It is not the intent of the Legislature in enacting this section to change the provisions of this part, but only to continue programs relating to the goals of this part and to prevent loss of commitments for Urban Development Action Grants.

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 the necessity are:

In order to clarify without delay the intent of the Legislature in making recent changes to the so-called "S.B. 99" housing finance program, and to thereby assist redevelopment agencies in implementing that program in order to relieve existing housing shortages, it is necessary that this act take effect immediately.

CHAPTER 603

An act to amend Sections 66452.8 and 66452.9 of the Government Code, relating to subdivisions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 66452.8 of the Government Code is amended to read:

66452.8. (a) Commencing at a date not less than 60 days prior to the filing of a tentative map pursuant to Section 66452, the subdivider or his or her agent shall give notice of such filing, in the form outlined in subdivision (b), to each person applying after such date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.

(b) The notice shall be as follows:

"To the prospective occupant(s) of

_____ :

(address)

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the (city, county, or city and county) and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

_____

(signature of owner or owner's agent)

_____

(dated)

I have received this notice on _____ .

(date)

_____

(prospective tenant's signature)"

(c) Failure by a subdivider or his or her agent to give the notice required in subdivision (a) shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice,

and who does not purchase his or her unit pursuant to subdivision (d) of Section 66427.1, an amount equal to the sum of the following:

(1) Actual moving expenses incurred when moving from the subject property, but not to exceed five hundred dollars ($500).

(2) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed five hundred dollars ($500).

The requirements of this subdivision constitute a minimum state standard. However, nothing in this subdivision shall be construed to prohibit any city, county, or city and county from requiring, by ordinance or charter provision, a subdivider to compensate any tenant, whose tenancy is terminated as the result of a condominium, community apartment project, or stock cooperative conversion, in amounts or by services which exceed those set forth in paragraphs (1) and (2) of this subdivision. In the case of such a requirement by any city, county, or city and county, a subdivider who meets the compensation requirements of the local ordinance or charter provision shall be deemed to satisfy the requirements of this subdivision.

SEC. 2. Section 66452.9 of the Government Code is amended to read:

66452.9. (a) Pursuant to the provisions of subdivision (a) of Section 66427.1, the subdivider shall give notice 60 days prior to the filing of a tentative map pursuant to Section 66452 in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

"To the occupant(s) of

_____ :

(address)

The owner(s) of this building, at (address), plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

_____

(signature of owner or owner's agent)

_____

(date)"

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

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:

This act makes certain clarifying amendments to statutes added to the Government Code in 1980. In order to provide guidance to counties and cities which are in the process of drafting ordinances to implement those statutory provisions, it is necessary that this act take effect immediately.

CHAPTER 604

An act to repeal Chapter 1 (commencing with Section 18000) of Part 11 of, and Article 1 (commencing with Section 21000) of Chapter 1 of Part 12 of, the Education Code, to amend Section 17220 of, to add Section 16481.1 to, to repeal Chapter 1 (commencing with Section 8000) and Chapter 11 (commencing with Section 8850) of Division 1 of Title 2 of, the Government Code, to repeal Section 26604 of the Health and Safety Code, to add Section 2158 to, and to repeal Chapter 1.5 (commencing with Section 227) of Division 1 of, and Chapter 7 (commencing with Section 31460) of Division 17 of, the Streets and Highways Code, relating to state boards and commissions.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. The Legislature finds and declares that the boards, commissions, committees, and councils to which the remaining sections of this act apply, are redundant, superfluous, and unnecessary for the protection of the peace, health, safety, or general welfare of the people of the State of California. The Legislature therefore finds and declares that the California Design Awards Committee, the Colorado River Toll Bridge Authority, the Committee to Fix Interest on Registered Warrants, the State Board of Library Examiners, the State Council of Educational Planning and Coordination, the Scenic Highway Advisory Committee, the advisory committee to the State Department of Health Services on drug manufacturing, the California Commission on Interstate Co-operation, the Senate Committee on Interstate Co-operation, and the Assembly Committee on Interstate Co-operation should be abolished.

SEC. 2. Chapter 1 (commencing with Section 18000) of Part 11 of the Education Code is repealed.

SEC. 3. Article 1 (commencing with Section 21000) of Chapter 1 of Part 12 of the Education Code is repealed.

SEC. 4. Chapter 1 (commencing with Section 8000) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 5. Chapter 11 (commencing with Section 8850) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 6. Section 16481.1 is added to the Government Code, to read:

16481.1. The Pooled Money Investment Board shall succeed to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters now or hereafter vested by law in the committee which fixes the rate of interest paid on registered warrants pursuant to Article 2 (commencing with Section 17220) of Chapter 2 of Part 4 of Division 4 of Title 2, or any officer or employee thereof. Whenever reference is made to the committee to fix interest paid on registered warrants, it shall be deemed to be a reference to the Pooled Money Investment Board. The board shall have possession and control of all records, books, papers, and other property, real, personal, and mixed, now or hereafter held for the benefit or use of the committee.

SEC. 7. Section 17220 of the Government Code is amended to read:

17220. As used in this chapter:

(a) "Unapplied money" means money in the General Fund in the treasury for which outstanding warrants have not already been drawn and which would remain in the General Fund if all outstanding warrants theretofore drawn were paid.

(b) "Committee" means the Pooled Money Investment Board.

SEC. 8. Section 26604 of the Health and Safety Code is repealed.

SEC. 9. Chapter 1.5 (commencing with Section 227) of Division 1 of the Streets and Highways Code is repealed.

SEC. 10. Section 2158 is added to the Streets and Highways Code, to read:

2158. The Departmental Transportation Advisory Committee shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters now or hereafter vested by law in the Scenic Highway Advisory Committee, or any officer or employee thereof. Whenever reference is made to the Scenic Highway Advisory Committee, it shall be deemed to be a reference to the Departmental Transportation Advisory Committee. The Department of Transportation shall have possession and control of all records, books, papers, and other property, real, personal and mixed, now or hereafter held for the benefit or use of the Scenic Highway Advisory Committee.

SEC. 11. Chapter 7 (commencing with Section 31460) of Division 17 of the Streets and Highways Code is repealed:

CHAPTER 605

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 25608 of the Business and Professions Code is amended to read:

25608. Every person who possesses, consumes, sells, gives, or delivers to any other person, any alcoholic beverage in or on any public schoolhouse or any of the grounds thereof, is guilty of a misdemeanor. This section does not, however, make it unlawful for any person to acquire, possess, or use any alcoholic beverage in or on any public schoolhouse, or on any grounds thereof, if either of the following applies:

(a) The alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and the person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school.

(b) The public schoolhouse is surplus school property and the grounds thereof are leased to a lessee which is a general law city with a population of less than 50,000 and the property is to be used for community center purposes and no public school education is to be conducted thereon by either the lessor or the lessee and the property is not being used by persons under the age of 21 years for recreational purposes at any time during which alcoholic beverages are being sold or consumed on the premises.

Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property which is accorded by Chapter 4 (commencing with Section 16551) of Division 12 of the Education Code.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 606

An act to amend Sections 68003, 68006, 68028, 68030, 68037, 68039, 68041, 68042, 68051, 68056, 68063, 68065, 68081, 68091, 68102, 68104, 68111, 68112, and 68140 of, to amend and renumber Section 68043 of, to add Sections 68043 and 68101.5 to, and to repeal Sections 68024 and 68035 of, the Food and Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 68003 of the Food and Agricultural Code is amended to read:

68003. The establishment of a California Kiwifruit Commission is necessary for the efficient development and management of a national and international advertising program and essential to ensure that the California kiwifruit industry can compete successfully in the marketplace.

SEC. 2. Section 68006 of the Food and Agricultural Code is amended to read:

68006. No action taken by the commission, nor by any individual in accordance with this chapter or with rules or regulations adopted under the chapter, shall be deemed a violation of the Cartwright Act, the Unfair Practices Act, the Fair Trade Act, or any rule of statutory or common law against monopolies or combinations in restraint of trade.

SEC. 3. Section 68024 of the Food and Agricultural Code is repealed.

SEC. 4. Section 68028 of the Food and Agricultural Code is amended to read:

68028. "Distributor" means any person who engages in the operation of selling, marketing, or distributing kiwifruit which he has produced or purchased or acquired from a producer, or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker, or otherwise. It does not, however, include a retailer, except a retailer who purchases or acquires from, or handles on behalf of any producer, kiwifruit which was not previously subject to assessment by the commission.

SEC. 5. Section 68030 of the Food and Agricultural Code is amended to read:

68030. "Districts" shall consist of the following:

(a) District 1 consists of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Mendocino, Glenn, Butte, and Plumas Counties.

(b) District 2 consists of Lake, Colusa, Sutter, Yolo, Napa, Sonoma, Marin, and Solano Counties.

(c) District 3 consists of Sierra, Yuba, Nevada, Placer, El Dorado, Alpine, Amador, and Sacramento Counties.

(d) District 4 consists of Contra Costa, Alameda, Santa Clara, Santa Cruz, San Benito, San Francisco, San Mateo, and Monterey Counties.

(e) District 5 consists of San Joaquin, Calaveras, Tuolumne, Mono, Mariposa, Stanislaus, and Merced Counties.

(f) District 6 consists of Madera, Fresno, Kings, Tulare, Inyo, and Kern Counties.

(g) District 7 consists of San Luis Obispo, Santa Barbara, and Ventura Counties.

(h) District 8 consists of San Bernardino, Riverside, Orange, Los Angeles, San Diego, and Imperial Counties.

The boundaries of any district may be changed by a two-thirds vote of the commission, which is concurred in by the director, when necessary to maintain similar total production among the districts, and to insure proper representation by producers. These boundaries need not coincide with county lines.

SEC. 6. Section 68035 of the Food and Agricultural Code is repealed.

SEC. 7. Section 68037 of the Food and Agricultural Code is amended to read:

68037. "Marketing season" or "fiscal year" means the period beginning October 1 of any year and extending through September 30 of the following year.

SEC. 8. Section 68039 of the Food and Agricultural Code is amended to read:

68039. "Processor" means any person engaged, within this state, in the operation of canning, fermenting, distilling, extracting, preserving, grinding, crushing, or changing the form of kiwifruit for the purpose of preparing it for market or marketing such kiwifruit, or who is engaged in any other activities which are performed for the purpose of preparing for market or marketing kiwifruit. It does not, however, include a person who is engaged in manufacturing from kiwifruit so changed in form another and different product.

SEC. 9. Section 68041 of the Food and Agricultural Code is amended to read:

68041. "Producer" or "grower," for purposes of voting, means any person who is engaged, within this state, in the business of producing, or causing to be produced for market, kiwifruit, who shall, upon request, provide proof of commodity sale and proof of assessment payment during the preceding crop year as provided in Section 68101.

SEC. 10. Section 68042 of the Food and Agricultural Code is amended to read:

68042. "Production research" means any research related to the production, harvest, and post harvest handling of kiwifruit, other than marketing research.

SEC. 11. Section 68043 of the Food and Agricultural Code is

amended and renumbered to read:

68062.5. When the director is required to concur in a decision of the commission, he shall indicate his response to the commission within 15 working days from notification of such decision. Such response may be a request that additional information be provided.

SEC. 12. Section 68043 is added to the Food and Agricultural Code, to read:

68043. "Sale" means the point at which the producer transfers title to the kiwifruit in exchange for financial compensation or other valuable consideration. A sale may occur even though the kiwifruit purchased is not placed in normal marketing channels.

SEC. 13. Section 68051 of the Food and Agricultural Code is amended to read:

68051. There is in the state government the California Kiwifruit Commission, a state agency operating under authority of this chapter. The commission shall be composed of eight kiwifruit producers who are not handlers, two handlers, and one public member. Eight producers, one from each district, shall be elected by and from producers within the respective districts. One handler shall be elected by and from independent handlers, as defined in Section 68034, and one handler shall be elected by and from cooperative handlers, as defined in Section 68034.5.

The public member shall be appointed to the commission by the director from the nominees recommended by the commission.

The director and other appropriate individuals as determined by the commission shall be nonvoting ex officio members of the commission.

SEC. 14. Section 68056 of the Food and Agricultural Code is amended to read:

68056. Any producer member or his alternate on the commission shall be an individual or an employee representing a producer who has a financial interest in producing, or causing to be produced, kiwifruit for market. The qualifications of a producer member and an alternate producer member shall be maintained during the entire term of office.

Any handler member or his alternate shall be an individual or an employee representing a handler who has a financial interest in handling kiwifruit for market. The qualifications of a handler member and an alternate handler member shall be maintained during the entire term of office.

The public member or his alternate on the commission, shall have all the powers, rights, and privileges of any other member on the commission. The public member shall not have any financial interest in the kiwifruit industry.

SEC. 15. Section 68063 of the Food and Agricultural Code is amended to read:

68063. No commissioner or member of a committee established by the commission who is a nonmember of the commission shall receive a salary. Each commissioner, except ex officio government

members, and each member of a committee established by the commission who is a nonmember of the commission may receive a sum of not to exceed one hundred dollars ($100) per day, as established by the commission, for each day spent in actual attendance on, or in traveling to and from, meetings of the commission or committees of the commission, or on special assignment for the commission, as approved by the commission, together with the necessary traveling expenses and meal allowances, as approved by the commission.

SEC. 16. Section 68065 of the Food and Agricultural Code is amended to read:

68065. The state shall not be liable for the acts of the commission or its contracts. Payments of all claims arising by reason of the administration of this chapter or acts of the commission shall be limited to the funds collected by the commission. No member of the commission or alternate member, or any employee or agent thereof, shall be personally liable on the contracts of the commission nor shall a commissioner, alternate member, or employee of such commission be responsible individually in any way to any producer or handler or any other person for error in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, or employee, except for his own individual acts of dishonesty or crime. The commission accepts full responsibility to defend any member of the commission or alternate member, or an employee or agent thereof, against any such claim, except for individual acts of dishonesty or crime. No commissioner or alternate member shall be held responsible individually for any act or omission of any member of such commission. The liability of the commissioners shall be several and not joint, and no commissioner shall be liable for the default of any other commissioner.

SEC. 17. Section 68081 of the Food and Agricultural Code is amended to read:

68081. The powers and duties of the commission, subject to Sections 68052 and 68053, shall include, but are not limited to, all of the following:

(a) To adopt, and from time to time, alter, rescind, modify, and amend all proper and necessary bylaws, rules, regulations, and orders for carrying out the provisions of this chapter, including appeals from any bylaw, rule, regulation, or order of the commission.

(b) To administer and enforce this chapter, and to do and perform all acts and exercise all powers incidental to, or in connection with or deemed reasonably necessary for, proper or advisable effectuation of the purposes of this chapter.

(c) To appoint its own officers, including a chairman, one or more vice chairmen, and such other officers as it deems necessary. The officers shall have the powers and duties delegated to them by the commission.

(d) To employ a manager to serve, at the pleasure of the commission, as president and chief executive officer of the

commission and other personnel, including legal counsel, as necessary to carry out the provisions of this chapter. The commission may retain a management firm or any staff from any board, commission, or committee of the state to perform the functions prescribed by this subdivision under the control of the commission. If the manager engages in any conduct which the director determines is not in the public interest or which is in violation of this chapter, the director shall notify the commission of the conduct and request that corrective, and if appropriate, disciplinary action be taken by the commission. In the event that the commission fails or refuses to correct the situation or to take disciplinary action satisfactory to the director, the director may suspend or discharge the manager.

(e) To fix the compensation for all employees of the commission.

(f) To appoint committees composed of both members and nonmembers of the commission to advise the commission in carrying out the provisions of this chapter.

(g) To establish offices and incur expense, and to enter into any and all contracts and agreements, and to create such liabilities and borrow such funds in advance of receipt of assessments as may be necessary, in the opinion of the commission, for the proper administration and enforcement of this chapter and the performance of its duties.

(h) To keep accurate books, records and accounts of all of its dealings, which books, records and accounts shall be subject to an annual audit by an auditing firm selected by the commission with the concurrence of the director. The audit shall be made a part of an annual report to all producers and handlers of kiwifruit, copies of which shall also be submitted to the Legislature and the Department of Food and Agriculture. In addition, the director may, as he determines necessary, conduct, or cause to be conducted, a fiscal and compliance audit of the commission.

(i) To promote the sale of kiwifruit by advertising and other promotional means, including cost-sharing advertising, for the purpose of maintaining and expanding present markets and creating new and larger intrastate, interstate, and foreign markets for kiwifruit and to educate and instruct the public with respect to kiwifruit and the uses and time to use the several varieties and the healthful properties and nutritional value of kiwifruit.

(j) To educate and instruct the wholesale and retail trade with respect to proper methods of handling and selling kiwifruit; to arrange for the performance of dealer service work providing display and other promotional materials; to make market surveys and analyses; to present facts to, and negotiate with, state, federal, and foreign agencies on matters which affect the marketing of kiwifruit.

(k) To make, in the name of the commission, contracts to render service in formulating and conducting plans and programs, and such other contracts or agreements as the commission may deem necessary for the promotion of the sale of kiwifruit.

(*l*) To conduct and contract with others to conduct scientific research, including the study, analysis, dissemination, and accumulation of information obtained from such research or elsewhere respecting cultural and production practices, marketing, and distribution of kiwifruit. In connection with such research, the commission shall have the power to accept contributions of, or to match, private, state, or federal funds that may be available for such purposes, and to employ or make contributions of funds to other persons or state or federal agencies conducting such research.

(m) To publish and distribute, without charge, a bulletin or other communication for dissemination of information relating to the kiwifruit industry to producers and handlers.

(n) To establish an assessment rate to defray operating costs of the commission.

(o) To establish an annual budget according to acceptable accounting practices. The budget shall be concurred in by the director prior to disbursement of funds, except for disbursements made pursuant to subdivision (e).

(p) To submit a statement of contemplated annual activities authorized under this chapter, including advertising, promotion, marketing research, and production research, which shall be concurred in by the director.

SEC. 18. Section 68091 of the Food and Agricultural Code is amended to read:

68091. Within 90 days after January 1, 1980, the director shall establish a list of producers eligible to vote on implementation of this chapter. In establishing this list, the director shall require that handlers, county agricultural commissioners, and kiwifruit producers in this state submit the names, mailing addresses, and district numbers of all kiwifruit producers who produce kiwifruit. The request for such information shall be in writing. Such list shall be filed within 30 days following receipt of such written notice.

Any producer of kiwifruit, whose name does not appear upon the director's list of producers affected, may have his name established on such list by filing with the director a signed statement, identifying himself as a producer. Failure to be on such list does not exempt the producer from paying assessments under this chapter.

SEC. 19. Section 68101.5 is added to the Food and Agricultural Code, to read:

68101.5. Assessments shall be based on the total income or other valuable consideration received from the sale of kiwifruit, in whole or in part, by every producer subject to this article.

SEC. 20. Section 68102 of the Food and Agricultural Code is amended to read:

68102. The provisions of this chapter do not apply to kiwifruit produced only for the producer's home use or where the kiwifruit are used only for ornamental purposes; provided, however, that such producer shall file an affidavit with the commission establishing that his kiwifruit are not produced for commercial purposes. In any

event, no production of kiwifruit is exempt from the assessment under this article when handled according to the provisions of this chapter.

SEC. 21. Section 68104 of the Food and Agricultural Code is amended to read:

68104. All proprietary information obtained by the commission or the director from producers or handlers, and all lists of producers or handlers in the possession of the commission or the director shall be confidential and shall not be disclosed except when required in a judicial proceeding. However, this section shall not be construed as preventing any person subject to the provisions of this chapter from personally inspecting any such list at a time and location established by the director or the commission. This inspection shall not allow for duplicating or in any other way copying all or a portion of the information contained on any such list. Information on volume shipments, crop value, and any other related information which is required for reports to governmental agencies; financial reports to the commission or aggregate sales and inventory information; and any other such information which the handlers request from the commission to receive in total, excluding individual handler information, may be disclosed by the commission.

SEC. 22. Section 68111 of the Food and Agricultural Code is amended to read:

68111. It shall be a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment, for any person to do any of the following:

(a) Willfully to render or furnish a false report, statement, or record required by the commission, or in any way to affect the shipment and marketing of kiwifruit in order to avoid payment of assessments on the product's highest value.

(b) When engaged in the shipping of kiwifruit or in the wholesale or retail trade of kiwifruit, to fail or refuse to furnish to the commission or its duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received kiwifruit and the quantity so received.

(c) Secrete, destroy, or alter records required to be kept under the provisions of this chapter.

SEC. 23. Section 68112 of the Food and Agricultural Code is amended to read:

68112. The commission shall adopt procedures for the purpose of addressing any claims relating to this chapter made against the commission or any of its individual members, alternates, employees, or agents, and for the purpose of granting individuals aggrieved by its actions or determinations an informal hearing before the commission, or before a committee of the commission designated for such purpose. Appeals from decisions of the commission may be made to the director. The determination of the director shall be subject to judicial review upon petition filed with the appropriate

superior court.

SEC. 24. Section 68140 of the Food and Agricultural Code is amended to read:

68140. All moneys remaining held by the commission after the repeal of this chapter shall be disposed of in accordance with Section 68134.

CHAPTER 607

An act to amend Section 1143 of, and to repeal Section 1151 of, the Probate Code, and to amend Section 8006.5 of the Welfare and Institutions Code, relating to decedents' estates.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 1143 of the Probate Code is amended to read:

1143. (a) Except as provided in subdivision (b), when a public administrator takes possession of the estate of a decedent as provided in this chapter, and it appears that the total value of the estate of the decedent does not exceed twenty thousand dollars ($20,000) excluding any motor vehicle owned by the decedent, the public administrator may apply to the superior court of his county or a judge thereof for an order permitting him summarily to sell any personal property belonging to the decedent, and to withdraw any money of the decedent on deposit with any bank, and to collect any indebtedness or claim that may be owing to the decedent. The money received from any such sale or collection shall be used to pay commissions to the public administrator, and to defray the expenses of the burial of the decedent and the expenses of his last illness; the balance, if any, shall be used to pay other claims presented to the public administrator within four months of the above order and there shall be no administration upon the estate unless additional property is discovered. No notice of the application need be given. The application may be filed whether or not there is a will of the decedent in existence, if the executor named therein refuses to act, or if the will does not appoint an executor.

(b) When a public administrator takes possession of the estate of a decedent as provided in this chapter, and it appears that the total value of the estate of the decedent does not exceed three thousand dollars ($3,000), the public administrator may, instead of applying to the superior court or judge thereof for an order provided in subdivision (a), apply such money or proceeds from the sale of any personal property towards the expense of the burial of the decedent, pay other proper claims against the decedent's estate, and deposit

the balance with the county treasurer for use in the general fund.

(c) The commissions payable to the public administrator pursuant to this section and the attorney, if any, for the public administrator for the filing of the application provided for in this section, and for the performance of any duty or service connected therewith, are those set forth in Section 901, except that, in any case administered pursuant to this section, the public administrator shall be entitled to a minimum of $250 if there are sufficient proceeds in the decedent's estate therefor.

SEC. 2. Section 1151 of the Probate Code is repealed.

SEC. 3. Section 8006.5 of the Welfare and Institutions Code is amended to read:

8006.5. When a public guardian has taken charge of the estate of a person referred to him as a potential ward or conservatee as provided in Section 8006, costs incurred by him for the protection of the estate, together with a reasonable fee for his services of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), shall be a proper and legal charge of the estate of the ward or conservatee in case of the subsequent appointment of another person as guardian or conservator of the estate.

CHAPTER 608

An act to amend Section 2.5A of the Budget Act of 1980, relating to natural resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 2.5A of the Budget Act of 1980, as added by Chapter 809 of the Statutes of 1980, is amended to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1964 PROGRAM

SEC. 2.5A. 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, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1964.

573.5A—For grants to counties, cities, or cities and

counties pursuant to subdivision (d) of Section 5096.15 of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 800,000

Schedule:

(a) For acquisition of the McCosker parcel as an addition to Wildcat Canyon Regional Park 545,000

(b) For acquisition of the Taylor Parcel, as an addition to Wildcat Canyon Regional Park 255,000

provided, that none of the funds appropriated in this item may be encumbered until the East Bay Regional Park District in combination with other public agencies encumbers at least $545,000 for the acquisition of the McCosker parcel and at least $255,000 for the acquisition of the Taylor parcel; provided further, that funds appropriated in this item may be expended for acquisitions of parcels specified in this item and made on or after July 28, 1980; provided, further, that county approval is received for the project pursuant to Section 5096.16 of the Public Resources Code; and provided further, that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are submitted to, and reviewed and approved by, the Secretary of the Resources Agency pursuant to Section 5096.20 of the Public Resources Code.

SEC. 2. Notwithstanding the proviso in category (o) of Section 4 of Chapter 809 of the Statutes of 1980, the funds appropriated by that category shall be available only for acquisition of lands designated by the Alameda County Assessor as parcels 99A-2700-005-0, 99A-2700-006-6, 99A-2700-012-6, 99A-2450-001-3, 99A-2450-002-9, 99A-2450-002-6, 99A-2450-002-8, 99A-2700-007-1, 99A-2700-007-2, 99A-2700-007-3, 99A-2700-007-4, 99A-2460-002-2, 99A-2720-006-0, 99A-2720-007-0, and 99A-2720-008-0, or so much of such lands as are necessary to protect the view shed east of the Del Valle Lake Regional Park or to protect the waters of Del Valle Lake from degradation.

SEC. 3. Funds appropriated for the Bear Creek Redwoods Project in category (s) of Section 4 of Chapter 809 of the Statutes of 1980 shall also be available for acquisition of lands designated by the Santa Clara County Assessor as Parcel No. 544-50-004.

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 the necessity are:

In order to reallocate previously appropriated funds between parcels to be added to Wildcat Canyon Regional Park, to correct inadvertences in the descriptions of lands to be acquired for the state park system, and to expedite the planned acquisition of these lands at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 609

An act to amend Sections 20004.5, 20022.3, 20023.6, 20160, 20862.8, 20892.5, 20894, 21150, 21222.4, 21252.45, 21263, 21263.4, 21263.5, 21363.3, 21363.5, 21363.6, 21364, 21367.53, 21404, 22005, and 22310 of, to add Sections 20161, 20462, 20652, and 21206 to, and to repeal Sections 20022.2, 20462, 20652, 20891, 20891.1, 20892, 20930.7, 21201.5, 21382.1, and 21382.3 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 20004.5 of the Government Code is amended to read:

20004.5. "Federal system" means the old age, survivors, disability, and health insurance provisions of the Social Security Act.

SEC. 2. Section 20022.2 of the Government Code is repealed.

SEC. 3. Section 20022.3 of the Government Code is amended to read:

20022.3. Notwithstanding any other provision of this part, compensation includes salary withheld by the employer in accordance with Section 45165 or 88164 of the Education Code, which provides for continuation of salary payments during a period in which the member renders no service. The withheld salary shall be reported as earned.

SEC. 4. Section 20023.6 of the Government Code is amended to read:

20023.6. The compensation earnable during any period of service as a member of the Judges' Retirement System, the Legislators' Retirement System, or the State Teachers' Retirement System shall be considered compensation earnable as a member of this system for purposes of computing final compensation for the member, if he retires concurrently under both systems.

A member shall be deemed to have retired concurrently under this system and under the State Teachers' Retirement System, if the member is enrolled as a disabilitant under the State Teachers' Retirement System and for retirement under this system on the same

effective date.

SEC. 5. Section 20160 of the Government Code is amended to read:

20160. Each state agency, school employer, and the chief administrative officer of a contracting agency or any other person who its governing body may designate shall furnish all of the following:

(a) Immediate written notice to the board of the change in status of any member resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal, or death.

(b) Any additional information concerning any such member which the board may require in the administration of the system.

(c) The services of its officer and departments which the board may request in connection with claims by such members against this system.

SEC. 6. Section 20161 is added to the Government Code, to read:

20161. The comptroller of the university, or any other official who the university may designate, shall furnish monthly reports to the board showing changes in the status of all members employed by the university during the preceding month, and shall furnish any additional information concerning any members which the board may require in the administration of this system.

SEC. 7. Section 20462 of the Government Code is repealed.

SEC. 8. Section 20462 is added to the Government Code, to read:

20462. Whenever any provision of this part requires action by ordinance, action by resolution is authorized, except with respect to cities and counties, if the governing body of the public agency is authorized to take action by resolution.

SEC. 8.1. Section 20652 of the Government Code is repealed.

SEC. 8.5. Section 20652 is added to the Government Code, to read:

20652. If the state service or membership herein of a member is discontinued, he shall, upon his request, be paid his accumulated contributions, if, in the opinion of the board, he is permanently separated from state service or membership by reason of such discontinuance.

If the state service of a member credited with less than five years of state service is discontinued, he shall be paid his accumulated contributions, if, in the opinion of the board, he is permanently separated from state service by reason of such discontinuance.

This section shall not apply to discontinuance of state service or membership as a result of retirement or death on account of which a basic, a limited, or a special death benefit is payable.

SEC. 9. Section 20862.8 of the Government Code is amended to read:

20862.8. A local miscellaneous member and a local safety member, whose effective date of retirement is within four months of separation from employment with the employer which granted the sick leave credit, shall be credited at his retirement with 0.004

year of service credit for each unused day of sick leave certified to the board by his employer.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to this section by amendment to its contract made in the manner prescribed for approval of contractor, except that an election among the employees is not required, or, in the case of contracts made after September 26, 1974, by express provision in the contract making the contracting agency subject to this section.

This section shall only apply to members who retire after the effective date of the contract amendment.

SEC. 10. Section 20891 of the Government Code is repealed.

SEC. 11. Section 20891.1 of the Government Code is repealed.

SEC. 12. Section 20892 of the Government Code is repealed.

SEC. 13. Section 20892.5 of the Government Code is amended to read:

20892.5. Any member who was absent on military service and whose contributions are not paid for him by his employer as provided in Section 20894.5, may make the contributions upon his return to state service at times and in the manner prescribed by the board. If he does so contribute, he shall receive credit for the absence as state service in the same manner as if he had not been absent from state service.

SEC. 14. Section 20894 of the Government Code is amended to read:

20894. When a member makes the contributions as provided in Section 20892.5, the same contributions shall be made by the State or contracting agency with respect to the absence that would have been made if the member had not been absent on military service, except that the contributions shall be determined by the employer rate of contribution in effect when the contributions are made.

SEC. 15. Section 20930.7 of the Government Code is repealed.

SEC. 16. Section 21150 of the Government Code is amended to read:

21150. A person who has been retired under this system, for service or for disability, shall not be employed in any capacity thereafter by the state, the university, a school employer, or by a contracting agency, unless the employment qualifies for service credit in the University of California Retirement System or the State Teachers' Retirement System, unless he has first been reinstated from retirement pursuant to this chapter, or unless the employment, without reinstatement, is authorized by this article. Any person employed in violation of this section, and any public officer who knowingly employs or appoints him, shall be jointly and severally liable to reimburse the state or the contracting agency, as the case may be, for any compensation paid in the employment. A retired person whose employment without reinstatement is authorized by this article shall acquire no service credit or retirement rights under this part with respect to the employment.

SEC. 17. Section 21201.5 of the Government Code is repealed.

SEC. 18. Section 21206 is added to the Government Code, to read:

21206. Notwithstanding any other provision of law, a parent having custody of surviving children eligible to receive an allowance payable under this part shall not be required to become the guardian of those children in order to be paid the benefits prescribed for those children on their behalf.

SEC. 19. Section 21222.4 of the Government Code is amended to read:

21222.4. In addition to the increase of allowance authorized by and granted pursuant to Section 21222 and notwithstanding the limitation in subdivision (b) of Section 21224, any monthly allowance computed under or limited by any section other than Section 21252.01, as amended by Chapter 96 of the Statutes of 1971, and paid with respect to a local safety member whose retirement for service or nonindustrial death before retirement occurred prior to the date the contracting agency elected to be subject to Section 21252.01 as so amended, shall be increased by 15 percent. The percentage shall be applied to the allowance payable on the date this section becomes applicable to the contracting agency and the allowance as so increased shall be paid for time on and after that date and until the first day of April immediately following the date of application. The base allowance shall be increased by the same percentage for annual adjustments beginning with the adjustment effective for time commencing with that annual adjustment.

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.

The 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 added to a contract shall not be less than the sum of (1) the actuarial normal cost and (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.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after January 1, 1979, by express provision in the contract making the contracting agency subject to this section.

SEC. 20. Section 21252.45 of the Government Code is amended to read:

21252.45. The fraction or percentage of final compensation, for purposes of calculating the combined prior and current service

pensions under Section 21252.1 or 21252.01 for a local safety member retiring after the effective date of his coverage under the federal system, but prior to termination of the coverage for members in his employment, 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.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to this section by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in the contract making the contracting agency subject to this section.

This section and Section 21252.1 or 21252.01, as the case may be, shall supersede Section 21252.5 with respect to all service to a contracting agency electing to be subject hereto. However, members in employment of the contracting agency on the effective date of the contract amendment subjecting the agency and its employees to this Section 21252.45 and Section 21252.1 may elect, in accordance with board rules, to continue to be subject to Section 21252.5, and the contracting agency shall be subject to Section 21252.5 rather than this section with respect to members who so elect. The election shall cease to be effective if, prior to the member's retirement, his employer elects to be subject to Section 21252.01 or 21252.6 or elects to terminate coverage of the federal system for persons in the member's employment.

SEC. 21. Section 21263 of the Government Code is amended to read:

21263. Upon the death of a patrol or state safety member whose retirement for service or disability is effective on or after the operative date of this section, a monthly allowance derived from employer contributions equal to a percentage of the amount of his retirement allowance as it was at his death based on service credited to him as a member subject to this section, but excluding any portion of the retirement allowance derived from additional contributions of the member, shall be paid to the surviving spouse throughout life or until remarriage. The percentage shall be 25 percent for an allowance based on service for which the allowance is reduced because the service was also covered under the federal system and 50 percent for an allowance based on any other service. If there is no surviving spouse, or upon death or remarriage of the surviving spouse before every child of the deceased member attains the age of 18, the allowance shall be paid to his child or children under that age, collectively, until every such child dies or attains that age. However, no child shall receive any allowance after marrying or attaining that age. If, at the time of the retired member's death, there is no surviving spouse or children under age 18, the allowance shall be paid to a parent, or collectively to parents, of the deceased member dependent upon him for support. If, at the effective date of his

retirement, the member has no surviving spouse, eligible children, or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

"Surviving spouse," for purposes of this section, means a husband or wife who was married to the member for a continuous period beginning at least one year prior to his retirement and ending on the date of his death.

SEC. 22. Section 21263.4 of the Government Code is amended to read:

21263.4. Upon the death, after the effective date of retirement, of a state miscellaneous member none of whose service rendered in state employment has been included in the federal system and whose retirement is effective on or after July 1, 1974, a monthly allowance derived from employer contributions equal to 50 percent of the amount of his retirement allowance as it was at his death and based on service credited to him as a member subject to this section, but excluding any portion of the retirement allowance derived from additional contributions of the member, shall be paid to the surviving spouse throughout life or until remarriage. If there is no surviving spouse, or upon death or remarriage of the surviving spouse before every child of the deceased member attains the age of 18, the allowance shall be paid to his child or children under that age, collectively, until every such child dies or attains that age. However, no child shall receive any allowance after marrying or attaining that age. If, at the time of the retired person's death, there is no surviving spouse or children under age 18, the allowance shall be paid to a parent, or collectively to parents, of the deceased member dependent upon him for support. If, at the effective date of retirement, there is a person who will be eligible if the person survives, the member's election of an optional settlement, other than optional settlement one, shall apply only to a portion of his allowance as provided in Section 21330 with respect to allowances under Section 21263. If, at the effective date of his retirement, the member has no surviving spouse, eligible children, or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

"Surviving spouse," for purposes of this section, means a husband or wife who was married to the member for a continuous period beginning at least one year prior to his retirement and ending on the date of his death.

Notwithstanding Section 20019.1 making provisions applicable to state miscellaneous members applicable to school members, this section shall not apply to school members.

SEC. 23. Section 21263.5 of the Government Code is amended to read:

21263.5. Upon death after the effective date of retirement of a state miscellaneous member some of whose service rendered in state employment has been included in the federal system and whose retirement is effective on or after July 1, 1975, a monthly allowance,

derived from employer contributions, equal to a percentage of the amount of his retirement allowance as it was at his death based on service credited to him as a member subject to this section, but excluding any portion of the retirement allowance derived from additional contributions of the member, shall be paid to the surviving spouse throughout life or until remarriage. The percentage shall be 25 percent for an allowance based on service for which the allowance is reduced because the service was also covered under the federal system and 50 percent for an allowance based on any other service. If there is no surviving spouse, or upon death or remarriage of the surviving spouse before every child of the deceased member attains the age of 18, the allowance shall be paid to the retired person's child or children under that age, collectively, until every such child dies or attains that age. However, no child shall receive any allowance after marrying or attaining that age. If, at the time of the retired person's death, there is no surviving spouse or children under age 18, the allowance shall be paid to a parent, or collectively to parents, of the deceased member dependent upon him for support. If, at the effective date of retirement, there is a person who will be eligible if the person survives, the member's election of an optional settlement, other than optional settlement one, shall apply only to a portion of the allowance as provided in Section 21330 with respect to allowances under Section 21263. If, at the effective date of his retirement, the member has no surviving spouse, eligible children, or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

"Surviving spouse," for purposes of this section, means a husband or wife who was married to the member for a continuous period beginning at least one year prior to his retirement and ending on the date of his death.

Notwithstanding Section 20019.1, this section shall not apply to school members.

SEC. 24. Section 21363.3 of the Government Code is amended to read:

21363.3. The special death benefit is also payable if the deceased was a state member appointed by the Governor, the Director of Corrections, or the Board of Prison Terms, if his death occurred as a result of injury or disease arising out of and in the course of his official duties within a state prison or facility of the Department of Corrections, and if there is a survivor who qualifies under subdivision (b) of Section 21364. The Workers' Compensation Appeals Board, using the same procedure as in workers' compensation hearings, shall in disputed cases determine whether the death of the member occurred as a result of the injury or disease.

The jurisdiction of the Workers' Compensation Appeals Board shall be limited solely to the issue of industrial causation, and this section shall not be construed to authorize the Workers' Compensation Appeals Board to award costs against the system pursuant to Section 4600 or 5811 or any other provision of the Labor

Code.

SEC. 25. Section 21363.5 of the Government Code is amended to read:

21363.5. The special death benefit payable with respect to a member who at death prior to March 7, 1973, was a warden, forestry, harbor police, or law enforcement member shall be continued in accordance with the provisions of this part as they read and applied to that benefit on the day preceding that date.

SEC. 26. Section 21363.6 of the Government Code is amended to read:

21363.6. The special death benefit is also payable if the deceased was the Secretary of the Youth and Adult Corrections Agency, or was a state member appointed by the Secretary of the Youth and Adult Corrections Agency, the Department of the Youth Authority, the Superintendent of the California Institution for Women or the Women's Board of Terms and Paroles, the Board of Corrections, or was a member of the Board of Corrections or the Department of the Youth Authority not already classified as a prison member, provided that his death occurred as a result of misconduct of an inmate of a state prison, correctional school, or facility of the Department of Corrections or the Youth Authority, or a parolee therefrom.

The special death benefit provided by this section is not payable unless the death of the member arose out of and was in the course of his official duties and unless there is a survivor who qualifies under subdivision (b) of Section 21364. The Workers' Compensation Appeals Board, using the same procedure as in workers' compensation hearings, shall, in disputed cases, determine whether the member's death arose out of and in the course of his official duties.

A natural parent of surviving children eligible to receive an allowance payable under this section shall not be required to become the guardian of surviving unmarried children under 18 years of age in order to be paid the benefits prescribed for those children.

The jurisdiction of the Workers' Compensation Appeals Board shall be limited solely to the issue of industrial causation, and this section shall not be construed to authorize the Workers' Compensation Appeals Board to award costs against the system pursuant to Section 4600 or 5811 or any other provision of the Labor Code.

SEC. 27. Section 21364 of the Government Code is amended to read:

21364. The special death benefit consists of all of the following:

(a) An amount equal to and derived from the same source as the basic death benefit, exclusive of the contributions from which the annuity provided under subdivision (c) is paid.

(b) An amount sufficient, when added to the amount provided under subdivision (a), to provide, when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of his or her final compensation in the membership category

applicable to him or her at the time of the injury or the onset of the disease causing death, payable to the surviving spouse to whom he or she was married prior to sustaining the injury or disease resulting in death, as long as the surviving spouse lives or until his or her remarriage; or, if there is no surviving spouse or if the spouse dies or remarries before all children of the deceased member attain age 18, to his or her children under 18 collectively until every child shall have died, married, or attained age 18. However, no child shall receive any part of the allowance after marrying or attaining age 18. During the lifetime of the surviving spouse or until the spouse remarries, an additional percentage of the death benefit allowed by this section, exclusive of the annuity under subdivision (c), shall be paid to the spouse of a member who is killed in the performance of his or her duty or who dies as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her duty, for each of his or her children during the lifetime of the child, or until the child marries or reaches the age of 18, as follows: for one child, 25 percent; for two children, 40 percent; and for three or more children, 50 percent.

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving spouse, of the deceased's accumulated additional contributions at the date of his or her death, plus his or her accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him or her at the time of the injury or the onset of the disease causing death.

If the surviving spouse does not have custody of the member's children, the additional amount payable pursuant to this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the onset of the disease causing death shall be based on the compensation earnable by him or her in the position first held by him or her in that category.

"Spouse," for purposes of this section, means a wife or husband.

On and after October 1, 1965, this section shall apply to all contracting agencies and to the employees of all contracting agencies whether or not the agencies have previously elected to be subject to this section.

Any child whose eligibility for an allowance pursuant to this section, commenced on or after October 1, 1965, shall lose that eligibility effective on the date of his adoption.

SEC. 28. Section 21367.53 of the Government Code is amended to read:

21367.53. In lieu of benefits provided by Section 21367.51, upon the death of any person, after retirement and while receiving a retirement allowance from this system, there shall be paid to his

estate, or to the beneficiary who he shall nominate by written designation duly executed and filed with the board, the sum of six hundred dollars ($600). to be provided from contributions by the state.

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.

The 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 added to a contract shall not be less than the sum of (1) the actuarial normal cost and (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.

This section shall apply to members employed by a school employer.

This section shall not apply to any contracting agency, except for those contracting agencies which are school employers, unless and until the agency elects to be subject to this section by amendment to its contract made in the manner prescribed for approval of contracts, except an election among the employees is not required, or, in the case of contracts made after January 1, 1981, by express provision in the contract making the contracting agency subject to this section.

SEC. 29. Section 21382.1 of the Government Code is repealed.

SEC. 30. Section 21382.3 of the Government Code is repealed.

SEC. 31. Section 21404 of the Government Code is amended to read:

21404. The insurance benefit shall be paid upon death of an insured member of this system to the beneficiary entitled to receive the basic or special death benefit if all of the following conditions occur:

(a) Death occurs either:

(1) While in state service; or

(2) While absent from state service on military service or on approved leave of absence; or

(3) Within four months of discontinuance of state service; or

(4) While physically or mentally incapacitated for performance of duty continuously from discontinuance of state service.

(b) If either:

(1) Death occurs while a member and before the effective date of retirement; or

(2) If an optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of the beneficiary has not been elected and if an allowance under Section 21263, 21263.2, 21263.4, or 21263.5 is not payable, and death occurs on

or after the effective date of retirement and before the mailing of a retirement allowance warrant.

(c) Death occurs during a period of insurance.

(d) Death occurs under circumstances other than those described in subdivision (a) (5) of Section 21360.

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 the 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. 32. Section 22005 of the Government Code is amended to read:

22005. "Federal agency" means the Department of Health and Human Services or the Secretary of Health and Human Services, or the predecessor or successor in function to that department or officer.

SEC. 33. Section 22310 of the Government Code is amended to read:

22310. Upon giving at least two years' advance notice to the board, a public agency, other than a school district, may terminate, subject to approval of the federal agency, effective at the end of a calendar year specified in the notice, its coverage under the provisions of this part and the federal system with respect to either of the following:

(1) All employees of the public agency having such coverage, but only if such coverage has been in effect from the effective date of coverage of the employees under the federal system for not less than five years prior to the receipt of the notice.

(2) Any coverage group of the public agency, but only if such coverage has been in effect from the effective date of coverage of the coverage group under the federal system for not less than five years prior to the receipt of the notice.

In no event shall the effective date of the termination be earlier than the date prescribed by the federal agency.

Any termination of coverage under the federal system shall be subject to the provisions of Section 218 (g) of the Social Security Act and federal regulations adopted pursuant thereto and rules and regulations promulgated by the board pursuant to this part.

CHAPTER 610

An act to amend Sections 650, 654.1, and 655.5 of the Business and Professions Code, relating to healing arts.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 650 of the Business and Professions Code is amended to read:

650. Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code the offer, delivery, receipt or acceptance, by any person licensed under this division of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or coownership in or with any person to whom such patients, clients or customers are referred is unlawful.

Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code and in Section 654.1 it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic, or health care facility solely because such licensee has a proprietary interest or coownership in such laboratory, pharmacy, clinic, or health care facility; but such referral shall be unlawful if the prosecutor proves that there was no valid medical need for such referral.

"Health care facility" means a hospital, nursing home, medical care facility, or private mental institution licensed by the State Department of Health Services.

A violation of this section is a public offense and is punishable upon a first conviction by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison, or by a fine not exceeding ten thousand dollars ($10,000), or by both such imprisonment and fine. A second or subsequent conviction is punishable by imprisonment in the state prison.

SEC. 2. Section 654.1 of the Business and Professions Code is amended to read:

654.1. Persons licensed under Chapter 4 (commencing with Section 1600) of this division or licensed under Chapter 5 (commencing with Section 2000) of this division or licensed under any initiative act referred to in this division relating to osteopaths may not refer patients, clients, or customers to any clinical laboratory licensed under Section 1265 in which the licensee has any membership, proprietary interest, or coownership in any form, or has any profit-sharing arrangement, unless the licensee at the time of making such referral discloses in writing such interest to the patient, client, or customer. The written disclosure shall indicate that the patient may choose any clinical laboratory for purposes of having any laboratory work or assignment performed.

This section shall not apply to persons who are members of a

medical group which contracts to provide medical care to members of a group practice prepayment plan registered under the Knox-Keene Health Care Service Act of 1975, Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code.

This section shall not apply to any referral to a clinical laboratory which is owned and operated by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

This section does not prohibit the acceptance of evaluation specimens for proficiency testing or referral of specimens or such assignment from one clinical laboratory to another clinical laboratory, either licensed or exempt under this chapter, providing the report indicates clearly the laboratory performing the test.

"Proprietary interest" does not include ownership of a building where space is leased to a clinical laboratory at the prevailing rate under a straight lease arrangement.

A violation of this section is a public offense and is punishable upon a first conviction by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison, or by a fine not exceeding ten thousand dollars ($10,000), or by both such imprisonment and fine. A second or subsequent conviction shall be punishable by imprisonment in the state prison.

SEC. 3. Section 655.5 of the Business and Professions Code is amended to read:

655.5. It is unlawful for any person licensed under this division or under any initiative act referred to in this division or for any clinical laboratory to charge, bill, or otherwise solicit payment from any patient, client or customer for any clinical laboratory service not actually rendered by such person or clinical laboratory or under his or her or its direct supervision unless the patient, client, or customer is apprised at the first time of such charge, billing, or solicitation of the name, address, and charges of the clinical laboratory performing the service. The first such written charge, bill, or other solicitation of payment shall separately set forth the name, address, and charges of the clinical laboratory concerned and shall clearly show whether or not such charge is included in the total of the account, bill, or charge.

This section shall not apply to any person or clinical laboratory who or which contracts directly with a health care service plan licensed pursuant to Section 1349 of the Health and Safety Code, if such services are to be provided to members of the plan on a prepaid basis and without additional charge or liability on account thereof.

A violation of this section is a public offense and is punishable upon a first conviction by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison, or by a fine not exceeding ten thousand dollars ($10,000), or by both such imprisonment and fine. A second or subsequent conviction is punishable by imprisonment in the state prison.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 611

An act to amend Section 1372 of the Penal Code, relating to competency of defendants.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 1372 of the Penal Code is amended to read:

1372. (a) (1) If the medical director of the state hospital or other facility to which the defendant is committed, or the county mental health director or regional center director providing outpatient services under Title 15 (commencing with Section 1600) of Part 2 or Section 1370.4 or 1374.1, determines that the defendant has regained mental competence, such director shall immediately certify that fact to the court.

(2) Upon the filing of a certificate of restoration, the defendant shall be returned to the committing court in the following manner: A patient who remains confined in a state hospital or other treatment facility shall be redelivered to the sheriff of the county from which the patient was committed. The sheriff shall immediately return the person to the court for further proceedings. The patient who is on outpatient status shall be returned to court through arrangements made by the outpatient treatment supervisor.

(b) If the defendant becomes mentally competent after a conservatorship has been established pursuant to the applicable provisions of the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code, and Section 1370, the conservator shall certify that fact to the sheriff and district attorney of the county in which defendant's case is pending, defendant's attorney of record, and the committing court.

(c) When a defendant is returned to court with a certification that competence has been regained, the court shall notify either the county mental health director and the Director of Mental Health or the regional center director and the Director of Developmental Services, as appropriate, of the date of any hearing on the defendant's competence and whether or not the defendant was

found by the court to have recovered competence.

(d) Where the committing court approves the certificate of restoration to competence as to a person in custody, the court shall hold a hearing to determine whether the person is entitled to be admitted to bail or released on own recognizance status pending conclusion of the proceedings. Where the superior court approves the certificate of restoration to competence regarding a person on outpatient status, unless it appears that the person has refused to come to court, that person shall remain released either on own recognizance status, or, in the case of a developmentally disabled person, either on the defendant's promise or on the promise of a responsible adult to secure the person's appearance in court for further proceedings. Where the person has refused to come to court, the court shall set bail and may place the person in custody until bail is posted.

(e) A defendant subject to either subdivision (a) or (b) who is not admitted to bail or released under subdivision (d) may, at the discretion of the court, upon recommendation of the director of the facility where the defendant is receiving treatment, be returned to the hospital or facility of his or her original commitment or other appropriate secure facility approved by either the county mental health director or the regional center director. The recommendation submitted to the court shall be based on the opinion that the person will need continued treatment in a hospital or treatment facility in order to maintain competence to stand trial or that placing the person in a jail environment would create a substantial risk that the person would again become incompetent to stand trial before criminal proceedings could be resumed.

CHAPTER 612

An act to add Sections 1157.7, 3502.5, and 3508.5 to the Government Code, relating to local agency employer-employee relations.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 1157.7 is added to the Government Code, to read:

1157.7. Employees of a public agency employing more than 20,000 persons, other than a city and county, may authorize dues deductions for membership in an ethnic employee organization operating within the public agency prior to January 1, 1981, which includes ethnic minority employees and which has as its primary purpose representing those employees in their employment civil rights with the employer. This purpose shall not include meeting and

conferring with the public agency concerning matters within the scope of representation pursuant to Chapter 10 (commencing with Section 3500).

SEC. 2. Section 3502.5 is added to the Government Code, to read:

3502.5. (a) Notwithstanding Section 3502, or any other provision of this chapter, or any other law, rule, or regulation, an agency shop agreement may be negotiated between a public agency and a recognized public employee organization which has been recognized as the exclusive or majority bargaining agent pursuant to reasonable rules and regulations, ordinances, and enactments, in accordance with this chapter. As used in this chapter, "agency shop" means an arrangement that requires an employee, as a condition of continued employment, either to join the recognized employee organization, or to pay the organization a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of such organization for the duration of the agreement, or a period of three years from the effective date of such agreement, whichever comes first. However, any employee who is a member of a bona fide religion, body, or sect which has historically held conscientious objections to joining or financially supporting public employee organizations shall not be required to join or financially support any public employee organization as a condition of employment. Such employee may be required, in lieu of periodic dues, initiation fees, or agency shop fees, to pay sums equal to such dues, initiation fees, or agency shop fees to a nonreligious, nonlabor charitable fund exempt from taxation under Section 501 (c) (3) of the Internal Revenue Code, chosen by such employee from a list of at least three such funds, designated in a memorandum of understanding between the public agency and the public employee organization, or if the memorandum of understanding fails to designate such funds, then to any such fund chosen by the employee. Proof of such payments shall be made on a monthly basis to the public agency as a condition of continued exemption from the requirement of financial support to the public employee organization.

(b) An agency shop provision in a memorandum of understanding which is in effect may be rescinded by a majority vote of all the employees in the unit covered by such memorandum of understanding, provided that: (1) a request for such a vote is supported by a petition containing the signatures of at least 30 percent of the employees in the unit; (2) such vote is by secret ballot; (3) such vote may be taken at anytime during the term of such memorandum of understanding, but in no event shall there be more than one vote taken during such term. Notwithstanding the above, the public agency and the recognized employee organization may negotiate, and by mutual agreement provide for, an alternative procedure or procedures regarding a vote on an agency shop agreement.

(c) An agency shop agreement shall not apply to management,

confidential, or supervisory employees.

(d) Every recognized employee organization which has agreed to an agency shop provision shall keep an adequate itemized record of its financial transactions and shall make available annually, to the public agency with which the agency shop provision was negotiated, and to the employees who are members of the organization, within 60 days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by its president and treasurer or corresponding principal officer, or by a certified public accountant. An employee organization required to file financial reports under the Labor-Management Disclosure Act of 1959 covering employees governed by this chapter, or required to file financial reports under Section 3546.5, may satisfy the financial reporting requirement of this section by providing the public agency with a copy of such financial reports.

SEC. 3. Section 3508.5 is added to the Government Code, to read:

3508.5. Nothing in this chapter shall affect the right of a public employee to authorize a dues deduction from his or her salary or wages pursuant to Section 1157.1, 1157.2, 1157.3, 1157.4, 1157.5, or 1157.7.

SEC. 4. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

CHAPTER 613

An act to amend Section 1680 of the Business and Professions Code, relating to dentists.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 1680 of the Business and Professions Code is amended to read:

1680. Unprofessional conduct by a person licensed under this chapter is defined as, but is not limited to, the violation of any one

of the following:

(a) The obtaining of any fee by fraud or misrepresentation.

(b) The employment directly or indirectly of any student or suspended or unlicensed dentist to practice dentistry as defined in this chapter.

(c) The aiding or abetting of any unlicensed person to practice dentistry.

(d) The aiding or abetting of a licensed person to practice dentistry unlawfully.

(e) The committing of any act or acts of gross immorality substantially related to the practice of dentistry.

(f) The use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he is licensed to practice, in advertising or in any other manner indicating that he is practicing or will practice dentistry, except such name as is specified in a valid permit issued pursuant to Section 1701.5.

(g) The practice of accepting or receiving any commission or the rebating in any form or manner of fees for professional services, radiograms, prescriptions or other services or articles supplied to patients.

(h) The making use by the licentiate or any agent of the licentiate of any advertising statements of a character tending to deceive or mislead the public.

(i) The advertising of either professional superiority or the advertising of performance of professional services in a superior manner. This subdivision shall not prohibit advertising permitted by subdivision (h) of Section 651.

(j) The employing or the making use of solicitors.

(k) The advertising of any free dental work, or free examination.

(*l*) The advertising to guarantee any dental service, or to perform any dental operation painlessly. This subdivision shall not prohibit advertising permitted by Section 651.

(m) The violation of any of the provisions of law regulating the procurement, dispensing, or administration of dangerous drugs, as defined in Article 8 (commencing with Section 4211) of Chapter 9, or controlled substances, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code.

(n) The violation of any of the provisions of this division.

(o) The failure to certify, or the false certification, to the board on or after January 1, 1972, that he or she or any person employed by the licentiate, who operates dental radiographic equipment, has passed an examination in radiation safety conducted by the board, or the equivalent of such examination as required by Section 1656; or the permitting of any person employed by him to operate dental radiographic equipment who has not passed an examination or the equivalent of such examination in radiation safety as required by Section 1656.

(p) The clearly excessive prescribing or administering of drugs or

treatment, or the clearly excessive use of diagnostic procedures, or the clearly excessive use of diagnostic or treatment facilities, as determined by the customary practice and standards of the dental profession.

Any person who violates this subdivision is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100) nor more than six hundred dollars ($600) or by imprisonment for a term of not less than 60 days nor more than 180 days or by both such fine and imprisonment.

(q) The use of threats or harassment against any patient or licentiate for providing evidence in any possible or actual disciplinary action, or other legal action; or the discharge of an employee primarily based on the employee's attempt to comply with the provisions of this chapter or to aid in such compliance.

(r) Suspension or revocation of a license issued by a sister state or territory on grounds which would be the basis of discipline in the State of California.

(s) The alteration of a patient's record with intent to deceive.

(t) Unsanitary or unsafe office conditions, as determined by the customary practice and standards of the dental profession.

(u) The abandonment of the patient by the licentiate before the completion of a phase of treatment, as such phase of treatment is defined by the customary practice and standards of the dental profession.

(v) The willful misrepresentation of facts relating to a disciplinary action to the patients of a disciplined licentiate.

(w) Use of fraud in the procurement of any license issued pursuant to this chapter.

(x) Any action or conduct which would have warranted the denial of the license.

(y) The aiding or abetting of a licensed dentist or dental auxiliary to practice dentistry in a negligent or incompetent manner.

CHAPTER 614

An act to amend Sections 3, 6, 8, 9, 10, 11, 14, and 15 of, to add Section 20 to, and to repeal Sections 20, 21, and 24a of, Chapter 523 of the Statutes of 1867–1868, relating to the public lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 3 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 3. The superior court judge shall thereupon cause a survey

to be made, by some competent person, of the lands which the inhabitants of the town may be entitled to claim under the act of Congress, located according to the legal subdivision of the sections, and by the section lines of the United States, and they shall be distinctly marked by suitable monuments. The surveys shall further particularly designate all streets, roads, lanes, and alleys, public squares, churches, school lots, cemeteries, and commons, as they exist, and have been heretofore dedicated in any manner to public use; and by measurement, the precise boundaries and area of each and every lot or parcel of land and premises claimed by any person, corporation, or association, within the town site, shall be designated on the plat, showing the name or names of the possessor or occupant, and claimant, if other than the occupant, of each particular lot and parcel of land; and in case of any disputed claim as to lots, lands, premises, or boundaries, the surveyor, if demanded by any person, shall designate the lines (in a distinctive manner from the body of the plat) of the part of any premises so disputed or claimed adversely. A plat of the lands shall be made in conformance with Section 66434 of the Government Code, and the plat and the field notes accompanying the plat shall be recorded in the office of the county recorder and shall be public records.

SEC. 2. Section 6 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 6. The superior court judge shall assess each lot or parcel of land, based upon acreage, a sum sufficient to reimburse a pro rata share of the cost of the townsite purchase from the United States, the costs and expenses attendant upon the making of the survey and the recording of it as required in Section 3 of this act.

SEC. 3. Section 8 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 8. Every person, corporation, or association, claimant of any town lot or parcel of land within the limits of the townsite, shall present to the superior court judge, within six months after the plat has been filed in the office of the county recorder, his, her, or their affidavit, verified in person, or by duly authorized agent, or attorney. The affidavit shall concisely state the facts constituting the possession or right of possession of the claimant and that the claimant is entitled to the possession thereof as against all other persons, to the best of his knowledge and belief. There shall be attached to the affidavit a copy of so much of the plat of the townsite as will fully exhibit the particular lot or parcel of land so claimed, with the abuttals. Every claimant, at the time of filing the affidavit, shall pay to the superior court judge a sum of money as the judge certifies to be due for the assessment provided in Section 6 of this act, together with any further sum estimated by the judge, on a pro rata acreage basis, to be appropriated to the payment of the expenses incurred in carrying out the provisions of this act. The judge shall thereupon give to the claimant a certificate containing a description of the lot or parcel of land claimed, and setting forth the amounts paid thereon by the

claimant. The judge shall procure a bound book for each town in his county, wherein he shall make proper entries of the substantial matters contained in every certificate issued by him, numbering the same in consecutive order, setting forth the name of the claimant or claimants, in full, date of issue, and description of lot or lots claimed.

SEC. 4. Section 9 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 9. If it is found that the amounts, specified as assessments and fees in Section 6 for costs and expenses, will be insufficient to cover and defray all the necessary expenses, the superior court judge shall estimate the deficiency and assess the deficiency pro rata upon all the lots and parcels of lands in the town, on the same basis as provided in Section 6 of this act, which additional amount, if any shall be paid by the claimant at the time when the certificate pursuant to Section 8 is issued.

SEC. 5. Section 10 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 10. At the expiration of six months after the issuance of the certificate mentioned in the preceding section, if no adverse claim has been filed in the meantime, the judge shall make, execute, acknowledge, and deliver to each claimant, or to his, her, or their heirs, administrators, or assigns, a good and sufficient deed of the premises described in the application of the claimant originally filed. No conveyance of any lands made as provided in this act shall be deemed to conclude the rights of third persons; but third persons may have their actions in the premises to determine alleged interest in lands against a grantee, his heirs, or assigns, to which they may deem themselves entitled either in law or equity; provided, that no action for the recovery of the possession of the premises, or any portion thereof, shall be maintained in any court against the grantee named therein, or against his, her, or their assigns, unless the action is commenced within two years after the deeds have been filed for record in the office of the county recorder of the county where the lands are situated; and, provided, that nothing herein shall be construed to extend the time of limitation prescribed by law for the commencement of actions upon a possessory claim or title to real estate when the action is barred by law at the time of the passage of this act.

SEC. 6. Section 11 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 11. In all cases of adverse claims, or disputes arising out of conflicting claims to lands or boundary lines, the adverse claimants may submit the decision thereof to the superior court judge by an agreement in writing, specifying particularly the subject-matter in dispute, and may agree that the judge's decision shall be final; in which case, the judge may hear the proofs, and shall execute a deed in accordance therewith; but in all other cases of adverse claim the party out of possession shall commence his action in a court of competent jurisdiction, within six months after the filing of the town

plat in the office of the county recorder. In that case, the plaintiff shall serve a notice, lis pendens, upon the judge, who shall thereupon stay all proceedings in the matter of granting the certificate or deed for the contested parcel until the final decision of the suit. Upon presentation of a certified copy of the final decree of the court in the action, the judge shall execute and deliver a deed of the premises in accordance with the decree. In case no action is commenced within the time herein prescribed, the judge shall deliver a deed to the party in possession, as provided in Section 10 of this act.

SEC. 7. Section 14 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 14. At any time within six months after the sale, the original claimant shall be entitled to redeem the premises by paying to the purchaser or to the superior court judge for purchaser double the whole amount of the purchase money; but, in case no redemption is made, the purchaser, his heirs, or assigns, shall be entitled to demand and receive from the judge a deed of the premises, which deed shall be absolute as against the delinquent parties and shall entitle the grantee, his heirs, or assigns to a writ of assistance from the superior court having jurisdiction of the premises.

SEC. 8. Section 15 of Chapter 523 of the Statutes of 1867–68 is amended to read:

Sec. 15. If there are any unoccupied or vacant unclaimed lands within the limits of the townsite, the judge may order those lands to be laid out and surveyed into suitable blocks and lots and may reserve portions as deemed necessary for public squares and school grounds. The judge shall order all necessary roads, streets, lanes, and alleys to be laid out through the townsite and dedicated to public use. The judge may sell unreserved and undedicated lands, in suitable parcels, to the highest bidder at a cost not less than the pro rata costs and assessments under this act attributable to those lands and shall execute and deliver deeds to the purchasers of the lands.

SEC. 9. Section 20 of Chapter 523 of the Statutes of 1867–68 is repealed.

SEC. 10. Section 20 is added to Chapter 523 of the Statutes of 1867–68, to read:

Sec. 20. No provision of this act shall abridge the rights of use granted by the United States to the owner of any unpatented mining claim located entirely or partially within the townsite boundary and maintained in continuous occupancy since prior to conveyance of the townsite patent from the United States to the superior court judge.

SEC. 11. Section 21 of Chapter 523 of the Statutes of 1867–68 is repealed.

SEC. 12. Section 24a of Chapter 523 of the Statutes of 1867–68 is repealed.

SEC. 13. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the

authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

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 the necessity are:

In order that proceedings and surveying for an existing townsite may be completed at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 615

An act to amend Section 62 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. 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, or any transfer of title between an individual and a legal entity or between legal entities, such as a cotenancy to a partnership, a partnership to a corporation, a trust to a cotenancy, or an individual to a legal entity, which results solely in a change in the method of holding title and in which the proportional interests by the transferors and transferees, whether represented by stock, partnership interest, or otherwise, remain the same after transfer.

(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 as provided in subdivision (b) of Section 65.

(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.

(j) Any transfer between coowners in any property which was held by them as coowners for all or part of the period between March 1, 1975, and March 1, 1980, and which was eligible for a homeowner's exemption during the period of the coownership. Any such transferee whose interest was revalued in contravention of the provisions of this subdivision shall obtain a reversal of such revaluation with respect to the 1980–81 assessment year and thereafter, upon application to the county assessor of the county in which the property is located filed on or before February 28, 1981.

(k) Any transfer of property or an interest therein between a corporation sole, a religious corporation, a public benefit corporation, and a holding corporation as defined in Section 23701h holding title for the benefit of any of the aforementioned corporations, or any combination thereof (including any transfer

from one such entity to the same type of entity), provided that both the transferee and transferor are regulated by laws, rules, regulations, or canons of the same religious denomination.

SEC. 2. 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, or any transfer of title between an individual and a legal entity or between legal entities, such as a cotenancy to a partnership, a partnership to a corporation, a trust to a cotenancy, or an individual to a legal entity, which results solely in a change in the method of holding title and in which the proportional interests by the transferors and transferees, whether represented by stock, partnership interest, or otherwise, remain the same after transfer.

(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 by the trustor, or by the trustor's spouse, or both, 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 as provided in subdivision (b) of Section 65.

(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.

(j) Any transfer during the period March 1, 1975 to March 1, 1981, between coowners in any property which was held by them as coowners for all or part of that period, and which was eligible for a homeowner's exemption during the period of the coownership, notwithstanding any other provision of this chapter. Any such transferee whose interest was revalued in contravention of the provisions of this subdivision shall obtain a reversal of such revaluation with respect to the 1980–81 assessment year and thereafter, upon application to the county assessor of the county in which the property is located filed on or before March 26, 1982. No refunds shall be made under this subdivision for any assessment year prior to the 1980–81 fiscal year.

(k) Any transfer of property or an interest therein between a corporation sole, a religious corporation, a public benefit corporation, and a holding corporation as defined in Section 23701h holding title for the benefit of any of the aforementioned corporations, or any combination thereof (including any transfer from one such entity to the same type of entity), provided that both the transferee and transferor are regulated by laws, rules, regulations, or canons of the same religious denomination.

SEC. 3. The amendments made to Section 62 of the Revenue and Taxation Code by this act shall be effective for the 1981–82 assessment year and years thereafter. It is the intent of the Legislature that the provisions of this act shall apply to the determination of base year values for the 1981–82 fiscal year, and shall apply to any change in ownership occurring on or after March 1, 1975. No escape assessments shall be levied and no refund shall be made for any years prior to 1981–82 for any increases or decreases in value made for the 1981–82 fiscal year or fiscal years thereafter as the result of the enactment of this act.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill 152 are both chaptered and become effective immediately, both

bills amend Section 62 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill 152, that Section 62 of the Revenue and Taxation Code, as amended by Section 1 of Assembly Bill 152 be further amended on the operative date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 62 proposed by this bill. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill 152 are both chaptered and become effective immediately, both bills amend Section 62, and this bill is chaptered after Assembly Bill 152, in which case Section 2 of this act shall become operative on the operative date of this act and Section 1 of this act shall not become operative.

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 the necessity are:

Since this act is to apply to the 1981–82 fiscal year property tax roll, and since county assessors are now engaged in preparing the 1981–82 fiscal year roll and must complete their work by July 1, 1981, it is necessary that this act go into immediate effect.

CHAPTER 616

An act to amend Sections 19774 and 19775.1 of, and to repeal Section 19774.5 of, the Government Code, and to amend Sections 395 and 395.01 of the Military and Veterans Code, relating to military reserve drill periods.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 19774 of the Government Code is amended to read:

19774. (a) Employee members of reserve military units and the National Guard required to attend scheduled reserve drill periods or perform other inactive duty reserve obligations shall be granted military leave of absence without pay as provided by federal law.

(b) Notwithstanding subdivision (a) or any other provision of law, employee members may, at their option, elect to use vacation time or accumulated compensatory time off to attend scheduled reserve drill periods or perform other inactive duty reserve obligations.

SEC. 2. Section 19774.5 of the Government Code is repealed.

SEC. 3. Section 19775.1 of the Government Code is amended to read:

19775.1. An employee who is granted a short-term military leave of absence for military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or like

activity, but not for inactive duty such as scheduled reserve drill periods, and who for a period of not less than one year immediately prior to the effective date of active duty has had continuous state service as defined by board rule which is not broken by a permanent separation, or who has had continuous state service immediately prior to the effective date of active duty not broken by a permanent separation and sufficient recognized military service which need not be contiguous to equal one year shall be entitled to receive his salary or compensation for the first 30 calendar days of active duty served during such absence.

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

SEC. 4. Section 395 of the Military and Veterans Code is amended to read:

395. Any public employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary military leave of absence as provided by federal law while engaged in military duty ordered for purposes of active military training, encampment, naval cruises, special exercises or like activity as such member, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty, and provided that paid military leave of absence is not required for periods of inactive military duty.

He shall have an absolute right to be restored to his former office or position and status formerly had by him in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of such temporary military duty. If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated to a position of like seniority, status, and pay if such position exists, or if no such position exists he shall have the same rights and privileges that he would have had if he occupied the position when it ceased to exist and had not taken temporary military leave of absence.

Any public employee who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which his temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that he would have enjoyed had he not been absent therefrom; excepting that an uncompleted probationary period if any in the public agency must be completed upon reinstatement as provided by law or rule of the agency. For the purposes of this section, in determining the one year of service in a

public agency all service of said public employee in recognized military service shall be counted as public agency service.

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 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. 5. Section 395.01 of the Military and Veterans Code is amended to read:

395.01. (a) Any public employee who is on temporary military leave of absence for military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from the duty, but not for inactive duty such as scheduled reserve drill periods, and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his salary or compensation as such public employee for the first 30 calendar days of any such absence. Pay for such purposes shall not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of said public employee in the recognized military service shall be counted as public agency service.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4, of Title 1 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. 6. It is the intent of the Legislature in enacting this act to comply with the provisions of federal law relating to leaves of absence for public employees for purposes of military duty set forth in Section 2024 of Title 38 of the United States Code, as interpreted by the Attorney General in Opinions of the Attorney General No. 80-303 of June 10, 1980.

SEC. 7. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because this act implements a federal law or regulation and involves only "costs mandated by the federal government," as defined by Section 2206 of the Revenue and Taxation Code.

CHAPTER 617

An act to add and repeal Chapter 6 (commencing with Section 13240) of Part 2 of Division 12 of the Health and Safety Code, relating to fire inspection records.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Chapter 6 (commencing with Section 13240) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 6. FIRE INSPECTIONS

13240. The State Fire Marshal shall identify those fire safety regulations designed to prevent life-threatening situations.

13241. Every local fire enforcing agency shall, according to standards established by the State Fire Marshal, annually compile a list of those hotels, motels, and public accommodations, and high rise structures not meeting regulations identified pursuant to Section 13240. The local fire enforcing agency shall promptly notify the owner and operator of those buildings of the noncompliance with those regulations, but in no event shall the notification be made later than the date the list is compiled.

13242. Each list compiled pursuant to Section 13241 shall be made available for public distribution by the local fire enforcing agency on May 1st of the year following its compilation. However, those buildings which are brought into conformance with regulations identified pursuant to Section 13240 at least 30 days prior to public distribution of the list, shall be omitted from the list.

13243. (a) The owner of structures listed pursuant to Section 13241 shall, upon public distribution of the lists pursuant to Section 13242, cause to be posted in each listed structure a notice of nonconformance with life-threatening fire safety regulations.

(b) The notice shall be placed in a conspicuous area of the structure in accordance with regulations adopted by the State Fire Marshal.

13244. For purposes of this chapter, "local fire enforcing agency" means a city or county fire department, fire district, or any other local agency providing fire protection services.

13245. The Legislature finds and declares that the purpose of this chapter is to require reporting of inspections made, but not to mandate inspections.

13246. This chapter shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 2. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 618

An act to amend, repeal, and add Section 221 of the Welfare and Institutions Code, relating to juvenile courts.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 221 of the Welfare and Institutions Code is amended to read:

221. (a) Any female confined in a state or local juvenile facility shall upon her request be allowed to continue to use materials necessary for (1) personal hygiene with regard to her menstrual cycle and reproductive system and (2) birth control measures as prescribed by her physician.

(b) Any inmate confined in a state or local juvenile facility shall upon his or her request be furnished by the confining state or local agency with information and education regarding prescription birth control measures.

(c) Family planning services shall be offered to each and every inmate at least 60 days prior to a scheduled release date. Upon request any inmate shall be furnished by the confining state or local agency with the services of a licensed physician, or the inmate shall be furnished by the confining state or local agency or by any other agency which contracts with the confining state or local agency, with services necessary to meet the inmate's family planning needs at the time of his or her release.

(d) For the purposes of this section, "local juvenile facility" means any city, county, or regional facility used for the confinement of juveniles for more than 24 hours.

This section shall remain operative only until January 1, 1988, and as of that date is repealed.

SEC. 2. Section 221 is added to the Welfare and Institutions Code, to read:

221. (a) Any female confined in a state or local juvenile facility shall upon her request be allowed to continue to use materials necessary for (1) personal hygiene with regard to her menstrual

cycle and reproductive system and (2) birth control measures as prescribed by her physician.

(b) Any female confined in a state or local juvenile facility shall upon her request be furnished by the confining state or local agency with information and education regarding prescription birth control measures.

(c) Family planning services shall be offered to each and every woman inmate at least 60 days prior to a scheduled release date. Upon request any woman inmate shall be furnished by the confining state or local agency with the services of a licensed physician, or she shall be furnished by the confining state or local agency or by any other agency which contracts with the confining state or local agency, with services necessary to meet her family planning needs at the time of her release.

(d) For the purposes of this section, "local juvenile facility" means any city, county, or regional facility used for the confinement of juveniles for more than 24 hours.

This section shall become operative on January 1, 1988.

SEC. 3. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 619

An act to amend Section 11401 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 11401 of the Welfare and Institutions Code is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under the age of 18, except as provided in Section 11403, who meets the conditions of subdivision (a), (b), or (c):

(a) The child has been relinquished, for purposes of adoption, to a licensed adoption agency, or the department, or the child has been declared free from the care, custody, and control of either or both of his or her parents after an action under the Civil Code has been brought by a licensed adoption agency or the department, provided

that the licensed adoption agency or the department, if responsible for placement and care, provides to such children all services as required by the department to children in foster care.

(b) The child has been deprived of parental support or care due to any of the reasons set out under Section 11250, provided:

(1) Such child has been removed from the physical custody of his or her parent or guardian, and

(A) Has been adjudged a dependent child of the court on the grounds that he or she is a person described by Section 300, or

(B) Has been adjudged a ward of the court on the grounds that he or she is a person described by Sections 601 and 602, or

(C) Has been detained under a court order pursuant to Section 320 or 636 which remains in effect; or

(2) Such child has been voluntarily placed by his or her parent or guardian pursuant to Section 11401.1 or in a demonstration county, pursuant to Section 16550, et seq.; or

(3) Such child is living in the home of a nonrelated legal guardian.

(c) The child has been placed in foster care under the provisions of the federal Indian Child Welfare Act. The provisions of Sections 11402, 11404, and 11405 shall not be construed as limiting payments to Indian children, as defined in the federal Indian Child Welfare Act, placed in accordance with such act.

SEC. 2. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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. 3. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

CHAPTER 620

An act to amend Section 34531 of, to amend and renumber Section 34504 of, and to add Sections 34504 and 34568 to, the Food and Agricultural Code, relating to milk, and making an appropriation therefor.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 34504 of the Food and Agricultural Code is amended and renumbered to read:

34505. This chapter applies to all brands which have been registered with the department.

SEC. 2. Section 34504 is added to the Food and Agricultural Code, to read:

34504. "Milk case" means a rigid, reusable container for packing and transporting or delivering cartons, bottles, jugs, or any other form of packaged milk or milk products. "Container," as used in this chapter, includes a "milk case."

SEC. 3. Section 34531 of the Food and Agricultural Code is amended to read:

34531. Any person or association located in California that is engaged in receiving, producing, manufacturing, packing, canning, bottling, handling, or selling milk or any product of milk in containers, cabinets, or other dairy equipment which is marked or otherwise identified with the name of the person or association or with any fictitious or other name or word or with any mark or device whatsoever, and any association or corporation, the members or directors of which are so engaged, may, and as to milk cases shall, file with the department a description of the name or word, mark, or device which is so used, and an application for registration of it as a brand. The application shall be accompanied by a fee of ten dollars ($10) for each separate brand.

SEC. 4. Section 34568 is added to the Food and Agricultural Code, to read:

34568. Any distributor in possession of a milk case having another distributor's registration shall notify the registered owner, and make the case available to the registered owner for pickup, upon receipt of payment for any case deposit which the distributor in possession may have paid for the case.

SEC. 5. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 621

An act to amend Sections 2406, 2995, and 3164 of, and to add Article 3.5 (commencing with Section 2775) to Chapter 6 of Division 2 of, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to healing arts.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 2406 of the Business and Professions Code is amended to read:

2406. A medical corporation or podiatry corporation is a corporation which is authorized to render professional services, as defined in Sections 13401 and 13401.5 of the Corporations Code, so long as that corporation and its shareholders, officers, directors and employees rendering professional services who are physicians, psychologists, registered nurses, optometrists, or podiatrists are in compliance with the Moscone-Knox Professional Corporation Act, the provisions of this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

With respect to a medical corporation or podiatry corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Division of Licensing.

SEC. 2. Article 3.5 (commencing with Section 2775) is added to Chapter 6 of Division 2 of the Business and Professions Code, to read:

Article 3.5. Nursing Corporations

2775. A nursing corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are registered nurses are in compliance with the Moscone-Knox Professional Corporation Act, the provisions of this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

With respect to a nursing corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Registered Nursing.

2776. It shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet the violation of, or conspire to violate any provision or term of this article, the Moscone-Knox Professional Corporation Act, or any regulations duly adopted under those laws.

2777. A nursing corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation, now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a person holding a license under this chapter.

2778. The name of a nursing corporation and any name or names under which it may render professional services shall contain the words "nursing" or "registered nursing," and wording or abbreviations denoting corporate existence.

2779. Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each shareholder, director and officer of a nursing corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in Section 13401 of the Corporations Code.

2780. The income of a nursing corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of such shareholder or his or her shares in the nursing corporation.

2781. The board may adopt and enforce regulations to carry out the purposes and objectives of this article, including regulations requiring (a) that the bylaws of a nursing corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in Section 13401 of the Corporations Code), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such regulations may provide, and (b) that a nursing corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

SEC. 3. Section 2995 of the Business and Professions Code is amended to read:

2995. A psychological corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors and employees rendering professional services who are psychologists, podiatrists, registered nurses, optometrists, or physicians are in compliance with the Moscone-Knox Professional Corporation Act, the provisions of this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

With respect to a psychological corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Psychology Examining Committee of the Board of Medical Quality Assurance.

SEC. 4. Section 3164 of the Business and Professions Code is amended to read:

3164. Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each director, shareholder, and officer of an optometric corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

SEC. 5. Section 13401.5 of the Corporations Code is amended to read:

13401.5. Notwithstanding subdivision (c) of Section 13401 and any other provision of law, the following licensed persons may be shareholders, officers, directors or professional employees of the professional corporations designated in this section so long as the sum of all shares owned by such licensed persons does not exceed 49 percent of the total number of shares of the professional corporation so designated herein and so long as the number of such licensed persons owning shares in the professional corporation so designated herein does not exceed the number of persons licensed by the governmental agency regulating the designated professional corporation:

(a) Medical corporation.
(1) Licensed podiatrists.
(2) Licensed psychologists.
(3) Registered nurses.
(4) Optometrists.
(b) Podiatry corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Registered nurses.
(4) Optometrists.
(c) Psychological corporation.
(1) Licensed physicians and surgeons.
(2) Licensed podiatrists.
(3) Registered nurses.
(4) Optometrists.
(d) Speech pathology corporation.
(1) Licensed audiologist.
(e) Audiology corporation.
(1) Licensed speech pathologist.
(f) Nursing corporation.
(1) Licensed physicians and surgeons.
(2) Licensed podiatrists.
(3) Licensed psychologists.
(4) Optometrists.

SEC. 6. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 622

An act to add Sections 53308, 53309, 53310, 53311, 53312, 53313, and 53481 to, to repeal and add Sections 53482 and 53483 of, and to repeal Section 53481, as added by Section 10 of Chapter 1202 of the Statutes of 1978 of, the Food and Agricultural Code, relating to nursery stock.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 53308 is added to the Food and Agricultural Code, to read:

53308. "Botanical name" means the genus and species, the genus, species, and cultivar name, or the genus and cultivar name given to a plant in accordance with the International Code of Botanical Nomenclature and the International Code of Nomenclature of Cultivated Plants.

SEC. 2. Section 53309 is added to the Food and Agricultural Code, to read:

53309. "Cultivar name" means the cultivated variety name given to a plant in accordance with the International Code of Nomenclature of Cultivated Plants, without regard to whether that plant is selected from a wild or cultivated population or produced through hybridization.

SEC. 3. Section 53310 is added to the Food and Agricultural Code, to read:

53310. "Blend" means a combination of the same kinds of nursery stock.

SEC. 4. Section 53311 is added to the Food and Agricultural Code, to read:

53311. "Mixture" means a combination of two or more kinds of nursery stock.

SEC. 5. Section 53312 is added to the Food and Agricultural Code, to read:

53312. "Sod" means grassy surface soil nursery stock held together by matted roots of the grass.

SEC. 6. Section 53313 is added to the Food and Agricultural Code, to read:

53313. "Turf" means grassy surface soil nursery stock consisting of grass cultivars, mixtures or blends of grass cultivars, and dichondra for use in residential and commercial landscapes.

SEC. 7. Section 53481, as added by Section 10 of Chapter 1202 of the Statutes of 1978, is repealed.

SEC. 8. Section 53481 is added to the Food and Agricultural Code, to read:

53481. When nursery stock is sold, it shall be labeled plainly and legibly as to the grade size, if so required by regulations, and as to

the correct name as follows:

(a) The correct name for ornamentals, except roses, fruit trees, and annual or herbaceous perennial ornamental plants, shall be the botanical name.

(b) The correct name for fruit trees shall be the recognized common name and cultivar.

(c) The correct name for turf shall be the kind and cultivar.

(d) The correct name for roses, annual or herbaceous perennial ornamental plants, dormant bulbs, tubers, roots, corms, rhizomes, pips, and other kinds of nursery stock shall be the cultivar name, except that the recognized common name shall be required whenever no cultivar name has been given or can be determined.

SEC. 9. Section 53482 of the Food and Agricultural Code is repealed.

SEC. 10. Section 53482 is added to the Food and Agricultural Code, to read:

53482. In order to identify nursery stock properly, whenever it is shipped, delivered, or transported to any purchaser, each plant shall be individually labeled as to the correct name. The director may create exceptions to this section by regulation.

SEC. 11. Section 53483 of the Food and Agricultural Code is repealed.

SEC. 12. Section 53483 is added to the Food and Agricultural Code, to read:

53483. Nursery stock on display for sale at retail may be labeled by a sign on any block of stock of the same kind and species. Turf shall be labeled by a sign showing the required correct name of the stock on display.

SEC. 13. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 623

An act to add Section 437.15 to the Health and Safety Code, relating to health.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 437.15 is added to the Health and Safety Code, to read:

437.15. (a) It is the intent of the Legislature that projects not directly related to patient care be processed as expeditiously as possible, consistent with the purposes of this part. For purposes of this section, "project not directly related to patient care" means a project which is subject to certificate of need solely because it is a project described in subdivision (e) of Section 437.10 and which will not directly involve any diagnostic or therapeutic service. Such projects may include, but are not limited to, telephone systems, data-processing systems, parking structures, employee housing, dietary services, administrative offices, and projects for energy provision.

(b) In reviewing an application for a project not directly related to patient care, the office director shall consider only financial feasibility, effect on patient charges, expected utilization if applicable, compliance with applicable laws and regulations, benefit to the population to be served, availability of equally desirable less costly alternatives to the project, and the effect, if any, of the project upon the indigent population of the area served.

(c) The following exceptions to the procedural provisions of this part shall apply to applications for projects not directly related to patient care:

(1) The notification of intent required by Section 438.3 need be filed only 30 days prior to the filing of an application and may be waived altogether by the office with the concurrence of the appropriate area agency.

(2) Upon a determination that an application is complete pursuant to Section 438.2, the office shall promptly publish notice in a newspaper of general circulation in the geographical area to be served by the project. Such notice shall describe the project and provide that any affected person may request, in writing, that the office hold a public hearing in the course of its review. The notice shall state the address at which such request shall be made and the time period in which it shall be made. Such written request shall be based upon the applicable review criteria and shall specify the criteria upon which it is based.

(3) No hearing need be held by the office in the course of its review unless requested by an affected person within 30 days of the publication of the notice required by paragraph (2), or unless requested by the appropriate area agency within 45 calendar days, or unless ordered by the office within 60 calendar days after the application is determined to be complete. In those cases in which no hearing is required to be held, the office shall, within 90 calendar days after the application is determined to be complete, issue a decision approving the project in its entirety or with such modifications or conditions as have been agreed to in writing by the

office and the applicant.

(4) It is the intent of the Legislature that the review of projects not directly related to patient care be accomplished without formal area agency review and participation.

To effectuate that intent, area agencies may waive the public meeting required by Section 438.4 and need not conduct or participate in reviews of projects not directly related to patient care.

(d) The office shall amend its regulations and application forms as may be necessary to effectuate the purposes of this section.

CHAPTER 624

An act to amend Section 17207 of the Financial Code, relating to escrow agents, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981]

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 total assessment for each year shall not exceed the amount of 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 from escrow operations bears to the aggregate gross income from escrow operations 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. 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:

Chapter 476 of the Statutes of 1980 provided for an annual assessment of escrow agents for all costs and expenses reasonably incurred by the Commissioner of Corporations in the administration of the Escrow Law. In view of an ambiguity in the statute, confusion exists as to the manner whereby these costs and expenses are to be allocated among escrow agents. In order to resolve this ambiguity prior to the May 30, 1981, deadline for current assessments, and to avoid any costly recalculations of such assessments, it is necessary that this act take effect immediately.

CHAPTER 625

An act to amend Sections 12903, 12935, and 12941 of the Government Code, and to repeal Section 3096 of the Labor Code, relating to fair employment and housing.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 12903 of the Government Code is amended to read:

12903. There is in the State and Consumer Services Agency the Fair Employment and Housing Commission. Such commission shall consist of seven members, to be known as commissioners, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated as chairman by the Governor. The term of office of each member of the commission shall be for four years. The members of the Fair Employment Practice Commission on the effective date of this section shall become the members of the Fair Employment and Housing Commission and shall serve the balance of the term they would have served on the Fair Employment Practice Commission.

SEC. 2. Section 12935 of the Government Code is amended to read:

12935. The commission shall have the following functions, powers and duties:

(a) To adopt, promulgate, amend, and rescind suitable rules, regulations, and standards (1) to interpret, implement, and apply all provisions of this part, (2) to regulate the conduct of hearings held pursuant to Sections 12967 and 12980, and (3) to carry out all other functions and duties of the commission pursuant to this part.

(b) To conduct hearings pursuant to Sections 12967 and 12981.

(c) To establish and maintain a principal office within the state.

(d) To meet and function at any place within the state.

(e) To appoint an executive secretary, and such attorneys and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(f) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission.

(g) To create or provide financial or technical assistance to such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and to empower them to study the problems of discrimination in all or specific fields of human relationships or in particular instances of

employment discrimination on the bases enumerated in this part or in specific instances of housing discrimination because of race, religious creed, color, national origin, ancestry, marital status, or sex, and to foster, through community effort or otherwise, good will, cooperation, and conciliation among the groups and elements of the population of the state and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(h) With respect to findings and orders made pursuant to this part, to establish a system of published opinions which shall serve as precedent in interpreting and applying the provisions of this part.

(i) To issue publications and results of inquiries and research which in its judgment will tend to promote good will and minimize or eliminate unlawful discrimination. Such publications shall include an annual report to the Governor and the Legislature of its activities and recommendations.

SEC. 3. Section 12941 of the Government Code is amended to read:

12941. (a) It is an unlawful employment practice for an employer to refuse to hire or employ, or to discharge, dismiss, reduce, suspend, or demote, any individual over the age of 40 on the ground of age, except in cases where the law compels or provides for such action. This section shall not be construed to make unlawful the rejection or termination of employment where the individual applicant or employee failed to meet bona fide requirements for the job or position sought or held, or to require any changes in any bona fide retirement or pension programs or existing collective-bargaining agreements during the life of the contract, or until January 1, 1980, whichever occurs first, nor shall this section preclude such physical and medical examinations of applicants and employees as an employer may make or have made to determine fitness for the job or position sought or held.

Promotions within the existing staff, hiring or promotion on the basis of experience and training, rehiring on the basis of seniority and prior service with the employer, or hiring under an established recruiting program from high schools, colleges, universities, and trade schools shall not, in and of themselves, constitute a violation of this section.

(b) This section shall not limit the right of an employer, employment agency, or labor union to select or refer the better qualified person from among all applicants for a job. The burden of proving a violation of this section shall be upon the person or persons claiming that the violation occurred.

SEC. 4. Section 3096 of the Labor Code is repealed.

CHAPTER 626

An act to add Part 10.5 (commencing with Section 17900) to the Education Code, relating to school buildings.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Part 10.5 (commencing with Section 17900) is added to the Education Code, to read:

PART 10.5. SCHOOL FACILITIES

17900. The Legislature finds and declares that it is in the interest of the state and of the people thereof for the state to aid school districts and community college districts in finding cost-effective methods of conserving energy in school buildings maintained by the districts. The Legislature also finds that while many districts may desire to participate in energy conservation programs designed to reduce the steadily rising costs of meeting the energy needs of school buildings, that the costs involved in improving existing school facilities to become more energy efficient are often prohibitive.

It is the intent of the Legislature in enacting this part to encourage school districts and community college districts to retrofit school buildings so as to conserve energy and reduce the costs of supplying energy.

17901. (a) School districts and community college districts may borrow funds from federal or state regulated financial institutions for the purposes of design and construction costs associated with retrofitting school buildings to become more energy efficient. School districts and community college districts shall only be authorized to borrow an amount which does not exceed that which can be repaid from energy cost avoidance savings accumulated from the improvement of school facilities.

(b) Any savings and loan association may make loans or advances of credit pursuant to the provisions of subdivision (a) in an amount not in excess of 5 percent of its total assets. This investment may be in addition to any other investment savings and loan associations are permitted to undertake under the provisions of Section 6705.7 of the Financial Code.

17902. To the extent that these services are available, school districts and community college districts shall arrange for the preaudit and postaudit of school buildings by investor-owned or municipal utility companies or by independent energy audit companies or organizations which are recognized by federal or state regulated financial institutions. The preaudit shall identify the type and amount of work necessary to retrofit the buildings and shall

include an estimate of projected energy savings. The postaudit shall be conducted upon completion of the retrofitting of the school buildings to ensure that the project satisfies the recommendations of the preaudit.

17903. School districts and community college districts taking action under this article shall contract with qualified businesses capable of retrofitting school buildings. To the extent that lists of qualified businesses are made available to school districts and community college districts by investor-owned or municipal utility companies or federal or state regulated financial institutions, school districts and community college districts may utilize the services of these businesses.

CHAPTER 627

An act to amend Sections 51215, 51216, and 51217 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981]

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

SECTION 1. Section 51215 of the Education Code is amended to read:

51215. (a) The governing board of each school district maintaining a junior or senior high school shall, by June 1, 1978, adopt standards of proficiency in basic skills for pupils attending school within its school district.

(b) The governing board of each school district maintaining grade 6 or 8, or the equivalent, shall, by June 1, 1979, adopt standards of proficiency in basic skills for pupils attending these grades.

(c) These standards shall include, but need not be limited to, reading comprehension, writing, and computation skills, in the English language, necessary to success in school and life experiences, and shall be such as will enable individual achievement to be ascertained and evaluated.

The standards shall be directly related to the district's instructional program.

(d) Differential standards and assessment procedures shall be adopted pursuant to this subdivision.

(1) Differential standards and assessment procedures shall be adopted for pupils who:

(A) Are enrolled in special education programs pursuant to Part 30 (commencing with Section 56000); or for whom individualized education programs have been developed, and for whom the regular instructional program has been modified, as necessary, under the

supervision of a person who holds an appropriate credential in special education and;

(B) Have diagnosed learning handicaps or disabilities such that the individualized education program team determines they have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support.

(2) If the team determines that these pupils have not demonstrated evidence of the ability to attain the district's regular proficiency standards with appropriate educational services and support, the team shall develop differential proficiency standards, or modify general differential standards adopted by the governing board, appropriate to the needs and potential of the pupil.

(3) Any differential standards shall be included in the individualized education program developed for the pupil pursuant to Part 30 (commencing with Section 56000).

(4) The determination and the development of differential proficiency standards shall be part of the process of developing, reviewing, and revising a pupil's individualized education program.

(5) In the case where one or more differential standards are developed for a pupil enrolled in special education, the standards may be maintained throughout the pupil's school experience, irrespective of whether the pupil continues to be enrolled in special education.

(6) Nothing in this subdivision shall be construed to require differential proficiency standards for a pupil who a team determines can attain the district's regular proficiency standards with appropriate educational services and support.

(7) The provisions of this subdivision shall apply prospectively and retroactively to pupils enrolled in the 9th grade, or the equivalent thereof, during the 1977–78 school year.

(8) Differential standards and assessment procedures adopted pursuant to this subdivision shall permit the pupil for whom they are adopted to attain the standards within a reasonable amount of time but not after the state is no longer required by state or federal law to provide an education to the pupil.

(9) It is the intent of the Legislature that the attainment of a standard of proficiency by a pupil shall also reflect the attainment of a reasonable level of competence. The Legislature, therefore, recognizes that there may be some pupils who cannot meet regular or differential standards of proficiency, and others who will need to remain in school beyond grade 12 or the equivalent in order to meet a standard which reflects their maximum potential.

(10) For students with diagnosed learning disabilities, as well as for students participating in the regular school program, proficiency assessments may be part of the classroom experience, and teaching materials may be used as assessment materials.

(e) Governing boards maintaining elementary or junior high schools located within a school district maintaining a high school shall

adopt standards of proficiency in basic skills which are articulated with those standards adopted by the school district maintaining the high school.

(f) Designated employees of all school districts located within a high school district and one or more designees of the high school district shall meet prior to June 1, 1979, to plan for articulation of elementary and high school proficiency standards, and as necessary thereafter to review the effectiveness of such articulation procedures.

(g) Standards of proficiency shall be adopted by the governing board with the active involvement of parents broadly reflective of the socioeconomic composition of the district, administrators, teachers, counselors, and, with respect to standards in secondary schools, pupils.

SEC. 2. Section 51216 of the Education Code is amended to read:

51216. (a) Beginning in the 1978–79 school year, the governing board of each district maintaining a junior or senior high school, and beginning in the 1979–80 school year, the governing board of each district maintaining an elementary school, shall take appropriate steps to ensure that individual pupil progress towards proficiency in basic skills is assessed in the English language during the regular instructional program at least once during the 4th through 6th grade experience, once during the 7th through 9th grade experience and twice during the 10th through 11th grade experience. A school district may grant reciprocity in proficiency assessment results from another school district for a pupil in any grade, except 12th grade, who has transferred from that district. However, no school district shall reassess for purposes of graduation eligibility any pupil in 12th grade who has demonstrated proficiency up to the prescribed level for high school graduation. Nothing in this section shall preclude any district from conducting an assessment of any pupil in English and in the native language of such pupil.

(b) Proficiency assessments shall be used to determine whether pupils need additional assistance in basic skills, and if so, the appropriate content and mode of any such assistance.

It is the intent of the Legislature that pupil assessments measure the progress of each pupil in mastering basic skills rather than the pupil's performance relative to his or her classmates.

It is the intent of the Legislature that the governing board of each school district make every effort possible to periodically screen assessment instruments for racial, cultural, and sexual bias.

(c) (1) In the case of any pupil who does not demonstrate sufficient progress toward mastery of basic skills so that he or she will be able to meet prescribed standards upon exit from the 6th, 8th, or 12th grade, whichever is appropriate, the principal shall arrange a conference among the parent or guardian of the pupil and a certificated employee familiar with the pupil's progress to discuss the results of the individual pupil assessment and recommended actions to further the pupil's progress.

(2) It is the intent of the Legislature that the conference to discuss the results of the individual assessment be conducted on an individual basis among the parent or guardian of the pupil, the certificated employee familiar with the pupil's progress, and the pupil, as the case may be, and not on a group basis in which all parents or guardians of such pupils are assembled.

(3) If such conferences are conducted on a group basis, the pupil or the parent or guardian may request, and shall be granted, a conference on an individual basis without having to attend the group conference.

(4) The secondary school pupil shall attend the conference. The elementary school pupil shall attend the conference unless the principal's designee and the parent or guardian agree that such presence would not be in the pupil's best interest.

(5) The pupil and the parent or guardian shall be requested in writing to attend the conference. The notice shall be written in the primary language of the parent or guardian, whenever practicable. If the conference is to be conducted on a group basis, the notice shall specify the right of the pupil or the parent or guardian to request and be granted a conference on an individual basis without having to attend the group conference.

Notices to pupils in grades 9 to 12 shall inform the parent or guardian that the pupil shall not receive a high school diploma unless the prescribed standards are met.

(6) Absent a response from the parent or guardian the school shall, within 10 days of the date of the scheduled conference, make a reasonable effort to contact him or her by other means to communicate directly the information contained in the written request.

(7) At the conference, the instructional program which shall be provided to assist the pupil to master basic skills shall be described. If the parent or guardian does not attend the conference, such information shall be communicated to the parent or guardian by other means within 10 days of the date of the conference.

(d) Instruction in basic skills shall be provided for any pupil who does not demonstrate sufficient progress toward mastery of basic skills and shall continue until the pupil has been given numerous opportunities to achieve mastery. Such instruction may be provided in summer school programs.

SEC. 3. Section 51217 of the Education Code is amended to read:

51217. (a) No pupil who was enrolled in the 9th grade, or the equivalent thereof, during the 1977–78 school year, or subsequent thereto, shall receive a diploma of graduation from high school if he or she has not met the standards of proficiency in basic skills prescribed by the secondary school district governing board and the school district has developed and made available to the pupil remedial instruction programs in basic skills for at least two consecutive sessions. For purposes of this section, a session shall include a semester or summer session in a public school.

(1) A pupil who does not receive a diploma pursuant to the provisions of this section shall later be awarded a diploma by the district he or she last attended, without taking additional coursework, if the pupil passes the district's proficiency examination in basic skills necessary for graduation and meets all other graduation requirements.

(2) Funding for these remedial courses shall be provided only for services to students during the semester following the semester in which the pupil would have graduated if he or she had met the district's prescribed proficiency standards.

(b) The State Board of Education shall, by February 1, 1978, prepare and distribute to each school district maintaining a junior or senior high school, and by February 1, 1979, prepare and distribute to each district maintaining an elementary school, a framework for assessing pupil proficiency in reading comprehension, writing, and computation skills. Such framework shall include a range of assessment items in each skill area. The assessment framework shall be provided solely to assist each school district in the development of its own pupil assessments as required by Section 51216.

(c) Nothing in this section shall be construed to authorize or permit the State Board of Education to adopt statewide minimum proficiency standards for high school graduation.

SEC. 4. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted 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 the necessity are:

In order to ensure that no child is denied a diploma in 1981 who has not had an adequate opportunity to receive the necessary instruction or remedial instruction in basic skills to meet the necessary proficiency standards, it is necessary that this act take effect immediately.

CHAPTER 628

An act to add and repeal Section 7124.6 of the Business and Professions Code, relating to business and professions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 7124.6 is added to the Business and Professions Code, to read:

7124.6. (a) Notwithstanding Section 7124.5 or any other provision of law, the board shall not be precluded from disclosing to the public general information regarding complaints filed against a licensee. Information regarding the number of any complaints filed against a licensee which are under investigation or which have been resolved shall not be disclosed. Information regarding the nature of any complaints filed against a licensee may be included in any disclosure statement. Any disclosure statement regarding a complaint against a licensee which is under investigation shall inform the requester that, pending complete investigation, no conclusions or judgments as to the validity of any complaint may be assumed.

(b) In the event the board discloses information regarding complaints filed against a licensee, pursuant to subdivision (a), the board shall, in addition, disclose the number, and may disclose the nature, of any citations issued to a licensee pursuant to the provisions of Article 7.

(c) The board may also disclose information relating to any disciplinary action filed pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) For the purposes of this section, "general information regarding complaints" is limited to a statement as to whether or not there are, at the time a request for disclosure of information is made, any complaints filed against a licensee which are under investigation, and as to whether, within the year prior to the time a request for disclosure of information is made, any substantiated complaints filed against a licensee have been resolved, mediated, or settled.

(e) Nothing in this section shall be construed to limit any right provided under Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(f) Not later than January 1, 1984, the Legislative Analyst, in cooperation with the Contractors' State License Board and the Department of Consumer Affairs, shall report to the Legislature on the effectiveness of this section.

(g) This section shall remain in effect only until July 1, 1984, and as of that date is repealed, unless a later enacted statute, which is

chaptered before July 1, 1984, deletes or extends that 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 the necessity are:

The current policy of the Contractors' State License Board, of releasing to the public information on consumer complaints which have not been fully investigated and before any determination has been made as to whether the complaints are valid or invalid or require disciplinary action of any kind, may possibly violate a licensee's constitutional rights of privacy and due process. Further, such a disclosure and dissemination of unproven and unsubstantiated information, which in many cases is later found to be untrue, may result in irreparable harm to a large segment of California businesses.

CHAPTER 629

An act to amend Section 2630 of, to amend and renumber Section 2635.1 of, and to repeal and add Section 2650 of, the Business and Professions Code, relating to physical therapy.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981.]

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

SECTION 1. Section 2635.1 of the Business and Professions Code is amended and renumbered to read:

2653. (a) An applicant who was issued a diploma by a physical therapy school not located in the United States shall meet the following requirements in order to be licensed as a physical therapist:

(1) Furnish documentary evidence satisfactory to the committee, that he or she has completed in a physical therapy school or schools a physical therapy education that entitles the applicant to practice as a physical therapist in the country where the diploma was issued. The physical therapy education received by the applicant shall reasonably include biological sciences, physical sciences and the requirements of subdivision (b) of Section 2650.

(2) Pass the written examination required in Section 2636. The requirements to pass the written examination shall not apply to an applicant who at the time of application has passed, to the satisfaction of the committee, an examination for licensure in another state, district or territory of the United States, that is, in the opinion of the committee, comparable to the examination given in this state.

(3) Complete a period of clinical service under the direct and immediate supervision of a physical therapist licensed by the board which does not exceed nine months in a location approved by the committee, in a manner satisfactory to the committee. The applicant

shall have passed the written examination required in subdivision (b) prior to commencing the period of clinical service. The committee shall require the supervising physical therapist to evaluate the applicant and report his or her findings to the committee. The committee may in its discretion waive all or part of the required clinical service pursuant to guidelines set forth in its regulations. During the period of clinical service until he or she is issued a license as a physical therapist by the board, the applicant shall be identified as a "physical therapist license applicant."

(4) Pass an oral examination administered by the committee at the completion of the clinical service if the clinical service has not been completed in a manner satisfactory to the committee.

(b) Nothing contained in this section shall prohibit the committee from disapproving any foreign physical therapy school nor from denying the applicant if, in the opinion of the committee, the instruction received by the applicant or the courses were not equivalent to that required in this chapter.

SEC. 2. Section 2630 of the Business and Professions Code is amended to read:

2630. It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing such person holds a valid unexpired and unrevoked license issued under this chapter.

Nothing in this section shall restrict the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to the provisions of Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with Section 3500).

A physical therapist licensed pursuant to this chapter may utilize the services of an aide to assist the physical therapist in his or her practice of physical therapy. The aide shall at all times be under the orders, direction, and immediate supervision of the physical therapist. Nothing in this section shall authorize an aide to independently perform physical therapy or any physical therapy procedure.

The administration of massage, external baths or normal exercise not a part of a physical therapy treatment shall not be prohibited by this section.

SEC. 3. Section 2650 of the Business and Professions Code is repealed.

SEC. 4. Section 2650 is added to the Business and Professions Code, to read:

2650. Except as otherwise provided in this chapter, each applicant for a license as a physical therapist shall have the following qualifications:

(a) A minimum of four years of postsecondary education in an accredited institution or institutions. Such education shall include courses in biological sciences, physical sciences, and professional

education in physical therapy as set forth in subdivision (b) which shall be completed in a school or schools approved by the committee. All coursework required in this chapter shall be successfully completed by the applicant.

(b) The professional education shall be full time and the equivalent of not less than 1,400 hours. It shall include the following content areas taught by a physical therapist with appropriate competence, a physician and surgeon, or other qualified faculty:

(1) Basic and behavioral sciences as applied to physical therapy:

Anatomy.

Kinesiology.

Neurosciences.

Pathology.

Physiology.

Psychology.

(2) Evaluation.

(3) Treatment planning.

(4) Procedures (theory and application):

Assistive devices.

Developmental activities.

Functional activities.

Massage.

Physical agents: heat, light, water, electricity, sound.

Therapeutic exercises.

(5) Medical and other health sciences as applied to physical therapy.

(6) Ethics and law.

(7) Administration, consumer education.

(8) Clinical education or internship.

(9) Learning concepts and processes.

(10) Research concepts.

CHAPTER 630

An act to add Sections 5101.4 and 10112 to, and to add Chapter 1.5 (commencing with Section 5108) to Part 3 of Division 7 of and Chapter 2.5 (commencing with Section 10120) to Division 12 of, the Streets and Highways Code, relating to public improvements, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1981 Filed with Secretary of State September 22, 1981]

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

SECTION 1. The Legislature finds and declares that the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code) and the Municipal

Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code) do not provide for initial financing of preliminary steps for water supply system projects or sanitary sewer and facilities projects if an assessment district is not formed to construct such a project.

The Legislature further finds and declares that many local agencies, such as counties and cities, under current financial restrictions, can no longer afford to provide initial funding for these projects without a guarantee that the funds will be repaid to the local agency.

The Legislature further finds and declares that requirements of public health and safety, and the need for new water supply and sanitary sewer projects in this state, require that local agencies be given an option to be guaranteed the repayment of funds expended by them for preliminary work on these projects, including, but not limited to, feasibility studies and engineering plans.

Therefore, the Legislature deems it appropriate to create a method whereby local agencies can be guaranteed the repayment of funds advanced by them for preliminary work, even if the public work is not constructed.

SEC. 2. Section 5101.4 is added to the Streets and Highways Code, to read:

5101.4. In the case of a proposal for a water supply system or sanitary sewers and facilities, the preliminary steps, including, but not limited to, environmental impact reports, feasibility studies, engineering plans, cost estimates, legal expenses, and elections, may, at the legislative body's discretion, be deemed to be improvements.

SEC. 3. Chapter 1.5 (commencing with Section 5108) is added to Part 3 of Division 7 of the Streets and Highways Code, to read:

CHAPTER 1.5. ELECTIONS

5108. Approval of the owners of land for any improvements specified in Section 5101.4 may, at the discretion of the legislative body, be secured through an election.

5108.1. Notwithstanding any other provision of law, the election may be conducted by mailed ballot pursuant to Chapter 5 (commencing with Section 1340) of Division 2 of the Elections Code, regardless of the number of voters eligible to vote. Prior to the election, the legislative body shall provide for published notice of the election at least once a week for two weeks. Only one vote may be cast for each parcel of land within the territory proposed to be studied.

If the landowner is a partnership, joint tenancy, corporation, or tenancy in common, the vote to which the landowner is entitled may be cast by any of the partners, joint tenants, or tenants in common. However, only one vote may be cast on behalf of the landowner.

As used in this section, "landowner" means any person shown on the last equalized assessment roll as the owner of land. However, if

the ownership of the land is changed after the making of the last equalized assessment roll, the new owner thereof may vote upon the production of evidence of ownership of the land.

"Parcel" means any parcel as identified on the last equalized assessment roll.

5108.2. The measure to be voted on shall include a description of the improvements proposed, a map showing the territory to be benefited by the proposed improvements and proposed to be subject to assessments, and an estimate of the costs of the improvements proposed. The measure to be voted on shall be approved by the legislative body after holding a public hearing.

5108.3. The proposition is approved if a majority of the voters voting approve the measure

If the measure is approved by the voters, assessments shall be made and confirmed pursuant to Chapter 15 (commencing with Section 5340) and Chapter 16 (commencing with Section 5360) and may be collected pursuant to Section 5450. The legislative body may pay the cost of the work described in Section 5101.4 prior to the collection of assessments.

Any assessment imposed pursuant to this section may be collected in installments over a period not to exceed five years.

5108.4. Notwithstanding Section 5108.3, the legislative body may delay the collection of the assessments imposed by Section 5108.3 until the time an assessment district is created pursuant to Section 5180 to pay the costs of a water supply system project, or a sanitary sewer and facilities project, where the costs of proposed improvements for such a project have been approved pursuant to Section 5108.3.

5108.5. If an assessment district is created pursuant to Section 5180, the legislative body shall include the assessments imposed by Section 5108.3 with the assessments imposed by Section 5180 within an assessment district created to pay the costs of a water supply system, or a sanitary sewer and facilities project, where the costs of proposed improvements for such a project have been approved pursuant to Section 5108.3.

SEC. 4. Section 10112 is added to the Streets and Highways Code, to read:

10112. In the case of a proposal for a water supply system or sanitary sewers and facilities, the preliminary steps, including, but not limited to, environmental impact reports, feasibility studies, engineering plans, cost estimates, legal expenses, and elections, may, at the legislative body's discretion, be deemed to be improvements.

SEC. 5. Chapter 2.5 (commencing with Section 10120) is added to Division 12 of the Streets and Highways Code, to read:

CHAPTER 2.5. ELECTIONS

10120. Approval of the owners of land for any improvements specified in Section 10112 may, at the discretion of the legislative

body, be secured through an election.

10121. Notwithstanding any other provision of law, the election may be conducted by mailed ballot pursuant to Chapter 5 (commencing with Section 1340) of Division 2 of the Elections Code, regardless of the number of voters eligible to vote. Prior to the election, the legislative body shall provide for published notice of the election at least once a week for two weeks. Only one vote may be cast for each parcel of land within the territory proposed to be studied.

If the landowner is a partnership, joint tenancy, corporation, or tenancy in common, the vote to which the landowner is entitled may be cast by any of the partners, joint tenants, or tenants in common. However, only one vote may be cast on behalf of the landowner.

As used in this section, "landowner" means any person shown on the last equalized assessment roll as the owner of land. However, if the ownership of the land is changed after the making of the last equalized assessment roll, the new owner thereof may vote upon the production of evidence of ownership of the land.

"Parcel" means any parcel as identified on the last equalized assessment roll.

10122. The measure to be voted on shall include a description of the improvements proposed, a map showing the territory to be benefited by the proposed improvements and proposed to be subject to assessments, and an estimate of the costs of the improvements proposed. The measure to be voted on shall be approved by the legislative body after holding a public hearing.

10123. The proposition is approved if a majority of the voters voting approve the measure.

If the measure is approved by the voters, assessments shall be levied and collected pursuant to Chapter 5 (commencing with Section 10400). The legislative body may pay the cost of the work described in Section 10112 prior to the collection of assessments.

Any assessment imposed pursuant to this section may be collected in installments over a period not to exceed five years.

10124. Notwithstanding Section 10123, the legislative body may delay the collection of the assessments imposed by Section 10123 until the time an assessment district is created pursuant to Section 10200 to pay the costs of a water supply system project, or a sanitary sewer and facilities project, where the costs of proposed improvements for such a project have been approved pursuant to Section 10123.

10125. If an assessment district is created pursuant to Section 10200, the legislative body shall include the assessments imposed by Section 10123 with the assessments imposed by Section 10200 within an assessment district created to pay the costs of a water supply system, or a sanitary sewer and facilities project, where the costs of proposed improvements for such a project have been approved pursuant to Section 10123.

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 the necessity are:

In order to permit urgently needed water supply system improvements and sanitary sewers and facilities to be constructed at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 631

An act to amend Section 19613 of the Business and Professions Code, relating to horseracing.

[Approved by Governor September 22, 1981. Filed with Secretary of State September 22, 1981.]

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 other than a fair which conducts a thoroughbred racing meeting 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 1.5 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.

CHAPTER 632

An act to amend Section 1500 of the Civil Code, to amend Sections 6563, 6704, 6705.7, 7172, 7609.5, 8100, 8712, and 9217 of, to add Section 6422 to, to repeal and add Section 6702.1 of, and to repeal Section 6702.2 of, the Financial Code, and to amend Section 1734.5 of the Insurance Code, relating to savings and loan associations, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 1500 of the Civil Code is amended to read:

1500. An obligation for the payment of money is extinguished by a due offer of payment, if the amount is immediately deposited in the name of the creditor, with some bank or savings and loan association within this state, of good repute, and notice thereof is given to the creditor.

SEC. 2. Section 6422 is added to the Financial Code, to read:

6422. Notwithstanding any other provision of law, an association may provide for the automatic transfer of funds services at the request of a depositor. Preauthorized withdrawal and transfer of funds by an association may be made as follows:

(a) From one account of a depositor to any other account of the same depositor maintained by the association.

(b) From any account of a depositor maintained by the association to a third party specified by the depositor.

(c) From any account of a depositor maintained by the association to the association itself.

SEC. 3. Section 6563 of the Financial Code is amended to read:

6563. Investment certificates issued after August 14, 1931, which

do not provide for a fixed term or maturity, are subject to redemption, in whole or in part at the option of the association, by giving the holder at least 30 days' notice of the intended redemption. Investment certificates which provide for a fixed term or maturity are not subject to redemption except as otherwise specified in the certificate. The notice of redemption shall expressly state that interest on the investment certificates ceases on the date fixed for redemption.

SEC. 4. Section 6702.1 of the Financial Code is repealed.

SEC. 5. Section 6702.1 is added to the Financial Code, to read:

6702.1. (a) An association may, subject to regulations of the commissioner, invest in the capital stock, obligations, or other securities of service corporations, if the associations aggregate outstanding investment does not exceed 4 percent of assets. Any investment in excess of 2 percent of assets shall be permitted only if the requirements of paragraphs (1) and (2) are met.

(1) Investments may be made that serve primarily community, inner-city, or community development purposes, which shall include the following:

(A) Investments in governmentally insured, guaranteed, subsidized, or otherwise sponsored programs for housing, small farms, or businesses that are local in character.

(B) Investments for the preservation or revitalization of either urban or rural communities.

(C) Investments designed to meet the community development needs of, and primarily benefit, low- and moderate-income communities.

(D) Other community, inner-city, or community development-related investments approved by the commissioner.

(2) Investments may be made in securities backed by first mortgages or first deeds of trust on California residential improved real property and guaranteed by the Government National Mortgage Association. Investments made pursuant to this paragraph shall not exceed 1 percent of the total assets of an association unless they also qualify under paragraph (1).

(b) No service corporation may act as an insurance company, insurance agent, or insurance broker. This prohibition shall not be deemed to exclude other possible restrictions with respect to the activities of such service corporations.

SEC. 6. Section 6702.2 of the Financial Code is repealed.

SEC. 7. Section 6704 of the Financial Code is amended to read:

6704. An association may enter into or assume leases covering real property used or to be used in connection with the business of such association. No association shall enter into or assume leases providing in the aggregate for rental payments in any one year in excess of 10 percent of its statutory net worth without the approval of two-thirds of the directors and the written approval of the commissioner.

SEC. 8. Section 6705.7 of the Financial Code is amended to read:

6705.7. Subject to the rules and regulations of the commissioner, an association may invest an amount not in excess of 5 percent of its total assets in loans, advances of credit, and interests therein, secured by commercial real property which are not otherwise authorized.

SEC. 9. Section 7172 of the Financial Code is amended to read:

7172. An association shall not make any one loan in an amount exceeding two hundred thousand dollars ($200,000) principal if the loan exceeds 1 percent of the book value of the association's assets unless consent is obtained from the commissioner. The provisions of this section are subject to the provisions of Section 7104.

SEC. 10. Section 7609.5 of the Financial Code is amended to read:

7609.5. (a) For the purposes of this section:

(1) "Customer" means one or more natural persons.

(2) "Debt" means an interest-bearing obligation or an obligation which by its terms is payable in installments, which has not been reduced to judgment, arising from an extension of credit to a natural person primarily for personal, family, or household purposes, and does not mean a charge for savings and loan services or a debit for uncollected funds or for an overdraft account imposed by a savings and loan association on a deposit account.

(3) "Deposit account" includes investment certificate, share account and withdrawable share.

(b) A savings and loan association is limited in exercising any setoff for a debt claimed to be owed to the savings and loan association by a customer in that a setoff shall not result in an aggregate balance of less than one thousand dollars ($1,000) as shown on the records of the savings and loan association for all demand deposit accounts maintained by a customer with the savings and loan association or any branch thereof.

(c) Not later than the day following the exercise of any setoff with respect to a deposit account for any debt claimed to be owed to the savings and loan association by a customer, the savings and loan association shall deliver to each customer personally or send by first-class mail postage prepaid to the address of each customer as shown on the records of the savings and loan association a written notice in at least 10-point type containing the following:

(1) A statement that the savings and loan association has set off a debt or a portion thereof against the customer's deposit account, identifying the account, and giving the respective balances before and after the setoff.

(2) A statement identifying the debt setoff against the account and giving the respective balances due before and after the setoff.

(3) A statement that if the customer claims that the debt has been paid or is not now owing, or that the funds in the deposit account consist of moneys expressly exempt pursuant to Chapter 1 (commencing with Section 681) of Title 9 of Part 2 of the Code of Civil Procedure, except Section 690.6, or Civil Code Section 1257 and listed in the notice, the customer may execute and return the notice to the savings and loan association by mail at the address shown or

personally to the savings and loan branch where the customer's account is maintained not later than 20 days after the date of mailing or personal delivery.

(4) A statement that if the notice is executed and returned, the savings and loan association may file an action in court to collect the debt; that if a lawsuit is filed, the customer will be notified and have an opportunity to appear and defend; and that if the savings and loan association is successful, the customer will be liable for court costs, and attorney's fees, if the debt so provides.

(5) A response form in at least 10-point type containing substantially the following:

"The debt described in the Notice of Setoff received from the savings and loan association is _____ is not _____ my debt or the debt of another person in whose name the account is maintained.

"I claim that the debt:

_____has been paid.

_____is not now owing.

_____is not subject to setoff because the money in the account is:

_____Proceeds from an execution sale of a motor vehicle (CCP 690.2)

_____Condemnation proceeds (CCP 690.8)

_____Relocation benefits (CCP 690.8a)

_____Life insurance proceeds (CCP 690.9)

_____Group life insurance proceeds (CCP 690.10)

_____Disability and health insurance benefits (CCP 690.11)

_____Payments received from a fraternal benefit society (CCP 690.14)

_____Workers' compensation benefits (CCP 690.15)

_____Unemployment benefits (CCP 690.175)

_____Public pension benefits including, but not limited to, social security benefits (CCP 690.18)

_____Public assistance benefits including welfare payments and supplemental security income (SSI) (CCP 690.19)

_____Proceeds from an execution sale of a residence (CCP 690.31) or execution sale of a homestead (Civil Code 1257)

"I declare under penalty of perjury that the foregoing is true and correct.

"Executed at _____, California on _____.
City or County Date

Signed:_____ "
(Customer)

(d) If the response form described in subdivision (c) executed by the customer is received by the savings and loan association not later than 20 days after the date of mailing or personal delivery of the

written notice, the amount of the setoff for any debt claimed to be owed to the savings and loan association by a customer, and any savings and loan service charges resulting from the setoff, shall be reversed and such amount shall be credited to the deposit account not later than the end of the business day following receipt of such executed response form.

(e) The limitations provided in this section do not apply to a deposit account in which the savings and loan association has a security interest expressed by a written contract as collateral for the debt owing to the savings and loan association by the customer.

(f) The limitations provided in this section do not apply when a customer previously has authorized a savings and loan association in writing to periodically debit a deposit account as the agreed method of payment of the debt.

(g) The limitations provided in this section shall apply only to the exercise by a savings and loan association of a setoff with respect to debts claimed to be owing to it by customers on or after July 1, 1976.

(h) Nothing in this section shall prejudice a person's right to assert exemptions under Chapter 1 (commencing with Section 681) of Title 9 of Part 2 of the Code of Civil Procedure, or to assert a claim or defense as to the validity of the debt, in a judicial proceeding.

SEC. 11. Section 8100 of the Financial Code is amended to read:

8100. Each association shall prescribe by its bylaws, or by contract with its shareholders or certificate holders the period of notice of intention to withdraw, if any. No notice of intention to withdraw shall be required for shares or investment certificates providing for a fixed term of maturity, except as otherwise prescribed in the bylaws of the association or by contract with the holders of the shares or certificates. The association may pay withdrawal claims before the expiration, if any, of the period in accordance with the provisions of this chapter.

SEC. 12. Section 8712 of the Financial Code is amended to read:

8712. If an association fails to furnish the commissioner any report required by this article within five days of the due date set forth in this article or, if no due date is set forth in this article, the date specified by the commissioner, the commissioner may assess the association a penalty of one hundred dollars ($100) per day for each additional day the report is delayed or withheld. This sum may be recovered in an action brought by the commissioner in the name of the people of this state.

SEC. 13. Section 9217 of the Financial Code is amended to read:

9217. A filing fee in the amount prescribed by the commissioner by regulation pursuant to Section 5255.1 shall be paid to the commissioner for each application for merger, consolidation or transfer requiring the commissioner's approval.

SEC. 14. Section 1734.5 of the Insurance Code is amended to read:

1734.5. (a) If fiduciary funds, as defined in Section 1733, are received by any person licensed, whether under a permanent

license, restricted license, temporary license, or certificate of convenience, to act in any of the capacities specified in Section 1733, and the funds are not remitted, or maintained pursuant to subdivisions (a) and (b) of Section 1734, the funds shall be maintained as follows: (1) in United States government bonds and treasury certificates or other obligations for which the full faith and credit of the United States are pledged for payment of principal and interest; (2) in certificates of deposit of banks or savings and loan associations licensed by any state government within the United States, or the United States government; or (3) in repurchase agreements collateralized by securities issued by the United States government.

(b) As a condition to maintaining the fiduciary funds pursuant to this section, a written agreement shall be obtained from each and every insurer or person entitled thereto authorizing the maintenance and the retention of any earnings accruing on the funds.

(c) Evidence of the funds shall be maintained on California business by a bank as defined in Section 102 of the Financial Code, or by a savings and loan association as defined in Section 5057 or 11000 of the Financial Code in a custodian or trust account in California separate from any other funds, in an amount at least equal to the premiums and return premiums, net of commissions received by him or her and unpaid to the persons entitled thereto, or, at their discretion or pursuant to a written contract, for the account of these persons. However, the persons may commingle with the fiduciary funds any additional funds as he or she may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return premiums, or for any contingencies as may arise in his or her business of receiving and transmitting premium or return premium funds.

(d) The commissioner shall not have jurisdiction over any disputes arising between parties concerning the maintenance of fiduciary funds pursuant to this section. However, this subdivision shall not otherwise affect the authority granted to the commissioner over fiduciary funds by other provisions of this code, or regulations adopted pursuant thereto. As used in this subdivision, the term "parties" shall not include the commissioner.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

(a) The critical shortage of housing funds in the State of California requires the most expedient treatment possible from the California Legislature.

(b) California citizens have the right to expect and receive as much assistance from their elected representatives as possible to help mitigate the inflationary dilemma which is currently depriving many of the ability to own their own homes.

(c) The revisions to Section 7609.5 of the Financial Code are immediately necessary to preserve equal treatment of depositors with banks and with savings and loan associations as to setoff for debts owed to such financial institutions.

(d) Investment capabilities of savings and loan associations must be enhanced wherever and as soon as possible in order to encourage and accelerate the movement of capital to the financial institutions which are responsible for a majority of home financing in California.

To provide such protection of the interests and security of California citizens, it is necessary that this act take effect immediately.

CHAPTER 633

An act to amend Section 6705 of the Financial Code, relating to savings and loan associations.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 6705 of the Financial Code is amended to read:

6705. An association may invest in real property and such investment may include subdividing and developing real property and building homes and other buildings on such property principally for residential use by veterans, housing for the elderly, or urban renewal or improvement. An association may own, rent, lease, manage, operate for income, or sell such property. Investments of an association under this section, and loans by the association under the authority of Sections 6705.1, 6705.2, 6705.4 and 6705.6, shall not at any one time aggregate more than 10 percent of its total assets.

Notwithstanding the limitations imposed above, an association may invest an additional 2 percent of its assets in developing real property if the real property is improved or is to be improved only with residential units and is located in (1) a census tract designated as a low-lending volume area by the Department of Savings and Loan, or (2) a census tract that meets the definition of low- or moderate-income area contained in regulations promulgated by the commissioner. Residential units developed pursuant to this subdivision shall be ready for occupancy within 36 months of the initial investment in the underlying property, unless such time limit is extended in writing by the commissioner. Investments made pursuant to this subdivision shall not be subject to the limitations imposed by Section 6705.5.

CHAPTER 634

An act to add and repeal Section 12160.5 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 12160.5 is added to the Fish and Game Code, to read:

12160.5. Upon conviction of any person from whom fish were seized pursuant to Section 12159 for violating any law regarding the taking, possession, sale, or transportation of fish for a commercial purpose and the violation involves a vessel operating under a crew sharing agreement, the court shall determine if the vessel was so operating and order the crew's share of the proceeds generated from the seizure of the fish pursuant to Section 12160 to be paid to those members of the crew who are not charged with, or are acquitted of, a violation arising from the same occurrence on which the seizure was based.

"Crew's share" means that portion of the net proceeds for the fish taken which is payable to those persons designated by agreement as crew for that fishing operation whose compensation includes a share of such net proceeds.

The department shall submit a report to the Legislature by January 1, 1984, describing the effects of this section, including, but not limited to, the arrest and conviction rate of boat captains and crew, the effects upon state revenues, the quantities and species illegally taken, and the number of licenses and certificates revoked pursuant to Sections 12002.6, 12002.7, and 12002.8.

This section shall remain in effect only until January 1, 1985, and as of such date is repealed unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends such date.

CHAPTER 635

An act to amend Sections 429 and 429.1 of the Health and Safety Code, relating to health.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 429 of the Health and Safety Code is amended to read:

429. The State Department of Health Services shall maintain a program for seasonal agricultural and migratory workers and their families, consisting of:

(a) Studies of the health and health services for seasonal agricultural and migratory workers and their families throughout the state.

(b) Technical and financial assistance to local agencies concerned with the health of seasonal agricultural and migratory workers and their families.

(c) Coordination with similar programs of the federal government, other states, and voluntary agencies.

SEC. 2. Section 429.1 of the Health and Safety Code is amended to read:

429.1. The state department shall contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local health programs for seasonal agricultural and migratory workers and their families.

CHAPTER 636

An act to amend Sections 4307, 4751, 5206, and 9407 of, to repeal and add Article 5 (commencing with Section 9700) of Chapter 6 of Division 3 of, and to repeal Sections 493 and 9402 of, the Vehicle Code, relating to vehicle registration.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 493 of the Vehicle Code is repealed.

SEC. 2. Section 4307 of the Vehicle Code is amended to read:

4307. In the event application is made in this state for registration of a vehicle and the department is not satisfied as to the ownership of the vehicle or the existence of foreign liens thereon, then the department may register the vehicle and issue a distinctive registration card and appropriate license plates but shall withhold issuance of a California certificate of ownership unless the applicant shall present documents sufficient to reasonably satisfy the department of the applicant's ownership of the vehicle and sufficient to identify any liens thereon or the applicant shall post a bond pursuant to Section 4157.

SEC. 3. Section 4751 of the Vehicle Code is amended to read:

4751. The department may refuse registration or the renewal or transfer of registration of a vehicle in any of the following events:

(a) If the department is not satisfied that the applicant is entitled

thereto under this code.

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

(c) If the department determines that the applicant has made or permitted unlawful use of any registration certificate, certificate of ownership, or license plates.

(d) If the vehicle is mechanically unfit or unsafe to be operated or moved on the highways.

(e) If the department determines that a manufacturer or dealer has failed during the current or previous year to comply with the provisions of this code relating to the giving of notice to the department of the transfer of a vehicle during the current or previous year.

SEC. 4. Section 5206 of the Vehicle Code is amended to read:

5206. Vehicles for which weight fees are paid on a partial year basis shall display a certificate or insignia issued by the department, which shall state the end of the period for which the vehicle is licensed.

SEC. 5. Section 9402 of the Vehicle Code is repealed.

SEC. 6. Section 9407 of the Vehicle Code is amended to read:

9407. Upon application for registration made after the first month of any registration year, or, if the vehicle is registered on a partial year basis, after the first month following expiration of the last issued registration certificates, the fee required under Section 9400 shall be reduced proportionately for each month which shall have elapsed since the expiration of the last issued registration certificate, if the vehicle has not been operated, moved, or left standing upon any highway during the elapsed time without payment of the required fee.

SEC. 7. Article 5 (commencing with Section 9700) of Chapter 6 of Division 3 of the Vehicle Code is repealed.

SEC. 8. Article 5 (commencing with Section 9700) is added to Chapter 6 of Division 3 of the Vehicle Code, to read:

Article 5. Partial Year Payment of Weight Fees

9700. With respect to vehicles subject to additional registration fees under Section 9400, a proportionate share of the additional fees may be paid for any partial period of one month or more, but less than 12 months, in an amount determined to be one-twelfth of the annual registration times the consecutive months, or fraction thereof, of the period of registration.

9702. An additional fee of three dollars ($3) shall be charged for each application for partial year registration, or renewal thereof, whenever a person pays the fee under Section 9400 as provided in Section 9700.

9704. Every partial year vehicle registration and every certificate or insignia issued under this article shall expire at midnight on the

last day of the period for which issued. The department may, upon payment of the proper fees, renew the registration of the vehicle for a period of months less than the remainder of the registration year or for the remainder of the registration year.

9706. (a) Application for partial year registration in conjunction with an application for original California registration shall be made by the owner within 20 days of the date the vehicle first becomes subject to California registration. Any application for partial year registration submitted after that 20-day period shall not be registered for a partial year and the vehicle shall be subject to payment of the fees for the entire registration year. In addition to the fee for the registration year, a penalty as specified in Section 9554 shall be added to the fee for registration.

(b) Any application to renew registration for a part of the remainder of the registration year or for the entire remainder of the registration year shall be made prior to midnight of the expiration date of the last issued registration certificate. Application shall be made upon presentation of the last issued registration card or of a potential registration issued by the department for use at the time of renewal and by payment of the proper partial year fees, or, if renewal is for the remainder of the registration year, by payment of the annual fee provided by Section 9400, as reduced pursuant to Section 9407. Any application submitted after the expiration date of the last issued registration certificate which is not accompanied by a certificate of nonoperation as provided in Section 9708 shall be refused partial year registration and shall be subject to payment of the full fees for the registration year or remainder thereof. In addition to the fee for the registration year or remainder thereof, a penalty as specified in Section 9554 shall be added to the fee for renewal of registration.

(c) In order to obtain partial year registration or renewal of partial year registration for a period of less than three months, application shall be made prior to the date the vehicle is first operated, moved, or left standing on the highways. Partial year registration or renewal of partial year registration may be obtained for a minimum of three months when application is made after, but within 20 days of the date the vehicle is first operated, moved, or left standing on the highways.

9708. When the registration of any vehicle expires and the vehicle is not thereafter operated, moved, or left standing upon the highways, any subsequent application for partial year registration, or renewal thereof, shall be accompanied by a certificate of nonoperation. The department shall not collect any penalty imposed by this code upon receipt of the application and certificate within 20 days after the date the vehicle is first operated, moved, or left standing upon the highways.

9710. When application for renewal of registration of a vehicle has been made as required in Sections 9706 and 9708, the vehicle may be operated on the highways until the new certificate or insignia of

current registration has been received from the department if there is displayed on the vehicle, in addition to the license plates or validating devices issued to the vehicle for the previous year, the certificate or insignia issued to the vehicle for the previous partial year.

CHAPTER 637

An act to amend Section 44227 of the Education Code, relating to school employees.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 44227 of the Education Code is amended to read:

44227. (a) The commission may approve any institution of higher education whose teacher education program meets the standards prescribed by the commission, to recommend to the commission the issuance of credentials to persons who have successfully completed such programs.

(b) Notwithstanding any provision of law to the contrary, the commission may approve for credit any coursework completed for credential purposes or for step increases in programs offered in California by out-of-state institutions of higher education which meet the requirements prescribed by subdivision (a) of Section 94310 only if the program of courses is offered by a regionally accredited institution and evidence of satisfactory evaluation by both that accrediting body and the Western Association of Schools and Colleges is submitted by the out-of-state institution to the commission for purposes of seeking approval of the program and any courses within that program for the purposes of obtaining a credential in California.

CHAPTER 638

An act to amend Sections 66600, 66601, 89000, and 89005 of, and to add Section 89033.1 to, the Education Code, relating to higher education.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 66600 of the Education Code is amended to read:

66600. The California State University shall be administered by a board designated as the Trustees of the California State University, which is hereby created.

SEC. 2. Section 66601 of the Education Code is amended to read:

66601. Whenever, in any law, the term "Trustees of the State College System of California" or "Trustees of the California State Universities and Colleges" or the term "chief executive officer of the state college system" is used, such terms shall be deemed to mean the Trustees of the California State University and the Chancellor of the California State University, respectively.

SEC. 3. Section 89000 of the Education Code is amended to read:

89000. As used in this division, "trustees" means the Trustees of the California State University, created under Section 66600.

SEC. 4. Section 89005 of the Education Code is amended to read:

89005. All references in any law or regulation to the "California State Colleges," to the "California State University and Colleges," or to "state colleges" shall be deemed to refer to the California State University and to the system of institutions of higher education which comprises the California State Univerity as authorized in Section 89001. The term "campus" shall mean any of the institutions included within the California State University specified in Section 89001.

SEC. 5. Section 89033.1 is added to the Education Code, to read:

89033.1. Notwithstanding the change in the name of "California State University and Colleges" to "California State University," the term "university" may be used in the name of a particular institution only after the institution satisfies the criteria for state university status developed pursuant to Section 89032 and is approved for state university status by the Trustees of the California State University and by the California Postsecondary Education Commission pursuant to Section 89033.

CHAPTER 639

An act to add Sections 179 and 185 to the Military and Veterans Code, and to amend Section 12030 of the Penal Code, relating to the California National Guard.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 179 is added to the Military and Veterans Code, to read:

179. (a) The commanding general may establish a California National Guard military museum and resource center as a repository for military artifacts, memorabilia, equipment, documents, and other items relating to the history of the California National Guard. An armory or other facility or facilities under the jurisdiction of the National Guard may be used for this purpose.

(b) The commanding general may solicit, receive, and administer donations of funds or property for the support and improvement of the museum. Any grants or donations received may be expended or used for museum purposes. Property determined by the commanding general to be excess to the needs of the museum may be sold, donated, exchanged, or otherwise disposed of, at his discretion, in a manner appropriate to the historical and intrinsic value of the property.

(c) The commanding general may solicit and receive firearms and other weaponry confiscated by or otherwise in the possession of law enforcement officers as donations to the museum if he deems them to be of historical or military interest.

(d) The commanding general may conduct a study of the future needs of the National Guard to preserve, display, and interpret artifacts, documents, photographs, films, literature, and other items relating to the history of the military in California.

SEC. 2. Section 185 is added to the Military and Veterans Code, to read:

185. (a) The Legislature finds and declares that it is the responsibility of the State of California to protect and preserve the right of its citizens to a safe and peaceful existence. To accomplish this goal and to minimize the destructive impact of disasters and other massive emergencies, the actions of numerous public agencies must be coordinated to effectively manage all four phases of emergency activity: preparedness, mitigation, response, and recovery. In order to ensure that the state's response to disasters or massive emergencies is effective, specialized training is necessary.

(b) There is hereby established in the office of the Commanding General of the State Military Forces the California Specialized Training Institute to assist the Military Department in providing training to state agencies, cities, and counties in their planning and preparation for disasters. An armory, camp, or other facility under the jurisdiction of the commanding general may be used for this purpose.

(c) The commanding general may solicit, receive, and administer funds or property from federal, state, or other public agency sources for the support and operation of the institute.

(d) The commanding general may solicit and receive firearms, other weaponry, explosive materials, chemical agents, and other

items confiscated by or otherwise in the possession of law enforcement officers as donations to the institute if he deems them to be appropriate for the institute's training purposes.

(e) Any moneys received by the commanding general from charges or fees imposed in connection with the operation of the institute shall be deposited in the General Fund.

SEC. 3. Section 12030 of the Penal Code is amended to read:

12030. The officer having custody of any firearms which may be useful to the California National Guard, the Coast Guard Auxiliary, or to any military or naval agency of the federal or state government, including, but not limited to, the California National Guard military museum and resource center, may, upon the authority of the legislative body of the city, city and county, or county by which he is employed and the approval of the Commanding General of the State Military Forces, deliver the firearms to the commanding officer of a unit of the California National Guard, the Coast Guard Auxiliary, or any other military agency of the state or federal government in lieu of destruction as required by this chapter. The officer delivering the firearms shall take a receipt for them containing a complete description thereof and shall keep the receipt on file in his office as a public record.

Any law enforcement agency which has custody of any firearms, or any parts of any firearms, which are subject to destruction as required by this chapter may, in lieu of destroying the weapons, retain and use any of them as may be useful in carrying out the official duties of the agency, or may turn over to the criminalistics laboratory of the Department of Justice or the criminalistics laboratory of a police department, sheriff's office, or district attorney's office any weapons which may be useful in carrying out the official duties of their respective agencies.

Any firearm, or part of any firearm, which, rather than being destroyed, is used for official purposes pursuant to this section shall be destroyed by the agency using the weapon when it is no longer needed by the agency for use in carrying out its official duties. In the case of firearms or weaponry donated to the California National Guard military museum and resource center, they may be disposed of pursuant to Section 179 of the Military and Veterans Code.

Any law enforcement agency that retains custody of any firearm pursuant to this section or that destroys a firearm pursuant to Section 12028 shall notify the Department of Justice of the retention or destruction. This notification shall consist of a complete description of each firearm, including the name of the manufacturer or brand name, model, caliber, and serial number.

CHAPTER 640

An act to amend Section 14616 of the Government Code, relating to state government.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 14616 of the Government Code is amended to read:

14616. The director may exempt from his or her approval or from approval of the department any transactions involving not more than fifty thousand dollars ($50,000) for which such approval is required by statute whenever, in his or her judgment, such exemption is appropriate and in the best interests of the state. Written notice of exemptions shall be given to the Controller.

CHAPTER 641

An act to amend Sections 31470.4 and 31470.5 of, and to repeal Section 31671.6 of, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 31470.4 of the Government Code is amended to read:

31470.4. All county foresters, county firewardens, deputies or assistant county foresters, deputies or assistant county firewardens, firefighters, fire apparatus engineers, fire prevention inspectors, forest firemen, fire patrolmen, aircraft pilots, and foremen assigned to fire suppression crews, all other personnel assigned to active fire suppression in any county forester's or county firewarden's department and all officers, engineers, and firemen of any county fire protection district, and all other personnel assigned to active fire suppression in any county fire protection district are eligible.

SEC. 2. Section 31470.5 of the Government Code is amended to read:

31470.5. Bookkeepers, stenographers, cooks, laborers, county fire protection district fire foremen, call firemen, and firefighters whose principal duties clearly do not fall within the scope of active fire suppression, even though the person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of

active fire suppression, and volunteer employees, honorary deputy county foresters, honorary deputy county firewardens, and voluntary firewardens holding appointments as such who receive no compensation therefor and who do not regularly perform official duties, are ineligible.

SEC. 3. Section 31671.6 of the Government Code is repealed.

SEC. 4. The amendments enacted by the Statutes of 1981 to Sections 31470.4 and 31470.5 of the Government Code by Sections 1 and 2 of this act shall not constitute a substantive change of law and shall not be construed to entitle any person to any right or benefit that they were not already entitled to prior to December 31, 1981.

CHAPTER 642

An act to amend Section 70223 of the Public Utilities Code, relating to transit districts.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 70223 of the Public Utilities Code is amended to read:

70223. A retail transactions and use tax ordinance may be adopted by the board in accordance with the Part 1.6 (commencing with Section 7251), Division 2 of the Revenue and Taxation Code, if a majority of the electors voting on the measure vote to authorize its enactment at a special election called for that purpose by the board. Notwithstanding Sections 7261 and 7262 of the Revenue and Taxation Code, the retail transactions and use tax ordinance shall provide for imposition of a tax at a rate of one-half of 1 percent or at a lower rate specified in the ordinance.

CHAPTER 643

An act to amend, repeal, and add Section 39363.5 of the Education Code, relating to school property.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 39363.5 of the Education Code is amended to read:

39363.5. Except as provided for in Article 2 (commencing with

Section 39030) of Chapter 1 of this part, the sale or lease with an option to purchase of real property by a school district shall be in accordance with the following priorities and procedures.

(a) First, the property shall be offered for park or recreational purposes pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, in any instance in which such article is applicable.

(b) Second, the property shall be offered for sale or lease with an option to purchase, at fair market value, in both of the following ways:

(1) In writing, to the Director of General Services, the Regents of the University of California, the Trustees of the California State University and Colleges, the county and city in which the property is situated, and to any public housing authority in the county in which the property is situated.

(2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to any charitable corporation determined by the Secretary of State to be a public benefit corporation under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. Public notice shall consist of at least publishing its intention to dispose of the real property in a newspaper of general circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. The notice shall specify that the property is being made available to all public districts, public authorities, public agencies, and other political subdivisions or public corporations in this state, and to nonprofit public benefit corporations.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The written notice required by paragraph (1) of this subdivision shall be mailed no later than the date of the second published notice.

The entity desiring to purchase or lease the property shall, within 60 days after the third publication of notice, notify the school district of its intent to purchase or lease the property. If the entity desiring to purchase or lease the property and the district are unable to arrive at a mutually satisfactory price or lease payment during the 60-day period after the third publication of notice, the property may be disposed of as otherwise provided in this section. In the event the district receives offers from more than one entity pursuant to this subdivision, the school district governing board shall accept the highest offer. If two or more entities make the same offer, which is also the highest offer, the board shall seek an additional higher offer from all these entities. In the event no additional higher offer is made, the board may determine which of the original highest offers

to accept.

Before accepting any written proposal, the board shall call for oral bids from entities with a priority pursuant to this subdivision, or with a higher priority. If, upon the call for oral bidding, an entity offers to purchase the property or to lease the property for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.

(c) Third, the property may be disposed of in any other manner authorized by law.

This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 2. Section 39363.5 is added to the Education Code, to read:

39363.5. Except as provided for in Article 2 (commencing with Section 39030) of Chapter 1, the sale or lease with an option to purchase of real property by a school district shall be in accordance with the following priorities and procedures.

(a) First, the property shall be offered for park or recreational purposes pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, in any instance in which such article is applicable.

(b) Second, the property shall be offered for sale or lease with an option to purchase, at fair market value in both of the following ways:

(1) In writing, to the Director of General Services, the Regents of the University of California, the Trustees of the California State University and Colleges, the county and city in which the property is situated, and to any public housing authority in the county in which the property is situated.

(2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to nonprofit charitable corporations existing on December 31, 1979, and organized pursuant to Part 3 (commencing with Section 10200) of Division 2 of Title 1 of the Corporations Code then in effect or organized on or after January 1, 1980, as a public benefit corporation under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. Public notice shall consist of at least publishing its intention to dispose of the real property in a newspaper of general circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. The notice shall specify that the property is being made available to all public districts, public authorities, public agencies, and other political subdivisions or public corporations in this state, and to other nonprofit charitable or nonprofit public benefit corporations.

Publication of notice pursuant to this section shall be once each

week for three successive weeks. Three publications in a newspaper regularly published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The written notice required by paragraph (1) shall be mailed no later than the date of the second published notice.

The entity desiring to purchase or lease the property shall, within 60 days after the third publication of notice, notify the school district of its intent to purchase or lease the property. If the entity desiring to purchase or lease the property and the district are unable to arrive at a mutually satisfactory price or lease payment during the 60-day period, the property may be disposed of as otherwise provided in this section. In the event the district receives offers from more than one entity pursuant to this subdivision, the school district governing board may determine which of such offers to accept.

(c) Third, the property may be disposed of in any other manner authorized by law.

This section shall become operative January 1, 1988.

SEC. 3. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 644

An act to amend Section 2800 of the Vehicle Code, relating to peace officers.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 2800 of the Vehicle Code is amended to read:

2800. It is unlawful to willfully fail or refuse to comply with any lawful order, signal, or direction of any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, when that peace officer is in uniform and is performing duties under any of the provisions of this code, or to refuse to submit to any lawful inspection under this code.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and

Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 645

An act to add Section 1767.1 to the Welfare and Institutions Code, relating to crime and punishment.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 1767.1 is added to the Welfare and Institutions Code, to read:

1767.1. At least 30 days before the Youthful Offender Parole Board meets to review or consider the parole of any person under 18 years of age who has been committed to the control of the Department of the Youth Authority for the commission of any offense described in subdivision (b) of Section 707, the board shall send written notice of hearing to each of the following persons: the judge of the court which committed the person to the authority, the attorney for the person, the district attorney of the county from which the person was committed, the law enforcement agency that investigated the case, and, where he or she has filed a request for such notice with the board, the victim or next of kin of the victim of the offense for which the person was committed to the authority. The notice to the victim or next of kin of the victim shall be sent to the last mailing address on file with the board.

Each of the persons so notified shall have the right to submit a written statement to the board at least 10 days prior to the scheduled hearing for the board's consideration at the hearing. Nothing in this subdivision shall be construed to permit any person so notified to attend the hearing.

CHAPTER 646

An act to amend Section 31108 of the Government Code, relating to counties.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 31108 of the Government Code is amended to read:

31108. (a) Any ordinance adopted pursuant to this part shall include substantially the following provisions:

(1) Any officer or employee in the classified civil service may be dismissed, suspended, or reduced in rank or compensation by the appointing authority after appointment or promotion is complete by a written order, stating specifically the reasons for the action. The order shall be filed with the clerk of the board of supervisors or, if there is a county personnel officer, the order shall be filed with the county personnel officer and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced.

(2) The officer or employee may reply in writing to the order within 10 days from the date of its filing with the clerk of the board of supervisors or county personnel officer. The officer or employee may within seven days after presentation to him or her of the order appeal through the clerk of the board of supervisors or county personnel officer to the civil service commission from the order. Upon the filing of the appeal, the clerk of the board of supervisors or county personnel officer shall forthwith transmit the order and appeal to the civil service commission for hearing.

(3) Within 20 days from the filing of the appeal the commission shall commence a hearing, and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing.

(4) The findings and decision of the commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by him or her.

(b) Alternatively, in Contra Costa County the board of supervisors may provide by ordinance or resolution that an officer or employee who is dismissed, suspended, or reduced in rank or compensation may elect in writing to appeal under the terms of any grievance procedure which may include final binding arbitration.

CHAPTER 647

An act to amend Sections 481.5, 11580.06, and 11580.2 of the Insurance Code, relating to insurance.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 481.5 of the Insurance Code is amended to read:

481.5. (a) Whenever an insurer endorses, rejects, declines, cancels, or surrenders a policy of insurance as defined in subdivision (a) of Section 660 or Section 675, or a policy of insurance as defined in subdivision (a) of Section 660 or Section 675 is canceled pursuant to Section 673, the unearned premium shall be tendered to the insured or to the person entitled thereto or to the insurance agent of record as the insurer's agent for transmittal within 30 days after the cessation or amendment of coverage due to endorsement, cancellation, rejection, surrender, or rescission. Any unearned premium not tendered within the time specified above shall bear interest at the rate of 10 percent per annum from and after such 30 days. Such interest imposition shall not apply to any insurer in conservatorship or liquidation and shall constitute the sole penalty paid to the insured for a failure to refund an unearned premium.

(b) Whenever a policy is canceled pursuant to Section 673, other than a policy as defined in subdivision (a) of Section 660 or Section 675, the unearned premium shall be tendered to the person entitled thereto or to the insurance agent of record as the insurer's agent for transmittal within 120 days after the cessation of coverage due to cancellation. Any unearned premium not tendered within the time specified above shall bear interest at the rate of 10 percent per annum from and after such 120 days. Such interest imposition shall not apply to any insurer in conservatorship or liquidation and shall constitute the sole penalty paid to the insured for a failure to refund an unearned premium.

SEC. 2. Section 11580.06 of the Insurance Code is amended to read:

11580.06. Except as may be otherwise provided in this article:

(a) The term "motor vehicle" means any vehicle designed for use principally upon streets and highways and subject to motor vehicle registration under the laws of this state.

(b) The term "insured" shall include the person or persons to whom any policy subject to this article is issued as named insured and any other person to whom coverage is afforded under the terms of any such policy.

(c) The term "bodily injury" shall include sickness or disease, including death resulting therefrom.

(d) The term "automobile" means any self-propelled motor vehicle, with four wheels, designed for use principally upon streets and highways and subject to motor vehicle registration under the laws of this state.

(e) The term "arrest" shall have the same meaning as set forth in Section 834 of the Penal Code.

SEC. 3. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) (1) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use

of any motor vehicle, 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 limits specified in subdivision (m) and in no case less than 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) delete such coverage when a motor vehicle is operated by a natural person or persons designated by name, or agree to provide such coverage in an amount less than that required by subdivision (m) but not less than the financial responsibility requirements specified in Section 16056 of the Vehicle Code. Any such agreements by any named insured or agreement for the amount of coverage 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 to delete such coverage when a motor vehicle is operated by a natural person or persons designated by name, or agree to provide such coverage in an amount less than that required by subdivision (m) of Section 11580.2 of the Insurance Code, but not less than the financial responsibility requirements. Uninsured motorists coverage insures the insured, his heirs, or legal representatives for all sums within the limits established by law, 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, or by a natural person or persons for whom coverage has been deleted in accordance with subdivision (a) 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:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated

territory then either 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 a motor vehicle 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 a motor vehicle other than the described motor vehicle 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. The notice shall not be required if the insurer has received notice that the insured is represented by an attorney.

(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 social service transportation as defined in subdivision (f) of Section 11580.1. This subdivision shall apply only to policies of insurance issued, amended, or renewed on or after January 1, 1976.

(m) Coverage provided under an uninsured motorist endorsement or coverage shall be offered with coverage limits equal to the limits of liability for bodily injury in the underlying policy of insurance, but shall not be required to be offered with limits in excess of the following amounts:

(1) A limit of thirty thousand dollars ($30,000) because of bodily injury to or death of one person in any one accident.

(2) Subject to the limit for one person set forth in paragraph (1), a limit of sixty thousand dollars ($60,000) because of bodily injury to or death of two or more persons in any one accident.

CHAPTER 648

An act to amend Section 15001 of the Financial Code, relating to credit unions.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 15001 of the Financial Code is amended to read:

15001. Every credit union may assess charges for failure to meet punctually obligations to such credit union. Late charges in case of failure to make payments when due, when a periodic percentage rate is applied to a loan balance as of the date of payment, may not exceed 3 percent of the payment due, or five dollars ($5), whichever is greater. When a loan is secured by real property or has a balance at the time of creation of at least fifteen thousand dollars ($15,000) and a periodic percentage rate is applied to the loan balance as of the payment due date, the charges may not exceed 6 percent of the payment due or ten dollars ($10), whichever is greater. Pursuant to this section, any late charge shall be made only once for each delinquent payment.

CHAPTER 649

An act to amend Sections 17722, 17761, 39619, and 39619.5 of, and to add Sections 17750 and 17761.5 to, the Education Code, relating to school property, and making an appropriation therefor.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 17722 of the Education Code is amended to read:

17722. Except as provided in Section 17741, the board shall not approve any new school facilities for any applicant school district or county superintendent of schools until it has first made a determination that such applicant will utilize all existing facilities to the extent economically and practically feasible.

SEC. 2. Section 17750 is added to the Education Code, to read:

17750. (a) A district may enter into a contract with the county, or other appropriate entity having responsibility for the provision of public library services, in which the district is located for the purpose of operating a joint-use library facility at a school site owned by the district.

(b) The district may apply for the lease-purchase of a project which includes a library facility, pursuant to Section 17717, which facility, if constructed, would be of sufficient size to accommodate the requirements of a joint-use library for which the district has entered into a contract, pursuant to subdivision (a).

(c) Should the board receive an application for a project which includes space for a joint-use library, the board shall evaluate the application disregarding any space in the proposed library facility which is beyond the needs of the district, provided the application contains a copy of the contract specified in subdivision (a), and provided that the contract contains at least the following:

(1) Agreement that the county or other appropriate entity shall deposit in the county school lease-purchase fund, created pursuant to Section 17734, an amount equal to the total cost of any space in the proposed library facility which is beyond the needs of the district, prior to the signing of the construction contract for the project. The deposit shall not be refundable, except to the extent that it may prove subsequently to be in excess of the actual total cost of the space which is beyond the needs of the district.

(2) Agreement between the district and the county or other appropriate entity regarding staffing, maintenance, materials acquisition, and other matters related to the administration and operating costs of the joint-use facility.

(3) Agreement between the district and the county or other appropriate entity regarding the procedure for amendment or termination of the contract, including the disposition of materials housed in the joint-use facility should termination of the contract occur.

(d) Any space in a joint-use library which is beyond the needs of the district shall not be included by the board in any calculations made for any other purposes provided for in this article for the period of time that the contract for that joint-use facility remains in effect. Should the contract be terminated, the board shall include the additional space in any calculations made after the termination for

any other purposes provided for in this article.

SEC. 3. Section 17761 of the Education Code is amended to read:

17761. (a) Except as provided in subdivision (b), each school district to which funds are allocated pursuant to this chapter shall either: (1) provide 10 percent of the cost of the project from other district funds; or (2) agree to contribute, each year for a period of 10 years, to the State School Deferred Maintenance Fund an amount equal to 1 percent of the cost of the project.

(b) Both of the requirements prescribed by subdivision (a) may be waived by the State Allocation Board in a case of hardship, as defined by the State Allocation Board.

SEC. 4. Section 17761.5 is added to the Education Code, to read:

17761.5. The Controller shall, during each of the next 10 fiscal years following the fiscal year in which the executive officer of the State Allocation Board certifies to him or her that a school district has agreed to contribute to the State School Deferred Maintenance Fund an amount equal to 1 percent of the cost of the project, pursuant to Section 17761, deduct the total amount of the annual payment of the district in equal amounts from each of the February, March, April, and May installments of the apportionments made to the district from Section A of the State School Fund.

In no event shall the deductions exceed an amount which would result in a district's receiving, in any school year, from the State School Fund, less than one hundred twenty dollars ($120) per pupil in average daily attendance in the district during the preceding school year.

On order of the Controller, the amount so deducted shall be transferred to the State School Deferred Maintenance Fund.

SEC. 5. Section 39619 of the Education Code is amended to read:

39619. (a) Whenever, in a given fiscal year, a school district has budgeted, exclusive of state matching funds and district funds previously matched pursuant to subdivision (b), in its deferred maintenance fund established pursuant to Section 39618 an amount equal to, or greater than, that amount the district expended from its general fund for major maintenance, repair, or modernization of existing school buildings, as specified in Section 39618, exclusive of categorical aid funds and any proceeds from the sale of district property which were expended for the purpose of the district deferred maintenance account, in either the 1978–79 or 1979–80 fiscal year, adjusted annually to the current fiscal year in conformance with the percentage change in the district revenue limit computed pursuant to subdivision (f) of Section 42238, 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. 6. Section 39619.5 of the Education Code is amended 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 damage to the remainder of the facility or would result in a serious hazard to the health and safety of the pupils attending 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 necessary 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. 7. The obligation to repay as specified in item (2) of subdivision (a) of Section 17761 of the Education Code shall continue regardless of the possible repeal of that section as provided for in Section 17764 of the Education Code.

CHAPTER 650

An act to amend Section 490.5 of the Penal Code, relating to theft.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 490.5 of the Penal Code is amended to read:

490.5. (a) Upon a first conviction for petty theft involving merchandise taken from a merchant's premises or a book or other library materials taken from a library facility, a person shall be punished by a mandatory fine of not less than fifty dollars ($50) and not more than one thousand dollars ($1,000) for each such violation; and may also be punished by imprisonment in the county jail, not

exceeding six months, or both such fine and imprisonment.

(b) When an unemancipated minor's willful conduct would constitute petty theft involving merchandise taken from a merchant's premises or a book or other library materials taken from a library facility, any merchant or library facility who has been injured by such conduct may bring a civil action against the parent or legal guardian having control and custody of the minor. For the purposes of such actions the misconduct of the unemancipated minor shall be imputed to the parent or legal guardian having control and custody of the minor. The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this subdivision shall be jointly and severally liable with the minor to a merchant for the retail value of his merchandise, if not recovered in merchantable condition or to a library facility for the fair market value of its book or other library materials, plus damages of not less than fifty dollars ($50) nor more than five hundred dollars ($500) plus costs. Recovery of such damages may be had in addition to, and is not limited by, any other provision of law which limits the liability of a parent or legal guardian for the tortious conduct of a minor. An action for recovery of damages, pursuant to this subdivision, may be brought in small claims court if the total damages do not exceed the jurisdictional limit of such court, or in any other appropriate court; however, total damages, including the value of the merchandise or book or other library materials, shall not exceed five hundred dollars ($500) for each action brought under this section.

The provisions of this subdivision are in addition to other civil remedies and do not limit merchants or other persons to elect to pursue other civil remedies, except that the provisions of Section 1714.1 of the Civil Code shall not apply herein.

(c) In lieu of the fines prescribed by subdivision (a), any person may be required to perform public services designated by the court, provided that in no event shall any such person be required to perform less than the number of hours of such public service necessary to satisfy the fine assessed by the court as provided by subdivision (a) at the minimum wage prevailing in the state at the time of sentencing.

(d) All fines collected under this section shall be collected and distributed in accordance with Sections 1463 and 1463.1 of the Penal Code; provided, however, that a county may, by a majority vote of the members of its board of supervisors, allocate any amount up to, but not exceeding 50 percent of such fines to the county superintendent of schools for allocation to local school districts. The fines allocated shall be administered by the county superintendent of schools to finance public school programs, which provide counseling or other educational services designed to discourage shoplifting, theft, and burglary. Subject to rules and regulations as may be adopted by the Superintendent of Public Instruction, each county superintendent of schools shall allocate such funds to school districts within the county which submit project applications

designed to further the educational purposes of this section. The costs of administration of this section by each county superintendent of schools shall be paid from the funds allocated to the county superintendent of schools.

(e) (1) A merchant may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the merchant has probable cause to believe the person to be detained is attempting to unlawfully take or has unlawfully taken merchandise from the merchant's premises.

A person employed by a library facility may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the person employed by a library facility has probable cause to believe the person to be detained is attempting to unlawfully remove or has unlawfully removed books or library materials from the premises of the library facility.

(2) In making the detention a merchant or a person employed by a library facility may use a reasonable amount of nondeadly force necessary to protect himself or herself and to prevent escape of the person detained or the loss of property.

(3) During the period of detention any items which a merchant or any items which a person employed by a library facility has probable cause to believe are unlawfully taken from the premises of the merchant or library facility and which are in plain view may be examined by the merchant or person employed by a library facility for the purposes of ascertaining the ownership thereof.

(4) A merchant, a person employed by a library facility, or an agent thereof, having probable cause to believe the person detained was attempting to unlawfully take or has taken any item from the premises, may request the person detained to voluntarily surrender the item. Should the person detained refuse to surrender the item of which there is probable cause to believe has been unlawfully taken from the premises, or attempted to be unlawfully taken from the premises, a limited and reasonable search may be conducted by those authorized to make the detention in order to recover the item. Only packages, shopping bags, handbags or other property in the immediate possession of the person detained, but not including any clothing worn by the person, may be searched pursuant to this subdivision. Upon surrender or discovery of the item, the person detained may also be requested, but may not be required, to provide adequate proof of his or her true identity.

(5) A peace officer who accepts custody of a person arrested for an offense contained in this section may, subsequent to the arrest, search the person arrested and his or her immediate possessions for any item or items alleged to have been taken.

(6) In any civil action brought by any person resulting from a detention or arrest by a merchant, it shall be a defense to such action that the merchant detaining or arresting such person had probable cause to believe that the person had stolen or attempted to steal merchandise and that the merchant acted reasonably under all the

circumstances.

In any civil action brought by any person resulting from a detention or arrest by a person employed by a library facility, it shall be a defense to such action that the person employed by a library facility detaining or arresting such person had probable cause to believe that the person had stolen or attempted to steal books or library materials and that the person employed by a library facility acted reasonably under all the circumstances.

(g) As used in this section:

(1) "Merchandise" means any personal property, capable of manual delivery, displayed, held or offered for retail sale by a merchant.

(2) "Merchant" means an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises used for the retail purchase or sale of any personal property capable of manual delivery.

(3) The terms "book or other library materials" include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual material in any format, magnetic or other tape, electronic data-processing record, artifact, or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, on loan to, or otherwise in the custody of a library facility.

(4) The term "library facility" includes any public library; any library of an educational, historical or eleemosynary institution, organization or society; any museum; any repository of public records.

(h) Any library facility shall post at its entrance and exit a conspicuous sign to read as follows:

IN ORDER TO PREVENT THE THEFT OF BOOKS AND LIBRARY MATERIALS, STATE LAW AUTHORIZES THE DETENTION FOR A REASONABLE PERIOD OF ANY PERSON USING THESE FACILITIES SUSPECTED OF COMMITTING "LIBRARY THEFT" (PENAL CODE SECTION 490.5).

CHAPTER 651

An act to amend Section 30714 of the Public Resources Code, relating to coastal resources.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 30714 of the Public Resources Code is amended to read:

30714. After public notice, hearing, and consideration of comments and testimony received pursuant to Sections 30712 and 30713, the port governing body shall adopt its master plan and submit it to the commission for certification in accordance with this chapter. Within 90 days after the submittal, the commission, after public hearing, shall certify the plan or portion of a plan and reject any portion of a plan which is not certified. The commission may not modify the plan as submitted as a condition of certification. If the commission rejects any portion of a plan, it shall base that rejection upon written findings of fact and conclusion of law. If the commission fails to take action within the 90-day period, the port master plan shall be deemed certified. The commission shall certify the plan, or portion of a plan, if the commission finds both of the following:

(a) The master plan, or certified portions thereof, conforms with and carries out the policies of this chapter.

(b) Where a master plan, or certified portions thereof, provide for any of the developments listed as appealable in Section 30715, the development or developments are in conformity with all of the policies of Chapter 3 (commencing with Section 30200).

CHAPTER 652

An act to amend Section 69670 of the Education Code, relating to postsecondary education.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 69670 of the Education Code is amended to read:

69670. There is hereby created a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study in colleges and universities located in California and accredited by the Western Association of Schools and Colleges or the American Osteopathic Association, or in a professional school with a program leading to a graduate level professional law degree which is located in California and which is accredited pursuant to Chapter 4 (commencing with Section 6000) of Division 3 of the Business and Professions Code. As used in this section "graduate study" shall mean that phase of education coming after the completion of the baccalaureate degree and leading toward a recognized graduate or professional degree. Awards shall be

granted to students with academic ability and financial need. The financial status of the applicant's parents shall be taken into consideration in determining the applicant's financial need. In determining the financial need of an applicant, the commission shall also expect each student to make a self-help contribution toward college costs through loans or employment or a combination of loans and employment.

CHAPTER 653

An act to amend Section 27454 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 27454 of the Vehicle Code is amended to read:

27454. No tire on any vehicle upon any highway shall have on its periphery any block, stud, flange, cleat, ridge, bead, or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire.

This section does not apply to the following:

(a) Tire chains of reasonable size used to prevent skidding when upon wet surfaces or when upon snow or ice.

(b) Pneumatic tires which have embedded therein wire not to exceed 0.075 of an inch in diameter and which are so constructed that under no conditions will the percentage of metal in contact with the roadway exceed 5 percent of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of any such tire, the metal in contact with the roadway may exceed 5 percent of the tire area in contact with the roadway, but shall in no event exceed 20 percent of such area.

(c) Vehicles operated upon unimproved roadways when necessary in the construction or repair of highways.

(d) Traction engines or tractors when operated under the conditions of a permit first obtained from the Department of Transportation.

(e) Pneumatic tires containing metal-type studs of tungsten carbide or other suitable material and which are so inserted or constructed that under no conditions will the number of studs or the percentage of metal in contact with the roadway exceed 3 percent of the total tire area in contact with the roadway, between the first day of November and the first day of April. This subdivision shall remain in effect until April 1, 1984, and shall have no force or effect

after that 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 the necessity are:

In order that the existing law permitting the use of pneumatic snow tires be continued without interruption, it is essential that this act take effect immediately.

CHAPTER 654

An act to add Article 3 (commencing with Section 7350) to Chapter 2 of Part 2 of Division 6 of, and to add Section 8380 to, the Fish and Game Code, relating to seabass.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Article 3 (commencing with Section 7350) is added to Chapter 2 of Part 2 of Division 6 of the Fish and Game Code, to read:

Article 3. Giant Seabass

7350. Giant seabass (Stereolepis gigas) may not be taken under a sport fishing license except by hook and line when engaged in the taking of other fish.

This section, and any regulations of the commission relating thereto, shall supersede Section 2353.

SEC. 2. Section 8380 is added to the Fish and Game Code, to read:

8380. (a) Giant seabass (Stereolepis gigas) may not be taken for any purpose, except that not more than two fish per vessel may be possessed or sold if taken incidentally in commercial fishing operations by gill net or trammel net. Any fish so taken shall not be transferred to any other vessel.

(b) The restrictions specified in this section shall not apply to 1,000 pounds of giant seabass per trip taken in waters lying south of the International Boundary Line between the United States and Mexico extended westerly into the Pacific Ocean. Fish taken under this provision, however, shall be limited to a maximum aggregate of 3,000 pounds per vessel in any calendar year. A current fishing permit issued by the Mexican government constitutes valid evidence that the giant seabass were taken south of the international boundary.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and

Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 655

An act to amend Section 7739 of, and to repeal and add Section 7738 of the Business and Professions Code, relating to preneed funeral arrangements.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 7738 of the Business and Professions Code is repealed.

SEC. 2. Section 7738 is added to the Business and Professions Code, to read:

7738. A licensed funeral director who is also a licensed cemetery authority shall not deposit any money or securities received in connection with preneed funeral arrangements in a special endowment care fund as provided in Article 4 (commencing with Section 8775) of Chapter 5 of Part 3 of Division 8 of the Health and Safety Code, nor shall a licensed funeral director permit the deposit of any money or securities received in connection with a special endowment care fund into a preneed funeral trust fund. Nothing in this section shall require the liquidation or conversion of any lawful investment existing on December 31, 1981.

SEC. 3. Section 7739 of the Business and Professions Code is amended to read:

7739. Any person willfully violating the provisions of this article or any of them shall be punishable either by imprisonment in the county jail for a period not exceeding six months, or by fine not exceeding five hundred dollars ($500), or by both such imprisonment and fine, or by imprisonment in the state prison for 16 months, or two or three years. If the violator is a funeral director licensee, he or she shall also be subject to disciplinary action as provided in Article 6 (commencing with Section 7686).

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or

eliminates a crime or infraction.

CHAPTER 656

An act to amend Section 5514 of the Business and Professions Code, relating to architecture.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 5514 of the Business and Professions Code is amended to read:

5514. The membership of the board shall be composed of nine members, three of whom shall be architects, one of whom shall be a building designer, and five of whom shall be public members.

The three architect members of the board shall be selected from architects in good standing who have been licensed and in practice in this state for at least five years at the time of appointment, one of whom shall be a resident and in practice in southern California and one of whom shall be a resident and in practice in northern or central California.

The building designer member of the board shall be selected from among building designers who have been engaged as principals in the business of building design for at least five years in the state.

The public members of the board shall not be licentiates of the board.

CHAPTER 657

An act to amend Section 14038 of the Insurance Code, relating to insurance.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 14038 of the Insurance Code is amended to read:

14038. (a) Any licensee or officer, director, partner, or manager of a licensee may divulge to any law enforcement officer or district attorney, or to his or her representative, any information he or she may acquire as to any criminal offense, but he or she shall not divulge to any other person, except as he or she may be required by law to do so, any information acquired by him or her except at the direction

of the employer or client for whom the information was obtained.

(b) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report to his or her employer or client for whom information was being obtained.

(c) No written report shall be submitted to a client except by the licensee, qualifying manager, or a person authorized by one or either of them, and such person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such a report are true and correct.

(d) No licensee, or officer, director, partner, manager, or employee of a licensee shall use a badge in connection with the official activities of the licensee's business.

(e) No licensee, or officer, director, partner, manager, or employee of a licensee, shall use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he or she is connected in any way with the federal government, a state government, or any political subdivision of a state government.

(f) No licensee, or officer, director, partner, manager, or employee of a licensee, shall enter any private building or portion thereof without the consent of the owner or of the person in legal possession thereof.

(g) No licensee shall appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien.

(h) No licensee shall permit an employee or agent in his or her own name to advertise, engage clients, furnish reports, or present bills to clients, or in any manner whatever to conduct business for which a license is required under this chapter. All business of the licensee shall be conducted in the name of and under the control of the licensee.

(i) No licensee acting as an independent automobile damage appraiser or adjuster or as an automobile insurance claims adjuster, appraiser or representative shall receive any financial benefit from an automobile repair facility. "Financial benefit" means the receiving of any commission or gratuity, discount on repair costs, free repairs, employment by a repair facility, or possession of more than 3 percent direct ownership in an automobile repair facility located in this state.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 658

An act to amend Section 30570 of the Public Utilities Code, relating to transit districts.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 30570 of the Public Utilities Code is amended to read:

30570. The purchase of all supplies, equipment, and materials, and the construction of facilities and works, when the expenditure required exceeds twenty-five thousand dollars ($25,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. When the expected procurement required exceeds one thousand dollars ($1,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared. The board may reject any and all bids and readvertise in its discretion.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 659

An act to add Section 827 to the Elections Code, relating to elections.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 827 is added to the Elections Code, to read:

827. From moneys appropriated by the Legislature, the Controller shall allocate and disburse to the counties the costs incurred by the counties in undertaking programs mandated by Section 304 and the costs incurred in the distribution of voter registration cards. The Secretary of State, in consultation with the Controller, shall develop a formula for the reimbursement of these costs. The Controller shall prescribe the forms for filing claims

pursuant to this section. These claims shall be submitted to the Controller by October 31 in the year following the fiscal year in which the costs were incurred.

SEC. 2. The Assembly Office of Research shall evaluate programs implemented by the counties pursuant to Section 304 of the Elections Code and shall determine the effectiveness of individual programs implemented pursuant to that section.

The Assembly Office of Research shall report to the Legislature by April 1, 1982, concerning the results of this evaluation study.

CHAPTER 660

An act to amend Sections 2191 and 4947 of the Business and Professions Code, relating to acupuncture.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 2191 of the Business and Professions Code is amended to read:

2191. (a) In determining its continuing education requirements, the Division of Licensing shall consider including a course in human sexuality as defined in Section 2090 and nutrition to be taken by those licensees whose practices may require knowledge in such areas.

(b) The division shall consider including a course in child abuse detection and treatment to be taken by those licensees whose practices are such that there is a likelihood of contact with abused or neglected children.

(c) The division shall consider including a course in acupuncture to be taken by those licensees whose practices may require knowledge in the area of acupuncture and whose education has not included instruction in acupuncture.

SEC. 2. Section 4947 of the Business and Professions Code, as added by Section 11.5 of Chapter 1313 of the Statutes of 1980, is amended to read:

4947. (a) Nothing in this chapter shall be construed to prevent the practice of acupuncture by a person licensed as a dentist or a podiatrist, within the scope of their respective licenses, if the licensee has received a course of instruction in acupuncture. This course material shall be approved by the licensing board having jurisdiction over the licensee. The committee shall assist the licensing boards in providing information as requested by the individual licensing boards.

(b) The course requirement set forth in subdivision (a) shall not apply to a podiatrist or dentist who has completed a course in acupuncture, including a continuing education course, and has

utilized acupuncture prior to July 1, 1982.

SEC. 3. Section 2 of this act, amending Section 4947 of the Business and Professions Code, shall become operative on July 1, 1982.

CHAPTER 661

An act to add Section 1460 to the Health and Safety Code, relating to health.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 1460 is added to the Health and Safety Code, to read:

1460. (a) Upon a determination and establishment of the need to recruit and retain registered nurses and licensed vocational nurses, the board of supervisors of a county may establish nursing scholarships.

(b) The board of supervisors, or a designee of the board, shall administer the scholarship program for students participating in a nurse training program and shall adopt such rules and regulations as are reasonably necessary to carry out the provisions of this section.

(c) Scholarships made pursuant to this section, shall be repayable to the board of supervisors or canceled under the following conditions:

(1) A graduate nurse who maintains employment in a county-operated health facility for less than one year after becoming licensed shall repay the scholarship in addition to accrued interest charges. The scholarships shall be repayable to the board of supervisors under the terms specified in the agreement.

(2) The total amount of the scholarship and all accrued interest shall be canceled for a graduate nurse who maintains employment in a county-operated facility for more than a year from the date of licensure and may be canceled under any other conditions established by rules and regulations adopted by the board of supervisors. For the purposes of this section, one year of employment in a county-operated health facility shall be deemed to have lapsed one year from the date the licensed nurse presents proof, in writing, to the board of supervisors, or designee of the board, that he or she is licensed and is employed in a county-operated health facility.

(d) In addition to the principal amount of the scholarship, interest shall accrue on the principal at a rate to be established by the board of supervisors. Interest shall accrue from the date the scholarship is made until it is repaid unless the scholarship is canceled pursuant to paragraph (2) of subdivision (c).

CHAPTER 662

An act to amend Section 651.3 of the Business and Professions Code, and to add Section 1352.1 to, and to repeal and add Section 1361 of, the Health and Safety Code, relating to health.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 651.3 of the Business and Professions Code is amended to read:

651.3. (a) Any labor organization, bona fide employee group or bona fide employee association having contracted health care services from a health care service plan under the Knox-Keene Health Care Service Plan Act of 1975 (commencing with Section 1340 of the Health and Safety Code) may inform its members as to the benefits available and the charges therefor.

(b) Any new or revised written advertising or solicitation, or any form of evidence of coverage adopted by a health care service plan under the Knox-Keene Health Care Service Plan Act of 1975 (commencing with Section 1340 of the Health and Safety Code) for distribution to members pursuant to subdivision (a) shall comply with the provisions of the Knox-Keene Health Care Service Plan Act of 1975 and the regulations thereunder.

(c) Any labor organization, bona fide employee group or bona fide employee association, contracting for a health care service plan under this section, shall not derive any profit from such plan.

Nothing contained in this section shall be construed as authorizing a provider of medical assistance, including a prepaid health plan, under the Medi-Cal Act or the Waxman-Duffy Prepaid Health Plan Act to advertise in violation of any of the provisions of such acts and regulations developed thereto.

SEC. 2. Section 1352.1 is added to the Health and Safety Code, to read:

1352.1. (a) Except as provided in subdivision (b), no plan shall enter into any new or modified plan contract or publish or distribute, or allow to be published or distributed on its behalf, any disclosure form or evidence of coverage, unless (1) a true copy thereof has first been filed with the commissioner, at least 30 days prior to any such use, or such shorter period as the commissioner by rule or order may allow, and (2) the commissioner by notice has not found such plan contract, disclosure form, or evidence of coverage, wholly or in part, to be untrue, misleading, deceptive, or otherwise not in compliance with this chapter or the rules thereunder, and specified the deficiencies, within at least 30 days or such shorter time as the commissioner by rule or order may allow.

(b) Except as provided in subdivision (c), a licensed plan which

has been licensed under the provisions of this chapter during the preceding 18 months and which has had group contracts in effect at all times during such period may enter a new or modified group contract or may publish or distribute, or allow to be published or distributed on its behalf, any group disclosure form or evidence of coverage without having filed the same for the commissioner's prior approval, if such plan and such materials comply with each of the following conditions:

(1) Such contract, disclosure form, or evidence of coverage, or any material provision thereof, has not been previously disapproved by the commissioner by written notice to such plan and the plan reasonably believes that such contract, disclosure form, and evidence of coverage do not violate any requirements of this chapter or the rules thereunder.

(2) Such plan files such contract and any related disclosure form and evidence of coverage with the commissioner not later than 10 business days after entering such contract, or within such additional period as the commissioner by rule or order may provide.

(3) If the person or group entering into such contract with the plan is not an employee welfare benefit plan, as defined in the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. 1001, et seq.), such person or group is not organized solely or principally for the purpose of providing health benefits to members of such group.

(c) The commissioner by order may require a plan which has entered any group contract or published or distributed, or allowed to be published or distributed on its behalf, any disclosure form or evidence of coverage in violation of the provisions of this chapter or the rules thereunder to comply with the provisions of subdivision (a) prior to entering group contracts, or a specified class of group contracts, and prior to publishing or distributing, or allowing to be published or distributed on its behalf, related disclosure forms and evidences of coverage. An order issued pursuant to this subdivision shall be effective for 12 months from its issuance, and may be renewed by order if the contracts, disclosure forms, or evidences of coverage submitted under this subdivision indicate difficulties of voluntary compliance with the applicable provisions of this chapter and the rules thereunder.

(d) A licensed plan or other person regulated under this chapter may, within 30 days after receipt of any notice or order under this section, file a written request for a hearing with the commissioner.

SEC. 3. Section 1361 of the Health and Safety Code is repealed.

SEC. 4. Section 1361 is added to the Health and Safety Code, to read:

1361. (a) Except as provided in subdivision (b), no plan shall publish or distribute, or allow to be published or distributed on its behalf, any advertisement not subject to Section 1352.1 unless (1) a true copy thereof has first been filed with the commissioner, at least 30 days prior to any such use, or such shorter period as the

commissioner by rule or order may allow, and (2) the commissioner by notice has not found such advertisement, wholly or in part, to be untrue, misleading, deceptive, or otherwise not in compliance with this chapter or the rules thereunder, and specified the deficiencies, within such 30 days or such shorter time as the commissioner by rule or order may allow.

(b) Except as provided in subdivision (c) a licensed plan which has been licensed under the provisions of this chapter during the preceding 18 months may publish or distribute or allow to be published or distributed on its behalf an advertisement not subject to Section 1352.1 without having filed the same for the commissioner's prior approval, if such plan and such material comply with each of the following conditions:

(1) Such advertisement or a material provision thereof has not been previously disapproved by the commissioner by written notice to such plan and the plan reasonably believes that such advertisement does not violate any requirement of this chapter or the rules thereunder.

(2) Such plan files a true copy of each new or materially revised advertisement, used by it or by any person acting on behalf of such plan, with the commissioner not later than 10 business days after publication or distribution of such advertisement or within such additional period as the commissioner may allow by rule or order.

(c) If the commissioner finds that any advertisement of a plan has materially failed to comply with the provisions of this chapter or the rules thereunder, the commissioner may, by order, require the plan to publish in the same or similar medium, an approved correction or retraction of any untrue, misleading, or deceptive statement contained in the advertising, and may prohibit such plan from publishing or distributing, or allowing to be published or distributed on its behalf such advertisement or any new materially revised advertisement without first having filed a copy thereof with the commissioner, 30 days prior to the publication or distribution thereof, or any shorter period specified in such order. An order issued under this subdivision shall be effective for 12 months from its issuance, and may be renewed by order if the advertisements submitted under this subdivision indicate difficulties of voluntary compliance with the applicable provisions of this chapter and the rules thereunder.

(d) A licensed plan or other person regulated under this chapter may, within 30 days after receipt of any notice or order under this section, file a written request for a hearing with the commissioner.

(e) The commissioner by rule or order may classify plans and advertisements and exempt certain classes, wholly or in part, either unconditionally or upon specified terms and conditions or for specified periods, from the application of subdivisions (a) and (b).

SEC. 5. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and

Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 663

An act to add Section 27281.5 to the Government Code, relating to recordation of documents.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 27281.5 is added to the Government Code, to read:

27281.5. (a) Any restriction imposed upon real property on or after January 1, 1982, which restricts either the ability of the owner of real property to convey the real property or the owner of a proprietary leasehold interest to convey such interest and which is imposed by a municipal or governmental entity on real property or a proprietary leasehold interest which is not owned by the municipal or governmental entity, shall be specifically set forth in a recorded document which particularly describes the real property restricted in order to impart constructive notice of the restriction, or shall be referenced in a recorded document which particularly describes the real property restricted and which refers by page and book number to a separately recorded document in which the restriction is set forth in full.

(b) Any restriction on the ability of a person to convey real property which is subject to subdivision (a) shall be valid and enforceable only when the requirements contained in subdivision (a) have been met.

(c) Nothing in this section shall be construed, either directly or by implication, to enhance, diminish, or authorize any municipal or governmental entity to impose a restriction on the ability of a person to convey real property or a proprietary leasehold interest.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act

CHAPTER 664

An act to amend Sections 6494, 6494.1, and 6555 of the Elections Code, relating to elections.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 6494 of the Elections Code is amended to read:

6494. (a) The nomination paper shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for the _____ Party nomination to the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 19__, hereby assert as follows:

I am a resident of _____ County and registered to vote at the address shown on this paper and affiliated with the _____ Party. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office. My residence is correctly set forth after my signature hereto:

Name _____

Residence _____

(b) The affidavit of the circulator shall read as follows:

AFFIDAVIT OF THE CIRCULATOR

I, _____, solemnly swear (or affirm) that I have been appointed according to the provisions of Sections 6497 and 6498 of the Elections Code, as a circulator to secure signatures in the County of _____ to the nomination paper of _____ as a candidate for the nomination of the _____ Party for the office of _____; that the signatures were obtained between _____, 19__ and _____, 19__; that all the signatures on this section of the nomination paper were made in my presence, and that, to the best of my knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting address is _____.

(Signed) _____

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

19__.

(SEAL) Notary Public (or other official)

Examined and certified by me this _____ day of _____, 19__.

Registrar of Voters—County Clerk

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his possession which is entitled to be filed under the provisions of the Elections Code. (Elections Code Section 29302)

SEC. 2. Section 6494.1 of the Elections Code is amended to read:

6494.1. If a candidate submits an in-lieu-filing-fee petition pursuant to Section 6555, any or all signatures appearing on the petition, which would be valid under Section 6494, shall be counted towards the number of voters required to sign a nomination paper. If an in-lieu-filing-fee petition contains a requisite number of valid signatures under Section 6495, the candidate shall not be required to file nomination papers, but may request the county clerk to accept the petition instead of filing nomination papers.

If an in-lieu-filing-fee petition does not contain the requisite number of valid signatures as set forth in Section 6495, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the county clerk on a nomination paper. A candidate who submits a nomination paper pursuant to this paragraph shall only be required to obtain the number of signatures thereon needed to supplement the in-lieu-filing-fee petition so that the combination of signatures appearing on the in-lieu-filing-fee petition and the nomination paper equals or exceeds the requisite number of signatures set forth in Section 6495.

SEC. 4. Section 6555 of the Elections Code is amended to read:

6555. (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

(1) For the office of California State Assembly, 1,500 signatures.

(2) For the office of California State Senate and the United States House of Representatives, 3,000 signatures.

(3) For candidates running for statewide office, 10,000 signatures.

(4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he seeks nomination, whichever is less.

(5) For all other offices for which a filing fee is required, if the

number of registered voters in the district in which he seeks nomination is less than 2,000, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 20 percent of the total of registered voters in the district in which he seeks nomination, whichever is less.

(6) Notwithstanding any other provision of this section, a candidate seeking the nomination of a qualified party with whom he is registered, the registered voters of which who were eligible to vote at the last statewide election constituted less than 5 percent of all registered voters eligible to vote at the last statewide election, may submit a petition containing signatures of 10 percent of the registered voters of that party in the district in which he seeks nomination, or 150 signatures, whichever is less.

(7) A voter may sign both a candidate's nomination papers and his or her in-lieu-filing-fee petition. However, if signatures appearing on such documents are counted towards both the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) Each clerk shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. Such forms shall be made available commencing 45 days before the first day for circulating nomination papers. However, in cases of vacancies for which a special election is authorized or required to be held to fill the vacancy, and where the prescribed nomination period would commence less than 45 days after the creation of the vacancy, the forms shall be made available within five working days after the creation of the vacancy. No other form except the form furnished by the county clerk shall be used to secure signatures. Each petition section shall bear an affidavit signed by the circulator, in substantially the same form as set forth in Section 6494. The substitution of signatures for fees shall be subject to the following provisions:

(1) Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he is eligible to vote.

(2) If a voter signs more candidates' petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled.

(3) In-lieu-filing-fee petitions shall be filed at least 15 days prior to the close of the nomination period. Upon receipt of the minimum number of in-lieu-filing-fee signatures required, or a sufficient combination of such signatures and pro rata filing fee, the clerk shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the clerk shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee, to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the county clerk in the county in which the petition was circulated. The county clerk

shall at least two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the county clerks of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers. Each circulator of an in-lieu-filing-fee petition shall have the qualifications required under Section 42.

(5) Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The clerk shall not be required to determine the validity of a greater number of signatures than that required by this section.

(c) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 607 prior to the first day on which petitions are available.

(d) All valid signatures obtained pursuant to this section shall be counted towards the number of voters required to sign a nomination paper in accordance with Section 6494.1 or 6834.1.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 665

An act to amend Sections 320 and 11709 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 320 of the Vehicle Code is amended to read:

320. (a) "Established place of business" is a place actually occupied either continuously or at regular periods by:

(1) A dealer, manufacturer, manufacturer branch, distributor, distributor branch, or automobile driving school where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and in the case of a dealer or manufacturer shall have a display or manufacturing area situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single- or multiple-unit dwelling house be

used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, manufacturer branch, distributor, distributor branch, or automobile driving school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building. A dealer who does not offer vehicles for sale at retail, or a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers, shall have an office, but a display area is not required.

(2) An automobile dismantler where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and a dismantling area located in a zone properly zoned for that purpose by the city, county, or city and county. A place of business of an automobile dismantler which qualified as an "established place of business" before the enactment of amendments to this section at the 1970 Regular Session of the Legislature shall be deemed to be an "established place of business" as defined in this section.

(b) A licensee issued an occupational license by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business involving vehicles or their component parts. The place of business shall be open to inspection of the premises, pertinent records, and vehicles by any peace officer during business hours.

SEC. 2. Section 11709 of the Vehicle Code is amended to read:

11709. (a) A dealer's established place of business, and other sites or locations as may be operated and maintained by the dealer in conjunction with his established place of business, shall have posted, in a place conspicuous to the public in each and every location, the license issued by the department to the dealer and to each salesman employed by the dealer and shall have erected or posted thereon signs or devices providing information relating to the dealer's name and the location and address of the dealer's established place of business to enable any person doing business with the dealer to identify him properly. Every such sign erected or posted, on an established place of business, shall have an area of not less than two square feet per side displayed and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet. This section shall not apply to a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers.

(b) Notwithstanding Section 11704 and this section, a dealer may display vehicles at a fair, exposition, or similar exhibit without securing a branch license, if no actual sales are made at those events and the display does not exceed 30 days.

(c) Mobilehomes may also be displayed as a model home within a mobilehome park, mobilehome subdivision, mobilehome planned unit development, or mobilehome cooperative, until the

mobilehome park, mobilehome subdivision, mobilehome planned unit development, or mobilehome cooperative has reached 70 percent occupancy.

(d) All vehicles displayed pursuant to subdivision (b) or (c) shall be identified by a sign or device providing information relating to the dealer's name and the location and address of the dealer's established place of business.

(e) This section shall not be applicable to a dealer who deals only in off-highway vehicles subject to identification, as defined in Section 38012.

CHAPTER 666

An act relating to the construction of a cooperative produce inspection facility in Tijuana, Mexico, and making an appropriation therefor.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. The Director of Food and Agriculture may negotiate and enter into an agreement with representatives from the governments of Baja California and the United Mexican States to construct and operate a cooperative produce inspection facility at Tijuana, Baja California, Mexico.

It is the intent of the Legislature that the costs from constructing the inspection facility be shared one-third by California and two-thirds by the Union Nacional de Productores de Hortalizas of Baja California. It is also the intent of the Legislature that this facility would benefit the citizens of California by permitting a more efficient inspection for the grade, marking, and pesticide residue requirements of produce being transported into California.

SEC. 2. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Department of Food and Agriculture for the purpose of California's contribution toward the construction of the produce inspection facility in Tijuana, Baja California, Mexico, specified in Section 1 of this act

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CHAPTER 667

An act to amend Sections 798.15, 798.16, 798.18, 798 26, 798 27, and 798.75, to add Section 798.51 to, and to repeal Section 798.17 of, the Civil Code, relating to mobilehomes

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. 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. A copy of the text of this chapter attached as an exhibit shall be deemed to satisfy the requirements of this section.

(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) All other provisions governing the tenancy.

SEC. 2. Section 798.16 of the Civil Code is amended to read:

798.16. The rental agreement may include such other provisions permitted by law, but need not include specific language contained in state or local laws not a part of this chapter.

SEC. 3. Section 798.17 of the Civil Code is repealed.

SEC. 4. Section 798.18 of the Civil Code is amended to read:

798.18. (a) A tenant shall be offered 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.

SEC. 5. Section 798.26 of the Civil Code is amended to read:

798.26. (a) Except as provided in subdivision (b), and notwithstanding any other provision of law to the contrary, the ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes shall have no right of entry to a mobilehome without the prior written consent of the occupant. Such consent may be revoked in writing by the occupant at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, for maintenance of the premises in accordance with the rules and

regulations of the park when the tenant fails to so maintain the premises, and protection of the mobilehome park, subdivision, cooperative, or condominium at any reasonable time, but not in a manner or at a time which would interfere with the occupant's quiet enjoyment.

(b) The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes may enter a mobilehome without the prior written consent of the occupant in case of an emergency or when the occupant has abandoned the mobilehome.

SEC. 6. Section 798.27 of the Civil Code is amended to read:

798.27. (a) The management shall give written notice to all tenants and prospective tenants concerning the following matters: (1) the nature of the zoning or use permit under which the mobilehome park operates. If the mobilehome park is operating pursuant to a permit subject to a renewal or expiration date, the relevant information and dates shall be included in the notice. (2) The duration of any lease of the mobilehome park, or any portion thereof, in which the management is a lessee.

(b) If a change occurs concerning the zoning or use permit under which the park operates or a lease in which the management is a lessee, all tenants shall be given written notice within 30 days of such change. Notification regarding the change of use of the park, or any portion thereof, shall be governed by subdivision (f) of Section 798.56. A prospective tenant shall be notified prior to the inception of the tenancy.

SEC. 7. Section 798.51 is added to the Civil Code, to read:

798.51. 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:

(a) Amendments to park rules and regulations.

(b) Standards for maintenance of physical improvements in the park.

(c) Addition, alteration, or deletion of service, equipment or physical improvements.

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.

SEC. 8. Section 798.75 of the Civil Code is amended to read:

798.75. An escrow, sale, or transfer agreement involving a mobilehome located in a park at the time of the sale, where the mobilehome is to remain in the park, shall contain a provision signed by the purchaser stating that he has agreed to the terms of a rental agreement. A copy of a fully executed rental agreement signed by the purchaser will satisfy the requirements of this section. In the event the purchaser fails to execute the rental agreement, the purchaser shall not have any rights of tenancy.

CHAPTER 668

An act to amend Sections 70059.7, 74642, 74643, 74644, 74645, 74647, 74901, 74907, 74909, 74910, 74911, and 74912 of, and to repeal Sections 74906 and 74908 of, the Government Code, relating to courts.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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 one thousand thirty-seven dollars and nine cents ($1,037.09) 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 one hundred three dollars ($103) 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, 1983, 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. Section 74642 of the Government Code is amended to read:

74642. Within the Santa Barbara-Goleta Judicial District there shall be the following officers, attachés, and employees:

		Salary Range
Santa Barbara/Goleta Municipal Court		
1	Account Clerk II	248
1	Account Clerk III	275
1	Assistant Clerk-Admin Officer-SB	375

1	Chief Deputy of the Municipal Court	319
1	Clerk-Admin Officer-SB	423
8	Clerk Typist II	238
10	Clerk Typist III	265
2	Data Entry Operator II	248
8	Municipal Court Clerk	290
3	Official Court Reporter Muni Court Bi-Wkly sal	1,037.09
1	Calendar Coordinator, Muni Court	338
1	Data Entry Operator III	262

	Marshal-Santa Barbara/Goleta Municipal Court	Salary Range
1	Account Clerk II	248
1	Assistant Marshal-SB	418
2	Clerk II	238
1	Clerk, Supervising	285
1	Clerk Typist II	238
8	Deputy Marshal	357
1	Marshal-SB	446
1	Marshal's Sergeant	392

SEC. 3. Section 74643 of the Government Code is amended to read:

74643. Within the Santa Maria Judicial District there shall be the following officers, attachés, and employees:

	Santa Maria Municipal Court	Salary Range
1	Account Clerk III	275
1	Assistant Clerk-Admin Officer-SM	364
1	Chief Deputy Clerk	319
1	Clerk-Admin Officer-SM	411
5	Clerk Typist II	238
3	Clerk Typist III	265
2	Municipal Court Clerk	290

	Marshal - Santa Maria Municipal Court	Salary Range
1	Account Clerk II	248
1	Account Clerk III	275
1	Assistant Marshal-SM	411
1	Clerk Typist II	238
4	Deputy Marshal	357
1	Deputy Marshal II	367
1	Marshal-SM	436

SEC. 4. Section 74644 of the Government Code is amended to read:

74644. Within the Lompoc Judicial District there shall be the following officers, attachés, and employees:

Municipal Court - Lompoc	Salary Range
1 Assistant Clerk-Admin Officer-Lompoc	348
1 Clerk-Admin Officer-Lompoc	389
1 Clerk Typist II	238
1 Clerk Typist III	265
1 Municipal Court Clerk	290

Marshal-Lompoc Municipal Court	Salary Range
1 Clerk Typist III	265
1 Deputy Marshal	357
1 Marshal-Lompoc	423

SEC. 5. Section 74645 of the Government Code is amended to read:

74645. (a) It is the purpose of this section to provide compensation for municipal court employees and officers which is comparable to that paid to county employees holding equal or comparable positions in the Santa Barbara classified service as such comparability is determined by the Santa Barbara County Board of Supervisors.

(b) Whenever reference to a numbered salary range is made in any section of this article, the schedule and the salary ordinance of the County of Santa Barbara in effect January 1, 1981, shall apply.

(c) If the board of supervisors adopts a revised salary schedule for county employees, the new schedule shall apply equally to employees of municipal courts and marshals' offices and conversion to the new schedule shall be made for such employees in the same manner on the same date as for the classified service.

(d) Notwithstanding any of the provisions of this article, the salary and benefits of municipal court employees and officers shall be changed in the same manner and at the same rate as a salary and benefit change is effective for other permanent county classified positions. Employees and officers of the municipal court shall be entitled to all employee benefits as they are provided and made applicable to positions within the classified service pursuant to Santa Barbara County ordinances or resolutions, to the extent that the benefits are not contrary to state law.

(e) All matters affecting the administration of salary and benefits, the selection, appointment, and reclassification of such municipal court officers and employees in those positions which they hold which are not specifically determined by the provision of state law shall be governed by the personnel ordinances and resolutions of the Board of Supervisors of the County of Santa Barbara.

(f) Nothing in this article shall be construed to place marshals' or

clerks' offices, their employees and attachés under the civil service system of Santa Barbara County but such employees and attachés may be placed under that civil service system by court rule adopted by the judges of their respective courts.

(g) Any changes in compensation made pursuant to this section shall be on an interim basis and shall expire January 1 of the second calendar year following such changes unless ratified by the Legislature.

SEC. 6. Section 74647 of the Government Code is amended to read:

74647. (a) Full-time official reporters appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be attachés of the court and shall receive a biweekly salary in accordance with the provisions of Section 70059.7. Such salary shall be paid at the same times and according to the same procedures as salaries of employees of the County of Santa Barbara. During the hours when the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

(b) The judges of the court may appoint as many part-time additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, fees at the per diem rate fixed by Section 70059.7. 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, 1983, unless ratified by statute by the Legislature prior to that date. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

(c) An official reporter when not engaged in the performance of duties of the municipal court, may be appointed to serve as such reporter for the Santa Barbara County Grand Jury or in any other court in the County of Santa Barbara.

SEC. 7. Section 74901 of the Government Code is amended to read:

74901. There shall be 11 judges.

SEC. 8. Section 74906 of the Government Code is repealed.

SEC. 9. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint the following positions which shall receive biweekly compensation specified in Section 74909:

(a) Four chief deputy municipal court clerks.

(b) Six deputy municipal court clerks IV.

(c) Seventeen deputy municipal court clerks III.
(d) Twenty-eight deputy municipal court clerks II.
(e) Twenty-six deputy municipal court clerks I.
(f) Two deputy municipal court legal process clerks.
(g) Four deputy municipal court clerk interpreters.
(h) Three municipal court secretaries.
(i) One supervising data entry operator.
(j) Six data entry operators III.
(k) One administrative assistant I.
(l) One accounting technician.
(m) One senior microfilm technician.

SEC. 10. Section 74908 of the Government Code is repealed.

SEC. 11. Section 74909 of the Government Code is amended to read:

74909. (a) The following biweekly salary schedule, which is consistent with the Salary Ordinance of the County of Ventura, shall apply to the personnel of the Ventura County Municipal Court:

Municipal court classification	Biweekly rate
Chief deputy municipal court clerk	$574.46–866.26
Deputy municipal court clerk IV	460.00–692.38
Deputy municipal court clerk III	416.80–627.90
Deputy municipal court clerk II	360.80–542.59
Deputy municipal court clerk I	301.60–470.18
Deputy municipal court legal process clerk	387.20–583.26
Deputy municipal court clerk interpreter	360.80–542.59
Supervising data entry operator	373.60–611.73
Data entry operator III	340.80–556.00
Municipal court secretary	407.20–631.40
Administrative assistant I	544.23–819.17
Accounting technician	472.00–731.55
Senior microfilm technician	364.00–577.01

Merit increases within the salary range shall be in accordance with the salary merit increment plan.

(b) In the event that the above biweekly salary schedule is not applicable, then Section 74912 shall apply.

SEC. 12. Section 74910 of the Government Code is amended to read:

74910. If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of a majority of the judges of the court and the board of supervisors, the court executive officer may appoint as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in the same manner as those for whom express provision is made, and

they shall receive salary and compensation as prescribed in this article or as prescribed in the Ventura County Personnel and Salary Ordinance for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions not longer than 90 days after the final adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150.

SEC. 13. Section 74911 of the Government Code is amended to read:

74911. (a) All attachés and employees of the Ventura County Municipal Court shall be entitled to anniversary dates and salary step increases in the manner provided in the Ventura County Personnel and Salary Ordinance and shall receive the same vacation, sick leave, leave of absence, overtime and similar privileges and benefits provided for the officers and employees of Ventura County.

Except as otherwise provided in this article, the provisions of the Ventura County Ordinance Code relating to the civil service system of the county, and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all attachés and employees of the Ventura County Municipal Court in the same manner and to the same extent as applicable generally to the officers and employees of Ventura County. The Ventura County Civil Service Commission shall exercise the same jurisdiction over the attachés and employees of the Ventura County Municipal Court as it exercises over the officers and employees of the county.

(b) The provisions of subdivision (a) shall not apply to the court executive officer or the assistant court executive officer. Notwithstanding any other provisions of this article, such persons shall receive the salary and benefits adjustments provided to other Ventura County Management personnel.

SEC. 14. Section 74912 of the Government Code is amended to read:

74912. Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court and the salary of the personnel in such classifications, shall be adjusted an equivalent amount. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the Ventura County service. Any salary increases granted or reclassifications made pursuant to this article shall be effective only until the effective date of general legislation enacted by the Legislature at its next regular session following the date such salary increases are granted or reclassifications made. Classifications deemed to be equivalent are as follows:

Municipal court classification	County classification
Chief deputy municipal court clerk	Chief superior court clerk
Deputy municipal court clerk IV	Superior court clerk IV
Deputy municipal court clerk III	Superior court clerk III
Deputy municipal court clerk II	Superior court clerk II
Deputy municipal court clerk I	Superior court clerk I
Deputy municipal court legal process clerk	Legal process clerk
Supervising data entry operator	Supervising data entry operator
Data entry operator III	Data entry operator III
Data entry operator II	Data entry operator II
Data entry operator I	Data entry operator I
Municipal court secretary	Superior court secretary
Administrative assistant I	Administrative assistant I
Accounting technician	Accounting technician
Senior microfilm technician	Senior microfilm technician

In order to carry out the intent of Section 74912 herein, whenever the salary of the class of deputy municipal court clerk I is adjusted as described above, the salary of deputy municipal court clerk interpreter shall be adjusted an equivalent number of ranges or steps as necessary on the schedule.

SEC. 15. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 669

An act to add Section 27156.2 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 27156.2 is added to the Vehicle Code, to read:

27156.2. Notwithstanding any other provision of law, any motor vehicle of mosquito abatement, vector control, or pest abatement districts or agencies, any authorized emergency vehicle as defined in Section 165, except subdivision (f) thereof, and any ambulance used by a private entity under contract with a public agency, is exempt from requirements imposed pursuant to California law and the regulations adopted pursuant thereto for motor vehicle pollution control devices.

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:

In order that agencies may bid as soon as possible on vehicles for the current fiscal year which may meet the specifications authorized by this act, it is necessary that this act take effect immediately.

CHAPTER 670

An act to add Article 3.6 (commencing with Section 5045) to Chapter 1 of Division 5 of the Public Resources Code, relating to the Mono Lake basin, and making an appropriation therefor.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Article 3.6 (commencing with Section 5045) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 3.6. Mono Lake Tufa State Reserve

5045. (a) The tufa and associated sand structures at Mono Lake are a valuable geologic and scientific natural resource and are unique in North America for their beauty, abundance, diversity, and public accessibility. Their extreme fragility requires special measures for their protection and preservation for the enjoyment and education of the public.

(b) The Mono Lake Tufa State Reserve is hereby established as a unit of the state park system and shall consist of the state-owned portions of the Mono Lake bed lying at or below the elevation of

6,417 feet above sea level. As soon as practicable after January 1, 1982, the State Lands Commission shall issue a permit for occupancy to the department pursuant to Section 6221.

5046. (a) The reserve shall be managed primarily for the purpose of protecting the tufa and associated sand structures and providing for their interpretation. The department shall designate public accessways to Mono Lake for recreational and other purposes that are not in conflict with the preservation of the tufa and associated sand structures.

(b) The department may enter into agreements with any other public agency to provide for the joint management of the reserve and the provision of visitor and interpretive services and facilities in connection therewith. For purposes of administrative support, departmental personnel may be assigned to any other unit of the state park system in the vicinity of the reserve.

(c) The department shall commence managing the reserve as soon as practicable after January 1, 1982, and, to this end, the reserve is exempt from the requirements of subdivision (a) of Section 5002.2 because the only improvements contemplated at the reserve are temporary facilities within the meaning of subdivision (c) of Section 5002.2.

5047. (a) No provision of this article shall be construed to interfere with any reasonable use of land or other activity existing or occurring on or before January 1, 1981, within the boundary of the reserve that does not conflict with the purposes for which the reserve is established. Accordingly, any such use of land or other activity is not subject to Section 5001.65.

(b) No provision of this article or Section 5019.65 is intended, nor shall be construed, to interfere in any way with the City of Los Angeles' diversion of water from streams tributary to Mono Lake pursuant to state water rights licenses numbered 10191 and 10192.

(c) No provision of this article shall be construed to affirm or deny the legal right of the City of Los Angeles to divert water from the Mono Basin.

(d) No provision of this article shall be construed for the purpose of establishing, or interfering with the establishment of, the ownership of relicted lands in the current litigation between California and the United States.

5048. Any disturbance, defacement, displacement, or other interference with any tufa or associated sand structure by any person or instrumentality is a misdemeanor, punishable by a fine of not more than five hundred dollars ($500) or imprisonment in the county jail for not more than six months or by both such fine and imprisonment.

This section shall apply to all tufa and associated sand structures within the Mono Lake basin, regardless of their location on public or private lands or within or without the boundaries of the reserve. The department shall provide for the enforcement of, and any other peace officer within the Mono Basin shall enforce, this section.

5049. Natural or artificially caused accretion or reliction of the

waters of Mono Lake shall not be deemed contrary to the purposes of this article.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

SEC. 3. Notwithstanding subdivision (c) of Section 5046 of the Public Resources Code, the Department of Parks and Recreation shall commence managing the Mono Lake Tufa State Reserve as soon as practicable after January 1, 1982, only if funds are appropriated in the Budget Act of 1981 to the department specifically for the purpose of development, operation, and maintenance of the Mono Lake Tufa State Reserve. Expenditures shall be made primarily for personnel, equipment, and other operating expenses; signs, maps, brochures, and interpretive facilities; sanitation facilities; and public accessways and trails.

CHAPTER 671

An act relating to domestic water supply systems, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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 Frazier Park Public Utility 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 the 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 those 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 Green Valley 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 the 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 those provisions.

SEC. 3. 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 Westmorland 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 the 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 those provisions.

SEC. 4. 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 River Pines Public Utility 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 the 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 those provisions.

SEC. 5. 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 Westmorland, within the Frazier Park Public Utility District, within the River Pines Public Utility District, and within the Green Valley County Water District to immediately undertake certain improvements necessary to enable the residents of the communities to have a dependable and potable water supply.

SEC. 6. The Legislature further finds and declares that the water systems of the City of Westmorland, the Frazier Park Public Utility District, the River Pines Public Utility District, and the Green Valley County Water District have critical deficiencies which pose a serious threat to the public health and welfare of all consumers within the communities.

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 the necessity are:

In order to authorize grants from the California Safe Drinking Water Fund to the City of Westmorland, the Frazier Park Public Utility District, the River Pines Public Utility District, and the Green Valley County Water District to resolve the critical water supply problems of the communities at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 672

An act to add and repeal Chapter 2.5 (commencing with Section 15814) to Part 10b of Division 3 of Title 2 of the Government Code, relating to the California steel industry.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Chapter 2.5 (commencing with Section 15814) is added to Part 10b of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 2.5. CALIFORNIA STEEL INDUSTRY RECOVERY COMMISSION

15814. The Legislature finds and declares as follows:

(a) The American steel industry is fundamental to the economic growth and development of the United States and the State of California.

(b) Steel is a basic commodity vital to the defense and security of the United States of America.

(c) California's steel industry is in a state of decline which has forced the closing of 11 steel producing and fabricating facilities in recent years, causing permanent loss of thousands of steelworker jobs and damaging the state's economy.

(d) It is in the interest of the state to assist the steel industry, to identify its problems, and to adopt public policies that help the industry remain a viable member of California's manufacturing community.

15814.1. There is hereby created the California Steel Industry Recovery Commission, hereafter referred to in this chapter as "commission", which shall identify the reasons for the decline in the state's steel industry and shall make recommendations to the Governor and the Legislature regarding actions necessary to reverse this decline.

The commission shall consist of the Secretary of the Business, Transportation, and Housing Agency, who shall act as chairperson, the Director of the Department of Industrial Relations, the President of the Public Utilities Commission, three representatives of the steelworker labor union, three representatives of steel industry management, and two representatives of organizations representing steel importers.

One labor representative and one management representative shall be appointed by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, respectively. The two steel importer representatives shall be appointed by the Senate

Committee on Rules and the Speaker of the Assembly. In appointing the labor and management representatives, consideration shall be given to the appointment of persons representing all segments of the steel industry, including integrated, electric furnace, and finishing mills.

15814.2. The Senate Committee on Rules shall appoint a member of the Senate to the commission and the Speaker of the Assembly shall appoint a member of the Assembly to the commission. The legislators appointed to the commission shall serve as ex officio members of that body.

15814.3. The commission shall meet at the request of the chairperson on at least a quarterly basis. The members shall serve without compensation. Any costs the commission may incur shall be borne by the existing budgets of the member agencies or by donated contributions from the private members of the commission.

15814.4. This chapter shall remain in effect only until January 1, 1984, and on that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1984, deletes or extends that date.

CHAPTER 673

An act to amend Section 16113.1 of the Government Code (as added by Chapter 101 of the Statutes of 1981 and amended by Chapters 133 and 242 of the Statutes of 1981), to amend Section 4306 of the Public Utilities Code (as amended by Chapter 101 of the Statutes of 1981), and to add Section 4306.5 to the Public Utilities Code, relating to local agencies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 16113.1 of the Government Code, as added by Chapter 101 of the Statutes of 1981 and amended by Chapters 133 and 242 of the Statutes of 1981, is amended to read:

16113.1. (a) The subvention to local agencies, as defined in Section 95 of the Revenue and Taxation Code, made pursuant to Section 16113 shall be reduced by the amount determined pursuant to subdivision (b).

(b) For each local agency, the county auditor shall determine the amount of interest earned by that agency through June 30, 1981, from any investment made by that local agency, or from any investment made on behalf of another local agency, of the revenue from the amount which is attributable to the portion of the property tax rate levied on the unsecured roll for the 1978–79 tax year, less the rate for

voter-approved debt, which is in excess of four dollars ($4) per one hundred dollars ($100) of assessed value. However, the amount of interest so determined shall be adjusted, if necessary, so that the amount of interest shall be no less than an amount which would have been earned had the rate of interest been two percentage points below the rate earned on money deposited in the Pooled Money Investment Fund during the same period of time.

(c) The amount determined in subdivision (b) shall be reported to the Controller, together with the claim which the county auditor is required to file pursuant to Section 16113.

(d) The amount of interest determined in subdivision (b) shall be subtracted from the amount of the subvention that would have otherwise been made pursuant to Section 16113 for the 1981–82 fiscal year, and, if necessary, for the 1982–83 fiscal year, and shall be transferred by the Controller to the General Fund, as an offset to the cost of the cap on the subvention reductions provided pursuant to Sections 11005.7 and 11005.8 of the Revenue and Taxation Code. The Department of Finance shall perform audits as necessary to ensure that the appropriate subvention reductions are made pursuant to this section.

(e) The amount apportioned to each local agency pursuant to subdivision (d) of Section 16113 shall be reduced by the amount of interest determined for that local agency pursuant to subdivision (b) of this section. If the amount of interest is greater than the amount apportioned pursuant to Section 16113, the remainder shall be subtracted from the amount to be apportioned in the 1982–83 fiscal year.

SEC. 2. Section 4306 of the Public Utilities Code, as amended by Chapter 101 of the Statutes of 1981, is amended to read:

4306. (a) All funds collected by the commission pursuant to this chapter shall be deposited in the State Treasury to the credit of the Highway Carriers' Uniform Business License Tax Fund, which is hereby created.

(b) Of the moneys in the Highway Carriers Uniform Business License Tax Fund, that amount necessary for the payment of refunds is hereby appropriated, without regard to fiscal years, to the commission for that purpose.

Any remaining balance in the Highway Carriers Uniform Business License Tax Fund shall be transferred to the General Fund on the order of the Controller.

SEC. 3. Section 4306.5 is added to the Public Utilities Code, to read:

4306.5. The Highway Carriers' Uniform Business License Tax Account in the General Fund is hereby abolished. The unexpended balance in this account shall be transferred to the General Fund on the effective date of the act that added this section.

SEC. 4. Notwithstanding the provisions of Section 22 on page 3896 of Chapter 1207 of the Statutes of 1978, a charter city and county may use the 1980–81 assessment ratio for the purpose of apportioning

property tax revenues of the charter city and county for the 1981–82 fiscal year only.

SEC. 5. It is the intent of the Legislature in enacting Section 4 of this act not to affect or change any state reimbursements, state aid, or other state financial assistance to any charter city and county under any program which uses a 100 percent assessment ratio.

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 the necessity are:

In order that this act, which would provide for a more orderly implementation of the statutory changes necessary to implement the Budget Act of 1981, may be effective at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 674

An act to amend Sections 978.5 and 1279.5 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 978.5 of the Unemployment Insurance Code is amended to read:

978.5. (a) Any employer who has elected under Section 1279.5 to participate in the shared work unemployment insurance benefit program, who has a negative reserve account balance on any June 30th, and whose reserve account has been charged for benefits paid under Section 1279.5 during the 12-month period ending upon such June 30th shall pay into the Unemployment Fund, in addition to all other contributions required by this division, contributions for the calendar year next succeeding such June 30th at the rate prescribed by this section based upon the ratio of the employer's net balance of reserve to the employer's average base payroll. If as of any June 30th an employer's net balance of reserve equals or exceeds that percentage of his or her average base payroll which appears on any line in column 1 of the following table but is less than that percentage which appears on the same line in column 2 of that table, his or her rate shall be the figure appearing on that same line in column 3:

	Reserve balance		Contribution rate
Line	Col. 1	Col. 2	Col. 3
1	— 100.0%	No limitation	3.0%

2	— 80.0%	— 100.0%	2.5%
3	— 60.0%	— 80.0%	2.0%
4	— 40.0%	— 60.0%	1.5%
5	— 20.0%	— 40.0%	1.0%
6	More than 0.0%	— 20.0%	0.5%

(b) Contributions paid pursuant to this section shall be excluded from "contributions paid on his own behalf" as defined by Section 906, but shall be included as employer contributions under Sections 1110 and 1110.1 and for all other purposes under this division.

(c) This section shall remain in effect only until December 31, 1986, and on that date is repealed.

SEC. 2. Section 1279.5 of the Unemployment Insurance Code is amended to read:

1279.5. (a) Notwithstanding Section 1252 or 1252.2 or any other provision of this part, for the purposes of this section an individual is "unemployed" in any week if the individual works less than his or her normal hours or number of days in a week for the individual's regular employer, and the director finds that the regular employer has reduced or restricted the individual's hours or days of work, or has rehired an individual previously laid off and reduced that individual's hours or days of work from those previously worked, as the result of a plan by the regular employer to reduce employment and stabilize the work force by a program of sharing the work remaining after a reduction in total hours of work and a corresponding reduction in wages, among not less than 10 percent of the employer's regular permanent work force involved in the affected work unit or units.

(b) Except as otherwise provided in this section, each individual eligible under this chapter who is "unemployed" in any week shall be paid with respect to that week a weekly shared work unemployment compensation benefit amount equal to the percentage of reduction of the individual's wages resulting from reduced hours or days of work, rounded to the nearest 5 percent, multiplied by the individual's weekly benefit amount, except that this provision shall apply only if the percentage of reduction is 10 percent or more.

(c) No individual shall be paid any benefits under this section in excess of 20 weeks of benefits during a period of 52 consecutive weeks, beginning with the first week of benefits paid under this section. No individual who receives any benefits under this section during any benefit year shall receive any benefits pursuant to Section 1252 or 1252.2 as a partially unemployed individual with respect to any week during such benefit year while in employment status with the regular employer who initiated the program of sharing work under this section. No benefits under this section shall be payable during any individual's extended duration period or extended benefit period.

(d) Any amount payable under this section shall be reduced by

the amount of any and all compensation payable for personal services whether performed as an employee or an independent contractor or as a juror or as a witness, except compensation payable by the regular employer not in excess of compensation payable for reduced hours of work assigned an individual by the regular employer under a shared work plan.

For the purposes of this subdivision, "regular employer" may include, pursuant to an approved plan, a labor organization which periodically employs individuals in accordance with a collective bargaining agreement.

(e) The benefit payment under this section, if not a multiple of one dollar ($1), shall be increased to the next higher multiple of one dollar ($1).

(f) Section 1279 shall not apply to any individual eligible for any payment under this section.

(g) An individual otherwise eligible to receive benefits pursuant to an approved plan who, in accordance with a collective bargaining agreement, is permitted by his or her employer to attend a meeting of a labor organization during hours which the individual would otherwise be working shall not be deemed unavailable for work by reason of attendance at the meeting.

(h) Except as otherwise provided by or inconsistent with this section, all provisions of this division and authorized regulations apply to benefits under this section. Authorized regulations may, to the extent permitted by federal law, make such distinctions and requirements as may be necessary in the procedures and provisions applicable to unemployed individuals to carry out the purposes of this section, including regulations defining normal hours, days, workweek, and wages.

(i) Employees shall not be eligible to receive any benefits under this section unless their employer agrees, in writing, and their bargaining agent pursuant to any applicable collective bargaining agreement agrees, in writing, to voluntarily participate in the shared work unemployment insurance benefit program created by this section.

(j) This section shall remain in effect only until December 31, 1983, and on that date is repealed.

SEC. 3. The Employment Development Department shall establish procedures for auditing benefits paid pursuant to this act, and shall no later than January 31, 1982, submit to the Joint Legislative Audit Committee the procedures it has established. The Joint Legislative Audit Committee shall report to the Legislature no later than April 1, 1982 concerning the adequacy of the audit procedures established by the department.

CHAPTER 675

An act to amend Sections 2813, 34500, 40000.7, and 40303 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 2813 of the Vehicle Code is amended to read:

2813. Every driver of a commercial vehicle shall stop and submit the vehicle to an inspection of the size, weight, equipment, and smoke emissions of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of commercial vehicles and when signs are displayed requiring the stop. Every driver who fails or refuses to stop and submit the vehicle to an inspection when signs are displayed requiring that stop is guilty of a misdemeanor.

SEC. 2. Section 34500 of the Vehicle Code is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

(a) Motortrucks of three or more axles which are more than 6,000 pounds unladen weight.

(b) Truck tractors.

(c) Buses and schoolbuses.

(d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with motortrucks of three or more axles, truck tractors, buses, or schoolbuses.

(e) Any combination of a motortruck and any vehicle or vehicles set forth in subdivision (d) that exceeds 40 feet in length when coupled together.

(f) Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials.

(g) Manufactured homes which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790.

(h) Any other motortruck not specified in subdivisions (a) through (g), inclusive, that is regulated by the Public Utilities Commission or the Interstate Commerce Commission, but only for matters relating to hours of service and log books of drivers.

SEC. 2.5. Section 34500 of the Vehicle Code is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

(a) Motortrucks of three or more axles which are more than 6,000 pounds unladen weight.

(b) Truck tractors.

(c) Buses, schoolbuses, and youth buses.

(d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with motortrucks of three or more axles, truck tractors, buses, or schoolbuses.

(e) Any combination of a motortruck and any vehicle or vehicles set forth in subdivision (d) that exceeds 40 feet in length when coupled together.

(f) Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials.

(g) Manufactured homes which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790.

(h) Any other motortruck not specified in subdivisions (a) through (g), inclusive, that is regulated by the Public Utilities Commission or the Interstate Commerce Commission, but only for matters relating to hours of service and log books of drivers.

SEC. 3. Section 40303 of the Vehicle Code is amended to read:

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made:

(a) Section 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Section 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Section 2800, relating to the refusal to submit vehicle and load to an inspection, measurement, or weighing as prescribed in Section 2802 or a refusal to adjust the load or obtain a permit as prescribed in Section 2803.

(f) Section 2800, insofar as it relates to any driver who continues to drive after being lawfully ordered not to drive by a member of the California Highway Patrol for violating the driver's hours of service or driver's log regulations adopted pursuant to subdivision (a) of Section 34501.

(g) Sections 20002 or 20003, relating to duties in the event of an accident.

(h) Section 23109, relating to participating in speed contests or exhibition of speed.

(i) Sections 14601 and 14601.1, relating to driving while license is

suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 23332, relating to persons upon vehicular crossings.

(*l*) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

(m) Section 21461.5, insofar as it relates to a pedestrian who, after being cited for a violation of Section 21461.5, is, within 24 hours, again found upon the freeway in violation of Section 21461.5 and thereafter refuses to leave the freeway after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.

(n) Section 2800, insofar as it relates to a pedestrian who, after having been cited for a violation of Section 2800 for failure to obey a lawful order of a peace officer issued pursuant to Section 21962, is within 24 hours again found upon the bridge or overpass and thereafter refuses to leave after being lawfully ordered to do so by a peace officer and after having been informed that his or her failure to leave could result in his or her arrest.

SEC. 4. Section 40000.7 of the Vehicle Code is amended to read:

40000.7. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 2416, relating to regulations for emergency vehicles.

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2800.1, relating to fleeing from a peace officer.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 2813, relating to stopping for inspection.

Section 2815, relating to failure to obey a crossing guard's traffic signal or direction.

Section 5753, relating to delivery of certificates of ownership and registration when committed by a dealer or any person while a dealer within the preceding 12 months.

Section 5901, relating to dealers and lessor-retailers giving notice.

Section 5901.1, relating to lessors giving notice and failure to pay fee.

Section 8802, relating to the return of canceled, suspended, or revoked certificates of ownership, registration cards, or license plates, when committed by any person with intent to defraud.

Section 8803, relating to return of canceled, suspended, or revoked documents and license plates of a dealer, manufacturer, transporter, dismantler, or salesman.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill 366 are both chaptered and become effective January 1, 1982, both bills amend Section 34500 of the Vehicle Code, and this bill is chaptered after Assembly Bill 366, that Section 34500 of the Vehicle Code, as amended by Section 2 of this act shall remain operative only until the operative date of Assembly Bill 366, and that on the operative date of Assembly Bill 366 Section 34500 of the Vehicle Code

as amended by Section 2 of this act be further amended in the form set forth in Section 2.5 of this act to incorporate the changes in Section 34500 proposed by Assembly Bill 366. Therefore, Section 2.5 of this act shall become operative only if this bill and Assembly Bill 366 are both chaptered and become effective January 1, 1982, both bills amend Section 34500, and this bill is chaptered after Assembly Bill 366, in which case Section 2.5 of this act shall become operative on the operative date of Assembly Bill 366.

SEC. 6. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 676

An act to add Section 17165 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. This act shall be known and cited as "The Hostage Relief Act of 1981."

SEC. 2. Section 17165 is added to the Revenue and Taxation Code, to read:

17165. (a) In the case of an individual who was at any time an American hostage, gross income does not include compensation from the United States received for any month during any part of which such individual was either (1) in captive status, or (2) hospitalized as a result of such individual's captive status.

(b) (1) In the case of an individual who was at any time an American hostage and who dies as a result of injury or disease or physical or mental disability incurred or aggravated while such individual was in captive status, any tax imposed by this part shall not apply with respect to any of the following:

(A) The taxable year in which falls the date of such individual's death.

(B) Any prior taxable year ending on or after the first day such individual was in captive status.

(2) Any tax imposed under this part for taxable years preceding those specified in paragraph (1) which is unpaid at the date of such individual's death (including interest, additions to the tax, and

additional amounts):

(A) Shall not be assessed.

(B) If assessed, the assessment shall be abated.

(C) If collected, shall be credited or refunded as an overpayment.

(3) This subdivision shall not apply unless the death of the individual occurs within two years after such individual ceases to be in captive status.

(c) If an individual is an American hostage who is in captive status, such individual's spouse may elect to file a joint return under Section 18402 for any taxable year which begins on or before the day which is two years after the date on which the hostage period ends, and for which such spouse is otherwise entitled to file such a joint return.

(d) (1) In the case of any individual who was at any time an American hostage, any period during which he or she was in captive status (and any period during which he or she was outside the United States and hospitalized as a result of captive status), and the next 180 days thereafter, shall be disregarded in determining, under this part, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual (1) whether any of the acts specified in Section 18470 was performed within the time prescribed therefor, and (2) the amount of any credit or refund (including interest).

(2) The provisions of this subdivision shall apply to the spouse of any individual entitled to the benefits of subdivision (a). The preceding sentence shall not cause this subdivision to apply to any spouse for any taxable year beginning more than two years after the date on which the hostage period ends.

(e) For purposes of this section:

(1) "American hostage" means any individual who, while (1) in the civil service or the uniformed services of the United States, or (2) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the United States Secretary of State for purposes of Public Law 96-449), is placed in a captive status during the hostage period.

(2) "Hostage period" means the period beginning on November 4, 1979, and ending on the date the President specifies, by executive order for purposes of Public Law 96-449, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for.

(3) "Captive status" means a missing status arising because of a hostile action abroad (A) which is directed against the United States during the hostage period, and (B) which is identified by the United States Secretary of State in the Federal Register for purposes of Public Law 96-449.

(4) "Missing status" means any of the following:

(A) In the case of employees, has the meaning given it in Section

5561(5) of Title 5 of the United States Code.

(B) In the case of members of the uniformed services, has the meaning given it in Section 551(2) of Title 37 of the United States Code.

(C) In the case of other individuals, has a similar meaning as that provided under such sections, as determined by the United States Secretary of State for purposes of Public Law 96-449.

For purposes of this paragraph the term "employee" has the meaning given to such term by Section 5561(2) of Title 5 of the United States Code.

(5) The terms "civil service" and "uniformed services" have the meanings given to such terms by Section 2101 of Title 5 of the United States Code.

(f) (1) For purposes of this section, an individual shall be treated as hospitalized as a result of captive status if such individual is hospitalized as a result of injury or disease or physical or mental disability incurred or aggravated while such individual was in captive status.

(2) Hospitalization shall be taken into account for purposes of paragraph (1) only if it is hospitalization:

(A) Occurring on or before the day which is two years after the date on which the individual's captive status ends (or, if earlier, the date on which the hostage period ends), or

(B) Which is part of a continuous period of hospitalization which began on or before the day determined under subparagraph (A).

SEC. 3. The Legislature finds and declares that this act serves a public purpose for purposes of Section 6 of Article XVI of the Constitution inasmuch as the safe return of the Americans held hostage in Iran was uppermost in the hearts and minds of their families and the people of this state and, to the extent possible, this act will alleviate the financial burdens borne by the families. It is the intent of the Legislature in enacting this act to demonstrate to the hostages and to their families that this state shares their concerns and is interested in their welfare and recognizes the difficulties faced by those held hostage as a result of their government service.

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 677

An act to amend Sections 72602.14 and 73431 of the Government Code, relating to courts.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 72602.14 of the Government Code is amended to read:

72602.14. In addition to the number of judges prescribed by Section 72602, at such time as the Los Angeles County Board of Supervisors finds there are sufficient funds for one additional judge for the Newhall Municipal Court District and adopts a resolution to that effect, there shall be one additional judge for the Newhall Municipal Court District. The office of commissioner in such district shall not be filled without the specific consent of the Legislature upon the recommendation of the Judicial Council, pursuant to a statute, and the approval of the county board of supervisors.

SEC. 2. Section 73431 of the Government Code is amended to read:

73431. Each municipal court district established in Kern County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

West Kern Judicial District	9
East Kern Judicial District	2

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 678

An act to amend Sections 241 and 243 of the Penal Code, relating to assault and battery.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 241 of the Penal Code is amended to read:

241. (a) An assault is punishable by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

(b) When an assault is committed against the person of a peace officer, firefighter, emergency medical technician, or mobile intensive care paramedic, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility,

and the person committing the offense knows or reasonably should know that such victim is a peace officer, firefighter, emergency medical technician, or mobile intensive care paramedic, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, the assault is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

(c) As used in this section:

(1) Peace officer means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person possessing a valid course completion certificate from a program approved by the State Department of Health Services for the medical training and education of ambulance personnel, and who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Mobile intensive care paramedic" refers to those persons who meet the standards set forth in Section 1481 of, and Division 2.5 (commencing with Section 1797) of, the Health and Safety Code.

(4) "Nurse" means a person who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

SEC. 2. Section 243 of the Penal Code is amended to read:

243. (a) A battery is punishable by a fine of not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

(b) When a battery is committed against the person of a peace officer, firefighter, emergency medical technician, or mobile intensive care paramedic, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that such victim is a peace officer, firefighter, emergency medical technician, or mobile intensive care paramedic, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

(c) When a battery is committed against a peace officer, firefighter, emergency medical technician, or mobile intensive care paramedic, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that such victim is a peace officer, firefighter, emergency medical technician, or mobile intensive care paramedic, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on such victim,

the battery is punishable by imprisonment in the county jail for a period of not more than one year, or by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the state prison for 16 months, or two or three years.

(d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in the county jail for a period of not more than one year or imprisonment in the state prison for two, three, or four years.

(e) As used in this section:

(1) "Peace officer" means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person possessing a valid course completion certificate from a program approved by the State Department of Health Services for the medical training and education of ambulance personnel, and who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Mobile intensive care paramedic" means any person who meets the standards set forth in Section 1481 of, and Division 2.5 (commencing with Section 1797) of, the Health and Safety Code.

(4) "Nurse" means a person who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(5) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(6) "Injury" means any physical injury which requires professional medical treatment.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 679

An act to amend Section 74661 of the Government Code, relating to courts.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 74661 of the Government Code is amended to read:

74661. The Santa Clara County Judicial District shall have 22 judges; provided that there shall be any number of additional judges up to 28 at such time as the Santa Clara County Board of Supervisors finds that there are sufficient funds to provide for any or all of the additional judges and adopts a resolution or resolutions to that effect.

CHAPTER 680

An act to amend Section 5 of Chapter 389 of the Statutes of 1979, relating to domestic water supply systems, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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 Goshen Community Services 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 the 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 those 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 East Orosi Community Services 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 the 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 those provisions.

SEC. 3. 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 Newell 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 the 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 those provisions.

SEC. 4. A grant not to exceed the amount of one hundred thousand dollars ($100,000) is hereby authorized from the California Safe Drinking Water Fund pursuant to subdivision (d) of Section 13861 of the Water Code to the Sanger Unified School 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 the 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 those provisions.

SEC. 5. The Legislature hereby finds and declares that in order to meet the minimum safe drinking water standards there is a critical need within the Goshen Community Services District, within the East Orosi Community Services District, within the Sanger Unified School District, and within the Newell County Water District to immediately undertake certain improvements necessary to enable the residents of the districts to have a dependable and potable water supply.

SEC. 6. The Legislature further finds and declares that the water systems of the Goshen Community Services District, the East Orosi Community Services District, the Sanger Unified School District, and the Newell County Water District have critical deficiencies which pose a serious threat to the public health and welfare of all consumers within the districts and that each district is only barely meeting the demand for water within the district.

SEC. 7. Section 5 of Chapter 389 of the Statutes of 1979 is amended to read:

Sec. 5. A grant not to exceed the amount of two hundred fifty-two thousand eight hundred seventy dollars ($252,870) is hereby authorized from the California Safe Drinking Water Fund pursuant to subdivision (d) of Section 13861 of the Water Code to the Linden 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. 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 the necessity are.

In order to authorize grants from the California Safe Drinking Water Fund to the Goshen Community Services District, the East Orosi Community Services District, the Sanger Unified School

District, the Newell County Water District, and the Linden County Water District to resolve the critical water supply problems of the districts at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 681

An act to add Section 11105.2 to the Penal Code, relating to criminal records.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 11105.2 is added to the Penal Code, to read:

11105.2. (a) Notwithstanding any other provision of law, an employer may request from the Department of Justice records of all convictions involving any sex crimes of a person who applies for employment or volunteers for a position in which he or she would have supervisory or disciplinary power over a minor. The department shall furnish the information to the requesting employer and shall also send a copy of the information to the applicant.

(b) Any request for records under subdivision (a) shall include the applicant's fingerprints, which may be taken by the employer, and any other data specified by the department. The request shall be on a form approved by the department, and the department may charge a fee to be paid by the employer for the actual cost of processing the request. The department shall destroy an application within six months after the requested information is sent to the employer and applicant.

(c) The department shall adopt regulations to implement the provisions of this section.

(d) As used in this section "employer" means any nonprofit corporation or other organizations specified by the Attorney General which employs or uses the services of volunteers in positions in which the volunteer or employee has supervisory or disciplinary power over a child or children.

(e) As used in this section "sex crime" means a conviction for a violation or attempted violation of Section 220, 261, 261.5, 264.1, 267, 272, 273a, 273d, 285, 286, 288, 288a, 289, 314, 647a, or subdivision (d) of Section 647, or commitment as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

Conviction for a violation or attempted violation of an offense committed outside the State of California is a sex crime if such offense would have been a crime in California under one of the above sections if committed in California.

SEC. 2. Section 11105.2 is added to the Penal Code, to read:

11105.2. (a) Notwithstanding any other provision of law, an employer may request from the Department of Justice records of all convictions involving any sex crimes of a person who applies for employment or volunteers for a position in which he or she would have supervisory or disciplinary power over a minor. The department shall furnish the information to the requesting employer and shall also send a copy of the information to the applicant.

(b) Any request for records under subdivision (a) shall include the applicant's fingerprints, which may be taken by the employer, and any other data specified by the department. The request shall be on a form approved by the department, and the department may charge a fee to be paid by the employer for the actual cost of processing the request. The department shall destroy an application within six months after the requested information is sent to the employer and applicant.

(c) The department shall adopt regulations to implement the provisions of this section.

(d) As used in this section "employer" means any nonprofit corporation or other organizations specified by the Attorney General which employs or uses the services of volunteers in positions in which the volunteer or employee has supervisory or disciplinary power over a child or children.

(e) As used in this section "sex crime" means a conviction for a violation or attempted violation of Section 220, 261, 261.5, 264.1, 267, 272, 273a, 273d, 285, 286, 288, 288a, 289, 293, 294, 295, 314, 647a, or subdivision (d) of Section 647, or commitment as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

Conviction for a violation or attempted violation of an offense committed outside the State of California is a sex crime if such offense would have been a crime under one of the above sections if committed in California.

SEC. 3. Section 1 of this act shall become operative only if Senate Bill No. 586 of the 1981–82 Regular Session of the Legislature is not chaptered and not effective on or before January 1, 1982.

Section 2 of this act shall become operative only if Senate Bill No. 586 is chaptered and becomes effective on or before January 1, 1982, in which case Section 1 of this act shall not become operative.

CHAPTER 682

An act to amend and repeal Section 9873 of the Business and Professions Code, relating to electronic and appliance repair dealers, and making an appropriation therefor.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 9873 of the Business and Professions Code is amended to read:

9873. The fees prescribed by this chapter shall be set by the director by regulation, according to the following schedule:

(a) The service dealer registration fee for a service dealer who for compensation engages in the business of repairing, servicing, or maintaining either (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, television or radio receiver antennas or rotators, or (2) appliances, but not both, is not more than one hundred dollars ($100) for each place of business in this state. The service dealer registration fee for a service dealer who for compensation engages in the business of repairing or maintaining both (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, television or radio receiver antennas or rotators, and (2) appliances, is not more than two hundred dollars ($200).

(b) The annual registration renewal fee for a service dealer who for compensation engages in the business of repairing, servicing, or maintaining either (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, television or radio receiver antennas or rotators, or (2) appliances, but not both, is not more than one hundred dollars ($100) for each place of business in this state, if renewed prior to its expiration date. The annual renewal fee for a service dealer who for compensation engages in the business of repairing or maintaining both (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, television or radio receiver antennas or rotators, and (2) appliances, is not more than one hundred seventy-five dollars ($175).

(c) The delinquency fee is an amount equal to 50 percent of the renewal fee for such license in effect on the date of renewal of the license, except as otherwise provided in Section 163.5.

(d) This section shall remain in effect until July 1, 1984, and as of that date is repealed, unless a later enacted statute deletes or extends this date prior to July 1, 1984.

CHAPTER 683

An act to amend Sections 5558 and 5560 of the Public Resources Code, relating to park districts.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 5558 of the Public Resources Code is amended to read:

5558. (a) The board shall superintend, control, and make available to all of the inhabitants of the district, subject to its ordinances, rules, and regulations, all public parks, playgrounds, beaches, parkways, scenic drives, boulevards, open spaces, and other facilities for public recreation belonging to the district or under its control.

The board shall regulate, restrain, and control the kind of vehicles, and the time and conditions of travel or parking on such public parks, playgrounds, beaches, parkways, scenic drives, boulevards, open spaces, and other facilities for public recreation, and it shall employ a suitable police force and shall adopt all ordinances, rules, and regulations necessary for the administration, government, protection, and use of the property, improvements, and facilities belonging to the district or under its control.

The board shall, in general, do all acts necessary to the proper execution of the powers and duties granted to, and imposed upon, it by this article, and to manage and control the business and affairs of the district.

(b) Notwithstanding any other provision of this section, the board of any district organized pursuant to Sections 5506.5 and 5538.5 may designate and employ officers and employees of the county in which the district is located as the district police force required by this section.

SEC. 2. Section 5560 of the Public Resources Code is amended to read:

5560. (a) Violation of any ordinance, rule, or regulation adopted pursuant to this article is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment, unless the board provides that a violation of any ordinance, rule, or regulation is an infraction, which shall be punishable by a fine not to exceed fifty dollars ($50).

(b) Any judge of a justice court within any judicial district lying wholly or in part within the district, or any municipal court which may be established within the district, shall have jurisdiction of all prosecutions under this article for violations of any ordinance, rule, or regulation adopted by the board.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 684

An act to amend, repeal, and add Section 6254 of, and to add Section 19826.5 to, the Government Code, relating to public employer-employee relations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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 state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1, Chapter 10.5 (commencing with Section 3525) of Division 4 of Title 1, and Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, which reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or which provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under the above chapters. Nothing in this subdivision shall be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this subdivision.

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.

This section shall remain in effect until January 1, 1982, and as of that date is repealed.

SEC. 1.5. Section 6254 is added to the Government Code, 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 law enforcement agencies and the California Highway Patrol 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 victims of 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 or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, vandalism, vehicle theft, 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, or unless disclosure would endanger the successful completion of the investigation or a related investigation; provided, however, that nothing herein shall require the disclosure of that portion of those investigative files which reflect the analysis or conclusions of the investigating officer.

(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 state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1, Chapter 10.5 (commencing with Section 3525) of Division 4 of Title 1, and Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, which reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or which provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under the above chapters. Nothing in this subdivision shall be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this subdivision.

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.

This section shall become operative on January 1, 1982.

SEC. 2. 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 law enforcement agencies and the California Highway Patrol 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 victims of 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 or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, vandalism, vehicle theft, 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, or unless disclosure would endanger the successful completion of the investigation or a related investigation; provided, however, that nothing herein shall require the disclosure of that portion of those investigative files which reflect the analysis or conclusions of the investigating officer.

Other provisions of this subdivision notwithstanding, state and local law enforcement agencies maintaining original entry documents compiled chronologically, including police blotters or incident logs and booking sheets, shall make such records available to the public except to the extent that the disclosure of a particular item or items of information would endanger the safety of a person involved in an investigation or 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 state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1, Chapter 10.5 (commencing with Section 3525) of Division 4 of Title 1, and Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, which reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or which provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under the above chapters. Nothing in this subdivision shall be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this subdivision.

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.

SEC. 3. Section 19826.5 is added to the Government Code, to read:

19826.5. Whenever the department finds that pay data was furnished to the department on the basis that the source remain confidential, the source shall not be open to the public or admissible as evidence in any action or special proceeding.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill 909 are both chaptered and become effective on or before January 1, 1982, both bills amend Section 6254 of the Government Code, and this bill is chaptered after Assembly Bill 909, that Section 6254 of the Government Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill 909, and that on the effective date of Assembly Bill 909 Section 6254 of the Government Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 6254 proposed by Assembly Bill 909. Therefore, if this bill and Assembly Bill 909 are both chaptered and become effective on or before January 1, 1982, and Assembly Bill 909 is chaptered before this bill and amends Section 6254, Section 2 of this act shall become operative on the effective date of Assembly Bill 909, and Section 1.5 of this act shall not become operative.

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 the necessity are:

In order for the specified meetings, records, and pay data sources associated with state employer-employee relations to have the necessary confidentiality before meeting and conferring and salary surveys begin for the next fiscal year, it is necessary for this act to take effect immediately.

CHAPTER 685

An act to add Article 7.5 (commencing with Section 51780) to Chapter 5 of Part 28 of the Education Code, relating to health education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Article 7.5 (commencing with Section 51780) is added to Chapter 5 of Part 28 of the Education Code, to read:

Article 7.5. Genetic Diseases and Disorders Instruction

51780. It is the intent of the Legislature in enacting this article to generate and encourage the development of educational programs for the prevention of genetic diseases, disorders, and birth defects, in grades 7 through 12, and thereby to reduce the annual incidence of genetic diseases, disorders, and birth defects through preventive educational programs.

51781. The Department of Education shall prepare and distribute to local school districts guidelines and plans for the preparation of comprehensive educational programs for the prevention of genetic diseases, disorders, and birth defects, and in cooperation with those county offices of education which desire to participate, shall assist school districts in developing comprehensive genetic diseases and disorders plans and programs and for this purpose shall assume the following functions and carry out the following duties:

(a) Conduct on an annual basis at least 25 workshops and training programs for approximately 2,500 school district teams of certified school personnel, using instructional materials, curricula, and guidelines developed by the department for dissemination at training programs conducted during the year.

(b) Prepare an annual report for the Joint Legislative Budget Committee which shall include, but not be limited to, the following information: the names of school districts and schools participating in the workshops, the numbers and staff composition of certified school personnel in attendance at the workshops, an estimate of the number of pupils who will benefit from the genetic diseases and disorders instruction, and total program expenditures for the year.

51782. The instructional program in genetic diseases and disorders shall provide pupils with practical information concerning, but not limited to, the following elements:

(a) Genetics.

(b) Maternal and prenatal health care.

(c) Transmission of genetic diseases and disorders.

(d) Human development.

(e) Nutrition.

(f) Effects of environmental factors on human development.

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 provisions of this act are necessary to ensure the continuation of instruction in genetic diseases and disorders to pupils in grades 7 through 12 during the 1981–82 school year without interruption.

CHAPTER 686

An act to amend Section 29820 of the Government Code, to amend Sections 32204 and 33670 of the Health and Safety Code, to amend Section 9836 of the Public Resources Code, and to amend Section 311 of the Metropolitan Water District Act, as amended by Chapter 441 of the Statutes of 1969, relating to funds of public agencies.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 29820 of the Government Code is amended to read:

29820. When a warrant is presented for payment, if there is money in the treasury for that purpose, the treasurer shall pay it and may stamp thereon or perforate therein the word "Paid" and the date of payment. At the option of the treasurer, warrants may be payable at the treasurer's office or at any bank at which money of the county is deposited.

SEC. 2. Section 32204 of the Health and Safety Code is amended to read:

32204. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. Such taxes shall be a lien on the taxable property of the district and shall be paid with, and not separately from, county taxes. All moneys so collected shall be paid into the county treasury or treasuries of the county or counties in which the district lies and shall be transferred upon order of the district board to the district and placed in the proper fund or funds of the district; provided, however, that the proceeds of any tax levied to pay principal or interest of bonds which is payable at the office of the treasurer of the organizing county at the option of the holder, or otherwise, shall be placed in the bond interest and sinking fund of the district in the treasury of the organizing county.

SEC. 3. Section 33670 of the Health and Safety Code is amended to read:

33670. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the

assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid to the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and

(b) That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid to the respective taxing agencies. When such loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid to the respective taxing agencies as taxes on all other property are paid.

(c) In any redevelopment project in which taxes have been divided pursuant to this section prior to 1968, located within any county with total assessed valuation subject to general property taxes for the fiscal year 1967–1968 between two billion dollars ($2,000,000,000) and two billion one hundred million dollars ($2,100,000,000), if the total assessed valuation of taxable property within the redevelopment project for the fiscal year 1967–1968 was reduced, the total sum of the assessed value of taxable property used as the basis for apportionment of taxes under subdivision (a) shall be reduced by 10 percent for the fiscal year 1968–1969 and fiscal years thereafter.

SEC. 4. Section 9836 of the Public Resources Code is amended to read:

9836. The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the principal county all money belonging to the improvement district and in their possession.

SEC. 5. Section 311 of the Metropolitan Water District Act, as amended by Chapter 441 of the Statutes of 1969, is amended to read:

Sec. 311. Upon receipt, pursuant to Section 310, by the auditor of each county of a certified copy of the controller's statement showing the tax rates to be applied to property taxable by the district, the county officers shall collect taxes for the benefit of the district at the rates specified. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency. The same provisions of law relating to the sale of property for nonpayment of county taxes and to redemption of such property shall apply to such tax levy. When so collected, such taxes including penalties for delinquency shall be paid over to the district.

CHAPTER 687

An act to add Chapter 19 (commencing with Section 22435) to Division 8 of the Business and Professions Code, relating to shopping and laundry carts.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Chapter 19 (commencing with Section 22435) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 19. SHOPPING AND LAUNDRY CARTS

Article 1. Identification of Shopping and Laundry Carts

22435. As used in this article:

(a) "Shopping cart" means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

(b) "Laundry cart" means a basket which is mounted on wheels and used in a coin-operated laundry or drycleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

(c) "Parking area" means a parking lot or other property provided by a retailer for use by a customer for parking an automobile or other vehicle.

22435.1. The provisions of Section 22435.2 shall apply when a shopping cart or a laundry cart has a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both; notifies the public of the procedure to be utilized for authorized removal of the cart from the premises; notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail

establishment, or the unauthorized possession of the cart, is a violation of state law; and lists a telephone number or address for returning the cart removed from the premises or parking area to the owner or retailer.

22435.2. It is unlawful to do any of the following acts, if a shopping cart or laundry cart has a permanently affixed sign as provided in Section 22435.1:

(a) To remove a shopping cart or laundry cart from the premises or parking area of a retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(b) To be in possession of any shopping cart or laundry cart that has been removed from the premises or the parking area of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(c) To be in possession of any shopping cart or laundry cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(d) To leave or abandon a shopping cart or laundry cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(e) To alter, convert, or tamper with a shopping cart or laundry cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

22435.3. Any person who violates any of the provisions of this article is guilty of a misdemeanor.

The provisions of this section are not intended to preclude the application of any other laws relating to prosecution for theft.

22435.4. This article shall not apply to the owner of a shopping cart or laundry cart or to a retailer, or to their agents or employees, or to a customer of a retail establishment who has written consent from the owner of a shopping cart or laundry cart or a retailer to be in possession of the shopping cart or laundry cart or to remove the shopping cart or laundry cart from the premises or the parking area of the retail establishment, or to do any of the acts specified in Section 22435.2.

Article 2. Shopping Cart or Laundry Cart Retrieval Services

22435.10. As used in this article:

(a) "In the business of shopping cart or laundry cart retrieval" means to search for, gather, and restore possession to the owner, or an agent thereof, for compensation or in expectation of compensation, of shopping carts or laundry carts located outside the premises or parking area of a retail establishment.

(b) "Shopping cart" means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

(c) "Laundry cart" means a basket which is mounted on wheels and used in a coin-operated laundry or drycleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

(d) "Parking area" means a parking lot or other property provided by a retailer for use by a customer for parking an automobile or other vehicle.

22435.11. (a) Any person who engages in the business of shopping cart or laundry cart retrieval shall retain records showing written authorization from the cart owner, or an agent thereof, to retrieve the cart or carts and to be in possession of the cart or carts retrieved.

(b) A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart or laundry cart retrieval.

22435.12. Each vehicle employed for the retrieval of shopping carts or laundry carts shall display a sign that clearly identifies the retrieval service.

22435.13. Any person who violates the provisions of this article is guilty of a misdemeanor.

The provisions of this section are not intended to preclude the application of any other laws relating to prosecution for theft.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 688

An act relating to optometry.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Notwithstanding any other provision of law, any person who meets the following requirements shall be considered to have completed comparable requirements to those required for licensure as an optometrist in this state and shall be given an examination for a certificate of registration as an optometrist as

prescribed by the State Board of Optometry:

(a) Holds a degree in optometry issued by a college or university in the United States which is accredited by the State Board of Optometry;

(b) Holds the degree of Doctor of Philosophy in physiological optics in optometry issued by a college or university in the United States; and

(c) Has been licensed to practice and did practice optometry in another state for not less than 15 years.

CHAPTER 689

An act to amend Sections 1635 and 11520 of, to add Sections 12760 and 12765 to, and to repeal Sections 12760 and 12765 of, the Insurance Code, relating to insurance.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 1635 of the Insurance Code is amended to read:

1635. No license is required under the provisions of this chapter for a person to act in the following capacities or to engage in the following activities, providing no commission is paid or allowed, directly or indirectly, for acting in such capacities or engaging in such activities:

(a) The business of examining, certifying or abstracting titles to real property;

(b) The solicitation for membership in a fraternal benefit society and other activities to the extent and as described in Sections 11013 and 11102 of this code;

(c) As a salaried representative of a reciprocal or interinsurance exchange or of its attorney in fact;

(d) Employment which does not include the solicitation, negotiation or effecting of contracts of insurance and the signing of policies or other evidences of insurance;

(e) As an officer of an insurer or a salaried traveling employee of the type commonly known as a special agent or as an agency supervisor, while performing duties and exercising functions such as are commonly performed by a special agent or agency supervisor, if the person engaging in such activity does not:

(1) Effect insurance; or

(2) Solicit or negotiate insurance except as a part of and in connection with the business of an insurance agent, insurance broker or life agent licensed under this chapter;

(f) As an officer or salaried representative of a life insurer if his

activities are limited to direct technical advice and assistance to a properly licensed person and his activities do not include effecting insurance or soliciting or negotiating insurance except as a part of and in connection with the business of an insurance agent, insurance broker, or life agent licensed under this chapter;

(g) Employment by an insurer at its home or branch office which does not include the solicitation or negotiation of insurance, and which may as part thereof include the signing of policies or other evidences of insurance;

(h) The completion or delivery of a declaration or certificate of coverage under a running inland marine insurance contract evidencing coverage thereunder and including only such negotiations as are necessary to such completion or delivery if the person performing such acts or his employer has an insurable interest in the risk covered by the certificate or declaration; or

(i) As an employee of a licensed insurance agent or broker, whose employment is:

(1) That of a regularly salaried administrative or clerical employee who devotes substantially all of his services to activities other than the solicitation of insurance from the insuring public; or

(2) That of a salesman who devotes substantially all of his activities to selling merchandise and whose solicitation of insurance is limited only to the quoting of a premium for insurance to be included in the purchase price covering the interest retained in such merchandise by the seller.

(j) The solicitation, negotiation or effectuation of home protection contracts by a person licensed pursuant to Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code in connection with his or her licensed function authorized by Section 10131 or 10131.6 of the Business and Professions Code. Neither the receipt of a payment permitted by Section 12760 nor the receipt of a benefit permitted by Section 12765 shall disqualify the recipient from the licensing exemption provided by this chapter.

SEC. 2. Section 11520 of the Insurance Code is amended to read:

11520. The following organizations and persons may receive transfers of property, conditioned upon their agreement to pay an annuity to the transferor or the transferor's nominee, after obtaining from the commissioner a certificate of authority so to do:

(a) Any charitable, religious, benevolent or educational organization, pecuniary profit not being its object or purpose, after being in active operation for at least 10 years, provided, nevertheless, that 10 years of active operation shall not be required in case of:

(1) A nonprofit corporation organized and controlled by a hospital licensed by the State Department of Health Services as a general acute care hospital pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code; and

(2) An incorporated educational institution offering courses of instruction beyond high school, organized pursuant to Section 94306

of the Education Code, and which is, and for at least one year has been, qualified pursuant to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code to issue diplomas or degrees as defined in Section 94302 of that code;

(b) Every organization or person maintaining homes for the aged for pecuniary profit.

The provisions of this section shall apply to organizations subject to and operating under Chapter 10 (commencing with Section 1770) of Division 2 of the Health and Safety Code.

SEC. 3. Section 12760 of the Insurance Code is repealed.

SEC. 4. Section 12760 is added to the Insurance Code, to read:

12760. No home protection company shall pay a commission to any person as an inducement or compensation for the issuance, purchase or acquisition of a home protection contract, nor shall a home protection company or any other insurer either directly or indirectly, as a part of any real property transaction in which a home protection contract will be issued, purchased or acquired, require that a home protection contract be issued, purchased or acquired in conjunction with or as a condition precedent to the issuance, purchase or acquisition, by any person, of any other policy of insurance. The provisions of this section shall not prohibit payment of an override commission or marketing fee to an employee or commission sales agent who is the marketing representative of the home protection company or its parent, subsidiary, or affiliate on the sale or marketing of a home protection contract, provided such person is not a real estate licensee sharing in or entitled to share in, or affiliated with a real estate brokerage firm which is entitled to share in the real estate commission generated by the underlying real property transaction.

SEC. 5. Section 12765 is added to the Insurance Code, to read:

12765. Notwithstanding the provisions of Section 12760 or any other provision of this code, the waiver or forgiveness of a marketing fee otherwise payable by a franchised real estate licensee under the terms of its franchise agreement shall not be unlawful where pursuant to the franchise agreement such waiver or forgiveness occurs in the event the franchisee markets or sells a home protection contract issued by the franchisor or its parent, subsidiary or affiliate. This section shall only apply to the waiver or forgiveness of a marketing fee otherwise payable by a franchised real estate licensee under the terms of a franchise agreement where, as of July 1, 1981, the franchise agreement form provided for the waiver or forgiveness of a marketing fee in the event the franchisee markets or sells a home protection contract issued by the franchisor or its parent, subsidiary or affiliate This section shall remain in effect until September 1, 1983, and as of such date is repealed.

SEC. 6. It is the intent of the Legislature in enacting Section 12765 of the Insurance Code to allow home protection companies which were transacting home protection business in California on or before January 1, 1979, under a marketing program as specified in

Section 12765, sufficient time to alter their marketing programs to comply with provisions of the Insurance Code.

CHAPTER 690

An act to amend Section 62181 of, and to add Article 5 (commencing with Section 61400) to Chapter 1 of Part 3 of Division 21 of, the Food and Agricultural Code, relating to milk, and making an appropriation therefor.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Article 5 (commencing with Section 61400) is added to Chapter 1 of Part 3 of Division 21 of the Food and Agricultural Code, to read:

Article 5. Bonding and Payment for Manufacturing Milk

61400. It is recognized by the Legislature that unfair and disruptive practices have developed concerning the purchasing of manufacturing milk, as defined in Section 32509, including the failure to pay, or the making of late payments, to producers of manufacturing milk. Such practices tend to disrupt and interfere with the purposes of this chapter by, among other things, creating an unfair advantage to purchasers of manufacturing milk used for manufacturing purposes over purchasers of market milk used for manufacturing purposes. It is necessary, in order to more fully achieve the purposes of this chapter, to provide for the requirement of a payment bond and a schedule for payment concerning purchases of manufacturing milk in certain circumstances.

61401. "Manufacturing milk" has the meaning of that term as defined in Section 32509.

61402. "Manufacturing milk handler" means any person who, as owner, agent, broker, or intermediary, either directly or indirectly, receives, purchases, or otherwise acquires ownership, possession, or control of manufacturing milk in unprocessed or bulk form from a producer, a producer-handler, or another manufacturing milk handler for the purpose of manufacture, processing, sale, or other handling, regardless of whether the manufacturing milk is produced within or outside this state.

61403. "Manufacturing milk plant" means any place, structure, or building where a handler receives manufacturing milk.

61404. The bond provided for in this article is required for each manufacturing milk handler. For the purposes of this article, each subsidiary milk plant or branch milk plant, whether under one

ownership or not, shall be considered as an individual handler.

61405. Every manufacturing milk handler before purchasing any manufacturing milk from a producer shall execute and deliver to the director a surety bond, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. The amount of the bond shall be five thousand dollars ($5,000).

61406. The bond required by Section 61405 shall be in a form approved by the director, and shall be conditioned upon the payment in the manner that is required by the terms of purchase between the manufacturing milk handler and the producer of all amounts due to producers for manufacturing milk purchased by the licensee or applicant during the license year. The bond shall be to the state in favor of every producer of manufacturing milk.

61407. If a handler fails to pay any producer or producers in the manner that is required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all the producers that the handler has failed to pay, together with the amounts due and owing to them and each of them by the handler, and shall request all of those producers to file a verified statement of their respective claims with the director. The producer need only verify that he or she is owed an amount by the handler. The actual amount in that case may be ascertained by the director.

61408. Upon any action being commenced upon the bond, the director may require the filing of a new bond in such amount as determined by the director as will be sufficient to satisfy claims for payment of producers thereafter supplying manufacturing milk to the manufacturing milk handler, and immediately upon a recovery in any such action upon the bond, the failure of a manufacturing milk handler to have filed a new bond within 10 days after notice from the director constitutes grounds for the revocation or suspension of the manufacturing milk handler's license of the manufacturing milk handler, under Article 3 (commencing with Section 35011) of Chapter 12 of Part 1 of Division 15, pursuant to the procedures specified in Sections 32811, 32812, and 32813.

61409. The failure of any manufacturing milk handler that purchases manufacturing milk from producers to execute and deliver the bond as provided and required in this article is a violation of this chapter.

61410. The failure of any manufacturing milk handler that purchases manufacturing milk from producers to execute and deliver the bond as provided and required in this article shall constitute grounds for suspension or revocation of the license held under Article 3 (commencing with Section 35011) of Chapter 12 of Part 1 of Division 15, pursuant to the procedures specified in Sections 32811, 32812 and 32813. The failure of any such handler to post any additional bond as may be required to comply with any provision of this article shall also be grounds for suspension or revocation of the license pursuant to these procedures

61411. The purchase of any manufacturing milk from any producer unless that purchase complies with all of the requirements which are prescribed by this article is an unlawful trade practice. It also constitutes an unlawful trade practice if the contract between a manufacturing milk producer and a manufacturing milk handler does not require that the date and method of payment for manufacturing milk shall be that payment made for approximately one-half of the manufacturing milk delivered in any calendar month and shall not be later than the first day of the next followng month and the remainder not later than the 15th day of that following month.

61412. Every milk handler who receives manufacturing milk subject to the provisions of this article shall deduct as an assessment from payments made to producers for manufacturing milk the sum of one and two-tenths cents ($0.012) per hundredweight of manufacturing milk.

The amount of the assessments so deducted shall be paid to the director on or before the 45th day following the last day of the month during which the manufacturing milk was received.

Every milk handler who receives manufacturing milk subject to the provisions of this article that purchases or handles manufacturing milk from producers shall pay a fee of six-tenths of one cent ($0.006) per hundredweight of manufacturing milk.

The amount of the fee shall be paid to the director on or before the 45th day following the last day of the month in which the manufacturing milk was received.

61413. The director may fix the rates of assessments or fees required by Section 61412 at lesser amounts, and may adjust the rates of assessments or fees from time to time, whenever he or she finds that the cost of administering this article can be defrayed from revenues derived from the lower rates, provided that the rate of assessments deducted from payments to producers for manufacturing milk and the rate of fees paid by manufacturing milk handlers shall at all times be in the ratio of two to one.

61414. (a) Any assessment or fee or either of them payable pursuant to any provision of this article is a debt of the person by whom the assessment or fee or either of them is payable and shall be due and payable to the director upon the date set forth in Section 61412. If the person does not pay the assessment or fee or either of them upon the required date, the director may file a complaint against that person in a state court of competent jurisdiction for the collection of the assessment or fee or either of them.

(b) If any such person does not pay to the director the assessments or fees or either of them provided for in this article, on or before the date specified in Section 61412, the director may add to the unpaid assessments or fees or either of them an amount not exceeding 10 percent of the unpaid assessment or fees or either of them to defray the cost of enforcing the collection of the unpaid assessments or fees or either of them.

SEC. 2. Section 62181 of the Food and Agricultural Code is amended to read:

62181. The bonds provided for in this article are required for each handler and shall apply to all purchases of milk by that handler. A handler bonded under this article shall not be required to be separately bonded under the provisions of Section 61405. For the purposes of this article, each subsidiary milk plant or branch milk plant, whether under one ownership or not, shall be considered as an individual handler.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 691

An act to add and repeal Sections 8377 and 8377.5 of the Fish and Game Code, relating to fish.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 8377 is added to the Fish and Game Code, to read:

8377. No Pacific bonito less than 24 inches fork length or five pounds in weight may be taken or possessed on any vessel at any time for any commercial purpose, except (1) a load of bonito taken on a vessel by the use of round haul nets may contain 18 percent or less by number of bonito smaller than the minimum size, and (2) a load of fish taken on a vessel by the use of gill nets or trammel nets may contain 1,000 pounds or less of bonito smaller than the minimum size per trip. Pacific bonito smaller than the minimum size, incidentally taken, may be used for any purpose.

This section shall remain in effect only until January 1, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

SEC. 2. Section 8377.5 is added to the Fish and Game Code, to read:

8377.5. Pacific bonito shall be measured from the tip of the lower jaw to the center of the fork of the tail fin.

This section shall remain in effect only until January 1, 1985, and as of that date is repealed, unless a later enacted statute, which is

chaptered before January 1, 1985, deletes or extends that date.

SEC. 3. Sections 1 and 2 of this act shall not become operative until, and shall remain operative only so long as, the Director of Fish and Game finds and certifies to the Secretary of State that regulations adopted by the Fish and Game Commission are in effect that establish the maximum number of Pacific bonito of less than 24 inches fork length or less than five pounds in weight that may be taken for other than commercial purposes and that the restrictions imposed by the commission provide the same protection to the fishery resource as is provided in subdivision (1) of Section 8377 of the Fish and Game Code. Also, Sections 1 and 2 of this act shall remain operative only so long as the allowable daily sport bag limit of Pacific bonito does not exceed the bag limit which was in effect on March 1, 1981.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 692

An act to amend Sections 1053, 3036, 8842, and 12157 of, and to repeal Sections 852, 853, 2351, 3035, and 7147 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 852 of the Fish and Game Code is repealed.

SEC. 2. Section 853 of the Fish and Game Code is repealed.

SEC. 3. Section 1053 of the Fish and Game Code is amended to read:

1053. Not more than one license or license tag of the same class shall be issued to or purchased by a person for the same license year, except upon:

1. The expiration of the license.

2. The filing of an affidavit showing the loss or destruction of an unexpired license or license tag previously issued and payment of the full fee.

3. The filing of an affidavit showing the loss or destruction of an unexpired commercial fishing license or packing and processing

license and payment of a fee of five dollars ($5).

4. The filing of an affidavit showing the loss or destruction of an unexpired sport fishing or hunting license, and payment of a fee of two dollars ($2). Duplicate sport fishing or hunting licenses issued pursuant to this subdivision shall be issued only by the department.

Any person authorized by the department to issue licenses may administer the oath for purposes of the affidavit without any fee. Each of the affidavits provided for under subdivisions 2, 3, and 4 shall be filed with the department at the times and in the manner prescribed by the department.

SEC. 5. Section 2351 of the Fish and Game Code is repealed.

SEC. 6. Section 3035 of the Fish and Game Code is repealed.

SEC. 7. Section 3036 of the Fish and Game Code is amended to read:

3036. A veteran, having 70 percent or greater service-connected disability, of any war in which the United States has been, or may be engaged, upon the presentation of proof of an honorable discharge from service, is entitled to the licenses provided for in this article upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge, and is entitled to receive, free of charge, deer tags provided for in Section 4332.

Proof of the disability shall be required and shall be by certification from the Veterans Administration or, if the veteran is over 55 years of age, by proof that he or she was issued a license under this section in the previous year.

As used in this section, "war" means that period of time commencing when Congress declares war or when the armed forces of the United States are engaged in active military operations against any foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

As used in this section, "veteran" includes any member of the armed forces of the United States, having 70 percent or greater service-connected disability, and whose service-connected disability is certified by the appropriate military authority.

SEC. 8. Section 7147 of the Fish and Game Code is repealed.

SEC. 9. Section 8842 of the Fish and Game Code is amended to read:

8842. Trawl nets of such design as may be prescribed by the commission may be used or possessed to take shrimps or prawns under a revocable permit issued by the department and under such regulations as the commission shall prescribe.

Sections 8831, 8833, 8835, and 8836 shall not apply to trawl nets used or possessed under permit issued pursuant to this section. When fishing for pink shrimp under a permit as provided in this section, it is unlawful to possess in excess of 1,500 pounds of incidentally taken fish per calendar day of a fishing trip, except Pacific whiting, shortbelly rockfish, and arrowtooth flounder, which may be taken in any amount. When fishing for ridgeback prawn and spotted prawn

pursuant to this section, it is unlawful to possess in excess of 1,000 pounds of incidentally taken fish per trip. Salmon may only be taken subject to Sections 8210 to 8225, inclusive.

SEC. 10. Section 12157 of the Fish and Game Code is amended to read:

12157. The judge before whom any person is tried for a violation of any provision of this code or regulation made pursuant thereto may, in his discretion, upon the conviction of the accused, order the forfeiture of any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibia and which was used in committing the offense charged. Any device or apparatus so forfeited shall be sold or destroyed by the department. The proceeds from all such sales shall be paid into the Fish and Game Preservation Fund. For the purpose of this section, forfeiture of bail shall constitute a conviction.

Neither disposition of the criminal action other than by conviction nor the discretionary refusal of the judge to order forfeiture upon conviction shall impair the right of the department to commence proceedings to order the forfeiture of fish nets or traps pursuant to Section 8630.

CHAPTER 693

An act relating to resources, making an appropriation therefor, and in this connection amending and supplementing the Budget Act of 1981 by amending Items 857-001-001 to 857-001-890, inclusive, and the provisions applicable thereto, and adding Section 2.00A thereto, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Items 857-001-001 to 857-001-890, inclusive, and the provisions applicable thereto, of the Budget Act of 1981, as amended by Chapter 169 of the Statutes of 1981, are amended to read:

857-001-001—For support of Department of Food and Agriculture		34,364,925
Schedule:		
(a) 100000-Personal Services	41,173,390	
(b) 300000-Operating Expenses and Equipment	19,632,458	
(bb) Special items of expense	1,925,000	
(c) Reimbursements	−1,965,126	
(d) Amount payable from Food and Agriculture Code, Section 224,		

Subdivision (1) ..... —271,044
(dd) Amount payable from the Renewable Resources Agricultural Account (857-001-037) ..... —2,000,000
(e) Amount payable from the Department of Agriculture Fund (Item 857-001-111) ..... —20,684,225
(ee) Amount payable from the California Environmental License Plate Fund (Item 857-001-140) .... —427,879
(f) Amount payable from the Fair and Exposition Fund for support of the Division of Fairs (Item 857-001-191) ..... —589,111
(g) Amount payable from the Fair and Exposition Fund for engineers' salaries (Item 857-001-191) ..... —231,238
(h) Amounts payable from the Federal Trust Fund (Item 857-001-890) ..... —2,197,300

857-001-037—For support of Department of Food and Agriculture, to be transferred to Item 857-001-001, payable from the Renewable Resource Energy Agricultural Account, without regard to fiscal year .. 2,000,000

857-001-111—For support of Department of Food and Agriculture, to be transferred to Item 857-001-001, payable from the Department of Agriculture Fund 20,684,225

857-001-140—For support of Department of Food and Agriculture, to be transferred to Item 857-001-001, payable from the California Environmental License Plate Fund 427,879

857-001-189—For support of Department of Food and Agriculture, for agricultural research and demonstration projects, payable from the Energy Account, Energy and Resources Fund 1,280,000
Schedule:
(a) San Joaquin Valley—Agriculture and Energy Technology Project .. 1,280,000

857-001-190—For support of Department of Food and Agriculture, for agricultural research and demonstration projects, payable from the Resources Account, Energy and Resources Fund 2,120,000
Schedule:
(a) Important farm land mapping projects 540,000
(b) Apple growers research 1,000,000
(c) Veterinary laboratory services 400,000
(d) San Joaquin Valley—Agriculture and Energy Technology Project .. 120,000

(e) Photo-fermentation of ethyl alcohol, using algae 60,000

857-001-191—For support of Department of Food and Agriculture, to be transferred to Item 857-001-001, payable from the Fair and Exposition Fund 820,349

857-001-890—For support of Department of Food and Agriculture, to be transferred to Item 857-001-001, payable from the Federal Trust Fund..... 2,197,300

Provisions applicable to Items 857-001-001 through 857-001-890—for support of Department of Food and Agriculture:

1. Provided, that 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 the hydrilla eradication program at these sites.

1.5. Of the $345,235 appropriated in Item 857-001-140 for the gene resource conservation program, up to $222,885 shall be available for expenditure in the same proportion that the program receives up to $24,765 from nonstate sources.

2. Provided further, that of the $820,349 appropriation in Item 857-001-191, the sum of $213,727 represents a portion of money originally appropriated by Section 19627.3 of the Business and Professions Code for district agricultural fairs or citrus fairs and expositions and is hereby reappropriated in Item 857-001-191 from the Fair and Exposition Fund during the 1981-82 fiscal year for engineering services.

3. Provided further, that no funds appropriated by Item 857-001-001 may be expended for the eradication or control of the plant pest Hydrilla until the Department of Food and Agriculture has presented specific work plans to the State Board of Food and Agriculture and the board has approved such plans.

4. Provided further, that all projects funded in Items 857-001-189 and 857-001-190, Research to Promote Agricultural Productivity, shall fall within the following program areas: (a) energy conservation and alternative sources: (b) soil and land evaluation and conservation, including protection against urban encroachment: (c) water quality and supply: (d) genetic engineering as related to soil, water, and energy conservation; and (e) disease and pest research.

5. Provided further, that loans for resource conservation projects shall be subject to all of the following: (a) the interest rate charged for such loans shall not be less than that generated from the Pooled Money Investment Fund; (b) Department of Food and Agriculture charges for administration shall not exceed 3 percent of the loans; and (c) implementation of the resource conservation loan program is contingent upon enactment of a statute specifically authorizing such a program.

SEC. 2. Section 2.00A is added to the Budget Act of 1981, to read:

Sec. 2.00A. 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 1981–82 fiscal year beginning July 1, 1981, and ending June 30, 1982. Appropriations for capital outlay, unless otherwise provided herein, shall be available for expenditure during the 1981–82, 1982–83, and 1983–84 fiscal years, except that appropriations for studies, planning, and working drawings, and minor capital outlay shall, except as provided herein, be available for expenditure only during the 1981–82 fiscal year. In addition, every appropriation made in this act for construction, or working drawings and construction, that has not been approved by the State Public Works Board on or before June 30, 1982, shall, except as provided herein, 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.

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.

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1964 PROGRAM

Item

379-101-732A—For local assistance, Department of Parks and Recreation, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 to the County of San Benito for development of San Justo Reservoir, an amount equal to the proceeds of the sale authorized by Section 2 of the act adding this item.

SEC. 3. Pursuant to Section 5096.27 of the Public Resources Code, the County of San Benito is hereby authorized to transfer title to a parcel in the southwestern portion of Bolado Park, identified by the San Benito County Assessor as Parcel No. 25-22-04 and consisting of approximately 80 acres which was acquired with the grant of state funds appropriated in Item 341 (cc) of the Budget Act of 1967 (Chapter 500, Statutes of 1967), to any private party. The proceeds of the sale under this section shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1964.

SEC. 4. Pursuant to Sections 5096.27 and 5096.96 of the Public Resources Code, the County of Ventura is hereby authorized to lease, for industrial purposes, approximately 1.8 acres of lands described in the Department of Parks and Recreation projects #856-108 and #56-0011 under the grants of state funds provided by Item 365(b) of the Budget Act of 1973 (Chapter 129, Statutes of 1973) and Item 390(368) of the Budget Act of 1975 (Chapter 176, Statutes of 1975), respectively; provided, that the proceeds of the lease shall be used for the acquisition or development, or both, of land for public park purposes in Ventura County. However, the county shall replace those lands with property of equal value for outdoor recreation for not less than the duration of the lease.

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 the necessity are:

In order that the photo-fermentation study, the projects at San Justo Reservoir, and the leasing by San Benito and Ventura Counties authorized by this act may be undertaken as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 694

An act to amend and repeal Sections 17053.7 and 24330 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 17053.7 of the Revenue and Taxation Code is amended to read:

17053.7. (a) There shall be allowed as a credit against the "net tax" an amount equal to 10 percent of the amount of wages paid to each employee who is certified by the Employment Development Department to meet the requirements of Section 328 of the Unemployment Insurance Code.

(b) The credit under this section shall not apply to wages paid in excess of three thousand dollars ($3,000) during a taxable year by a taxpayer to the same individual. With respect to each qualified employee, the aggregate credit under this section shall not exceed six hundred dollars ($600).

(c) The credit under this section shall be in addition to any deduction under this part to which the taxpayer may be entitled, if any.

(d) The credit provided by this section shall be applied to wages paid to each qualifying employee during the 24-month period beginning on the date such employee begins working for the taxpayer.

(e) For the purposes of this section, "net tax" means the tax imposed under either Section 17041 or 17048 minus all credits except the credits provided by Section 17061 (relating to excess state disability insurance withheld), Section 18555.1 (relating to excess income tax withheld), and Section 17053.5 (relating to the renters credit).

This section shall remain in effect only until December 31, 1984, and as of such date is repealed, unless a later enacted statute, which is chaptered before December 31, 1984, deletes or extends such date, except that for the targeted groups of Supplemental Security Income/State Supplementary Program for the Aged, Blind, and Disabled recipients and general assistance recipients, this section shall be operative during such time as the federal Targeted Jobs Tax Credit program, Section 51 of the Internal Revenue Code of 1954, is in effect.

SEC. 2. Section 24330 of the Revenue and Taxation Code is amended to read:

24330. (a) There shall be allowed as a credit against the taxes imposed by this part (except the minimum franchise tax and the tax

on preference income) an amount equal to 10 percent of the amount of wages paid to each employee who is certified by the Employment Development Department to meet the requirements of Section 328 of the Unemployment Insurance Code.

(b) The credit under this section shall not apply to wages paid in excess of three thousand dollars ($3,000) during an income year by a taxpayer to the same individual. With respect to each qualified employee, the aggregate credit under this section shall not exceed six hundred dollars ($600).

(c) The credit under this section shall be in addition to any deduction under this part to which the taxpayer may be entitled, if any.

(d) The credit provided by this section shall be applied to wages paid to each qualifying employee during the 24-month period beginning on the date such employee begins working for the taxpayer.

This section shall remain in effect only until December 31, 1984, and as of such date is repealed, unless a later enacted statute, which is chaptered before December 31, 1984, deletes or extends such date, except that for the targeted groups of Supplemental Security Income/State Supplementary Program for the Aged, Blind, and Disabled recipients and general assistance recipients, this section shall be operative during such time as the federal Targeted Jobs Tax Credit program, Section 51 of the Internal Revenue Code of 1954, is in effect.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of Section 1 of this act shall apply with respect to taxable years beginning on and after January 1 of the year in which this act is chaptered and the provisions of Section 2 of this act shall apply with respect to income years beginning on and after January 1 of the year in which this act is chaptered.

CHAPTER 695

An act relating to domestic water supply systems, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. A grant not to exceed the amount of seventy-five thousand dollars ($75,000) is hereby authorized from the California Safe Drinking Water Fund pursuant to subdivision (d) of Section 13861 of the Water Code to the Laton Unified School 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 the 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 those provisions.

SEC. 2. A grant not to exceed the amount of one hundred seventy-eight thousand dollars ($178,000) is hereby authorized from the California Safe Drinking Water Fund pursuant to subdivision (d) of Section 13861 of the Water Code to the Oakdale Irrigation 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 the 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 those 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 Laton Unified School District and within the Oakdale Irrigation District to immediately undertake certain improvements necessary to enable persons within the districts to have a dependable and potable water supply.

SEC. 4. The Legislature further finds and declares that the water systems of the Laton Unified School District and the Oakdale Irrigation District have critical deficiencies which pose a serious threat to the public health and welfare of persons within the districts.

SEC. 5. A grant not to exceed the amount of eight thousand dollars ($8,000) is hereby authorized from the California Safe Drinking Water Fund pursuant to subdivision (d) of Section 13861 of the Water Code to the Winton School District for the purpose of reimbursing the district for improvements made to its domestic water supply system to meet, at a minimum, safe drinking water standards.

SEC. 6. The Legislature hereby finds and declares that the water system of the Winton School District has critical deficiencies which pose a serious threat to the public health and welfare of persons within the district.

SEC. 7. The Legislature further finds and declares that because of the urgency of the matter, the grant authorized by Section 5 is hereby awarded to the Winton School District.

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 the necessity are:

In order to authorize grants from the California Safe Drinking Water Fund to the Laton Unified School District, the Oakdale Irrigation District, and the Winton School District to resolve the critical water supply problems of the districts at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 696

An act to amend Section 25505 of, and to add Section 25503.15 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 25503.15 is added to the Business and Professions Code, to read:

25503.15. Notwithstanding any other provision of this division, a winegrower who manufactures, produces, bottles, processes, imports, or sells wine only, or any officer, director, or agent of any such person, may hold the ownership of any interest in any onsale or offsale general license, or the business conducted under any such license, provided that such person or the officer, director, or agent of such person, shall have entered into an undertaking approved by the department stating that neither such person nor any officer, director, or agent of such person shall sell or furnish to the holder of such license any wine, or permit the sale pursuant to such license of any wine, manufactured, produced, bottled, processed, imported, or sold by such person or such person's principal so long as such ownership continues, nor that neither such person nor any officer, director, or agent of such person shall enter into any collusive scheme whereby he or she unfairly sells or promotes, in his or her onsale or offsale businesses, the wine of another winegrower who manufactures, produces, bottles, processes, imports or sells wine only, in return for his or her wine being unfairly sold or promoted in the onsale or offsale businesses of that winegrower.

SEC. 2. Section 25505 of the Business and Professions Code is amended to read:

25505. No onsale licensee, or any officer, director, employee, or agent of such licensee, shall hold any ownership or interest, directly or indirectly, in any manufacturer's, winegrower's, rectifier's, importer's, or wholesaler's license, the business conducted under such license, or the property used in the business.

The provisions of this section shall not apply to the holding by one person of a wholesaler's license and an onsale license in a county not to exceed 15,000 population.

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) Onsale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) Onsale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, winegrower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the onsale licensee.

The provisions of this section shall not prohibit the leasing of property by an onsale licensee to a manufacturer, winegrower, rectifier, importer or wholesaler provided that the lease agreement is first approved by the department. The department shall approve the lease agreement unless it finds that the rental payable is not the fair rental value of the property or that the purpose of the lease is to violate any of the provisions of this chapter.

The provisions of this section shall not prohibit the holding of any ownership or interest by an onsale licensee, or any officer, director, employee, or agent of any such licensee, in any winegrower's license, which winegrower manufactures, produces, bottles, processes, imports, or sells wine only, or in the business conducted under any such license, provided the onsale licensee, or the officer, director, employee, or agent thereof shall have entered into an undertaking approved by the department stating that the onsale licensee, or any such officer, director, employee, or agent of such onsale licensee, will not sell pursuant to such onsale license any wine manufactured, produced, processed, imported, or sold by the licensed winegrower for so long as the holding of the ownership or interest continues.

CHAPTER 697

An act to add Section 207.5 to the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 207.5 is added to the Welfare and Institutions Code, to read:

207.5. Every person who misrepresents or falsely identifies himself or herself either verbally or by presenting any fraudulent written instrument to any probation officer, or to any superintendent, director, counselor, or employee of a juvenile hall, home, ranch, or camp for the purpose of securing admission to the premises or grounds of any such juvenile hall, home, ranch, or camp, or to gain access to any minor detained therein, and who would not otherwise qualify for admission or access thereto, is guilty of a

misdemeanor.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 698

An act to amend Section 58889 of the Food and Agricultural Code, relating to marketing orders.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 58889 of the Food and Agricultural Code is amended to read:

58889. (a) A marketing order may contain provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for any commodity which is grown in this state, or for the prevention, modification, or removal of trade barriers which obstruct the free flow of any commodity to market. The director may prepare, issue, administer, and enforce plans for promoting the sale of any commodity.

(b) Any such plan shall be directed toward increasing the sale of the commodity without reference to any private brand or trade name which is used by any handler with respect to the commodity regulated by the marketing order, except the use of wine if other than private brands or private trade names are unavailable, and except that such marketing orders that provide for the advertising and sales promotion of raisins, prunes, and walnuts may allow those plans to credit the pro rata assessment obligations of a handler with all or any portion of that handler's direct expenditures for the marketing promotion which may include private brand or trade name advertising performance allowances, sales promotions, couponing, and in-store promotion programs and materials.

(c) No advertising or sales promotion program shall be issued by the director which makes use of false or unwarranted claims in behalf of any such product, or disparages the quality, value, sale, or use of any other commodity.

CHAPTER 699

An act to add Section 14035.2 to the Government Code, relating to transportation.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 14035.2 is added to the Government Code, to read:

14035.2. In addition to other criteria, when allocating funds, and when applying for federal funds, appropriated for intercity and commuter bus and rail, vanpooling and carpooling, and demonstration or discretionary programs for special transportation needs, consideration shall be given to intercounty programs which provide or fund:

(a) Services between areas with unemployment rates above the statewide rate and of declining manufacturing employment resulting from plant closure, and areas with unemployment rates below the statewide rate.

(b) Services which facilitate the transport of unemployed workers from geographical areas of declining manufacturing employment opportunities resulting from plant closure to geographical areas offering greater employment opportunities, as reported by the Department of Employment Development in its publications on wage and salary employment by industry.

(c) Services which will provide commuter transportation during the workweek and recreational travel on weekends.

CHAPTER 700

An act to amend Sections 39605 and 39607 of, and to add Section 41852.5 to, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 39605 of the Health and Safety Code is amended to read:

39605. To carry out the purposes of this division, the state board may:

(a) Provide any assistance to any district.

(b) Require any district to provide requested information utilized

in the normal operation of the district or required by a state or federal statute or regulation.

(c) Hold public hearings.

(d) May accept assistance, financial and otherwise, from any public entity.

SEC. 2. Section 39607 of the Health and Safety Code is amended to read:

39607. The state board shall:

(a) Establish a program to secure data on air quality in each air basin established by the state board.

(b) Inventory sources of air pollution within the air basins of the state and determine the kinds and quantity of air pollutants. The state board shall use, to the fullest extent, the data of local agencies and other state agencies in fulfilling this purpose.

(c) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(d) Adopt test procedures to measure compliance with its nonvehicular emission standards and those of districts.

SEC. 3. Section 41852.5 is added to the Health and Safety Code, to read:

41852.5. The state board may, after holding a public hearing, authorize an exemption from the permit requirement of Section 41852 for a district, or a portion of a district, where agricultural burning does not significantly affect air quality.

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 the necessity are:

In order to make needed regulatory changes with respect to air pollution control at the earliest opportunity, after public notice, hearing, and opportunity to comment, it is necessary that this act take effect immediately.

CHAPTER 701

An act to add Section 39730 to the Government Code, to add Chapter 4.5 (commencing with Section 620) to Division 3 of the Harbors and Navigation Code, and to add Section 780.5 to the Public Utilities Code, relating to utilities.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 39730 is added to the Government Code, to read:

39730. The legislative body shall require every residential unit in

an apartment house or similar multiunit residential structure, condominium, and mobilehome park for which a building permit has been obtained on or after July 1, 1982, other than a dormitory or other housing accommodation provided by any postsecondary educational institution for its students or employees and other than farmworker housing, to be individually metered for electrical and gas service, except that separate metering for gas service is not required for residential units which are not equipped with gas appliances requiring venting or which receive the majority of energy used for water or space heating from a solar energy system or through cogeneration technology.

SEC. 2. Chapter 4.5 (commencing with Section 620) is added to Division 3 of the Harbors and Navigation Code, to read:

CHAPTER 4.5. MARINAS

620. The operator of every privately owned marina or small craft harbor or facilities in connection therewith furnishing electrical power to slips or berths, for use aboard any vessel may provide facilities for submetering to measure the electrical power actually used by or aboard each vessel and may base charges therefor upon such use.

SEC. 3. Section 780.5 is added to the Public Utilities Code, to read:

780.5. The commission shall require every residential unit in an apartment house or similar multi-unit residential structure, condominium, and mobilehome park for which a building permit has been obtained on or after July 1, 1982, other than a dormitory or other housing accommodation provided by any postsecondary educational institution for its students or employees and other than farmworker housing, to be individually metered for electrical and gas service, except that separate metering for gas service is not required for residential units which are not equipped with gas appliances requiring venting or which receive the majority of energy used for water or space heating from a solar energy system or through cogeneration technology.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

CHAPTER 702

An act to amend Sections 14016.5, 14016.6, 14016.7, 14408, and 14409 of, and to repeal Sections 14404 and 14405 of, the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 14016.5 of the Welfare and Institutions Code is amended to read:

14016.5. (a) At the time of determining or redetermining the eligibility of a Medi-Cal applicant or beneficiary who resides in an area served by a prepaid health plan or pilot program in which beneficiaries may enroll, the county shall inform the Medi-Cal applicant or beneficiary of options available regarding methods of receiving Medi-Cal benefits included in subdivisions (b) and (c).

(b) Each Medi-Cal beneficiary and eligible applicant shall, as a condition of coverage for Medi-Cal benefits, choose either of the following:

(1) To obtain benefits by receiving a monthly Medi-Cal card, which may be used to obtain services from individual providers who choose to provide services to Medi-Cal beneficiaries; or

(2) To obtain benefits by enrolling in a prepaid health plan or pilot program contracting with the department to service Medi-Cal beneficiaries.

(c) Until such time as a Medi-Cal beneficiary or eligible applicant makes a choice, such person shall be provided with a monthly Medi-Cal card.

(d) The department shall ensure that Medi-Cal beneficiaries eligible under Title XVI of the Social Security Act are provided with information about options available regarding methods of receiving Medi-Cal benefits included in subdivisions (b) and (c).

In areas where there is no prepaid health plan or pilot program which has contracted with the department to provide services to Medi-Cal beneficiaries, no explicit choice need be made, and the beneficiary or eligible applicant shall receive a monthly Medi-Cal card.

SEC. 2. Section 14016.6 of the Welfare and Institutions Code is amended to read:

14016.6. The State Department of Health Services shall develop a program to implement the provisions of Section 14016.5. The program shall include, but not be limited to, the following components:

(a) Development of a method to inform beneficiaries and applicants of their choices for receiving Medi-Cal benefits including the solicitation from representatives of the fee-for-service sector and

from prepaid health plans, or pilot programs marketing materials including printed materials, films, and exhibits, to be provided to Medi-Cal beneficiaries and applicants when choosing methods of receiving health care benefits. The department shall not be responsible for the costs of developing this material.

The department may prescribe the format and edit such materials for factual accuracy, objectivity and comprehensibility. The department shall use such edited materials in informing beneficiaries and applicants of their choices for receiving Medi-Cal benefits.

(b) Provision of information that is necessary to implement this program in a manner that fairly and objectively explains to beneficiaries and applicants their choices for methods of receiving Medi-Cal benefits, including information prepared by the department summarizing the benefits and restrictions to beneficiaries enrolled in prepaid health plans as opposed to the fee-for-service system.

(c) Provision of information about providers who will provide services to Medi-Cal beneficiaries. This may be information about provider referral services of a local provider professional organization. The information shall be made available to Medi-Cal beneficiaries and applicants at the same time the beneficiary or applicant is being informed of the options available for receiving care.

(d) Training of specialized county employees to carry out the program.

(e) Monitoring the implementation of the program in those county welfare offices where choices are made available in order to assure that beneficiaries and applicants may make a well-informed choice, without duress.

If a county-sponsored prepaid health plan is offered, the responsibilities outlined in this section shall be carried out either by a specially trained state employee or by an independent contractor paid by the department.

SEC. 3. Section 14016.7 of the Welfare and Institutions Code is amended to read:

14016.7. The department shall establish a schedule which will allow for a phase-in of these programs in all county offices where a choice is made available to Medi-Cal beneficiaries and applicants pursuant to Sections 14016.5 and 14016.6. The phase-in shall be completed and all programs shall be operational no later than December 31, 1981.

SEC. 4. Section 14404 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 14405 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 14408 of the Welfare and Institutions Code is amended to read:

14408. (a) Notwithstanding the provisions of Section 14118, and

except as otherwise prohibited by law, a contractor which has entered into a contract with the department pursuant to this chapter may make the benefits known to potential enrollees by methods approved by the department.

(b) No prepaid health plan or marketing organization shall engage in marketing activities prior to written approval by the department. All marketing activities and procedures shall be approved by the department prior to being used by a prepaid health plan or marketing organization. The department may approve, disapprove, or withdraw approval of any marketing activity or procedure. The department shall require the discontinuance of any marketing activity or procedure for which the department withdraws approval.

The prepaid health plan shall be responsible for all presentations by their official representatives and for their ethical and professional conduct.

(c) All printed or illustrated material prepared by the prepaid health plan for dissemination to enrollees or to prospective enrollees shall be submitted to the department prior to such dissemination. The department shall acknowledge receipt of the printed or illustrated material within five days, and shall approve or disapprove such material for dissemination within 60 days after the date of notification that the material has been received. The department may withdraw approval of such material previously approved and order its dissemination discontinued. Where the department notifies the prepaid health plan of its disapproval or withdrawal of approval, the prepaid health plan shall have the right to meet and confer with the director or his designee and demonstrate the purpose and reasonable basis for the distribution of such material to enrollees and potential enrollees.

(d) On or after January 1, 1982, door-to-door solicitation of Medi-Cal enrollees shall not be permitted except by written finding of good cause by the department, on a geographic basis. The authorization to continue door-to-door solicitation shall apply to each geographic area for which the department has made a finding and shall continue for a period not to exceed one year, except that the department may extend the authorization for additional one-year periods by making a new finding. In not permitting door-to-door solicitation of Medi-Cal enrollees, it is the intent of the Legislature that the department shall implement alternative enrollment procedures to maximize enrollment stability and growth in prepaid health plans.

SEC. 7. Section 14409 of the Welfare and Institutions Code is amended to read:

14409. (a) No prepaid health plan, marketing representative, or marketing organization shall in any manner misrepresent themselves, the plans they represent or the Medi-Cal program. Violations of this section shall include, but are not limited to:

(1) False or misleading claims that marketing representatives are

employees or representatives of the state, county, or anyone other than the prepaid health plan or the organization by whom they are reimbursed.

(2) False or misleading claims that the prepaid health plan is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the prepaid health plan.

(3) False or misleading claims that the state or county recommends that a Medi-Cal beneficiary enroll in a prepaid health plan.

(4) Claims that a Medi-Cal beneficiary will lose his benefits under the Medi-Cal program or any other health or welfare benefits to which he is legally entitled, if he does not enroll in a prepaid health plan.

(b) Violations of any provisions of this article or regulations adopted by the department pursuant to this article shall result in one or more of the following:

(1) Revocation of one or more permitted methods of marketing.

(2) Refusal of the department to accept new enrollments for a period specified by the department.

(3) Refusal of the department to accept enrollments submitted by a marketing representative or organization.

(4) Forfeiture by the plan of all or part of the capitation payments for persons enrolled as a result of such violations.

(5) Requirement that the prepaid health plan in violation of this article personally contact each enrollee enrolled to explain the nature of the violation and inform the enrollee of his right to disenroll.

(6) Application of sanctions as provided in Section 14304.

(c) Any marketing representative who violates subdivision (a) while engaged in door-to-door solicitation is guilty of a misdemeanor, and shall be subject to a fine of five hundred dollars ($500) or imprisonment in the county jail for six months, or both.

SEC. 8. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 703

An act to add and repeal Section 19286.7 of the Revenue and Taxation Code, and to add and repeal Article 1.5 (commencing with Section 11025) of Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 19286.7 is added to the Revenue and Taxation Code, to read:

19286.7. Notwithstanding any other provision of law, the State Department of Social Services shall annually inform the Franchise Tax Board of the names and social security numbers of all applicants for or recipients of public social services programs.

The Franchise Tax Board, upon receipt of such information, shall inform the State Department of Social Services of any such applicant or recipient who received interest or dividends in excess of thirty dollars ($30) within the prior calendar year, as reflected on magnetic tape information returns supplied to the Franchise Tax Board by payors, or on the magnetic tape prepared by the Franchise Tax Board which reflects paper information returns supplied to the Franchise Tax Board by payors. In addition, the Franchise Tax Board shall provide, from those sources, the State Department of Social Services with information identifying the amount of the interest or dividends paid, and the address and the name of the payor thereof.

The provisions of this section shall only apply to demonstration projects established pursuant to Article 1.5 (commencing with Section 11025) of Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code.

This section shall become operative on July 1, 1982, subject to the availability of funds in the 1982–83 Budget Act, and shall remain in effect until June 30, 1985, and as of that date is repealed, unless a later enacted statute which is chaptered before June 30, 1985, deletes or extends this date.

SEC. 2. Article 1.5 (commencing with Section 11025) is added to Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 1.5. Access to Franchise Tax Board Information

11025. The State Department of Social Services shall implement four demonstration projects, two to be located in Southern California and two to be located in Northern California utilizing the records of the Franchise Tax Board to match interest, dividends, and other income against reported income of applicants for and recipients of

public assistance under this part. The State Department of Social Services shall designate one rural and one urban county in Southern California, and one rural and one urban county in Northern California for each of the demonstration projects.

11026. Notwithstanding any other provision of law, the State Department of Social Services shall annually inform the Franchise Tax Board of the names and social security numbers of all applicants or recipients of public social services or public assistance programs. The Franchise Tax Board, upon receipt of that information, shall furnish to the department the information required by Section 19286.7 of the Revenue and Taxation Code.

11027. This article shall become operative on July 1, 1982, subject to the availability of funds in the 1982–83 Budget Act, and shall remain in effect until June 30, 1985, and as of that date is repealed, unless a later enacted statute which is chaptered before June 30, 1985, deletes or extends this date. Expansion beyond the demonstration project phase shall be contingent upon demonstrated cost effectiveness.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 704

An act to amend Section 31727.7 of the Government Code, and to amend Section 710.5 of the Unemployment Insurance Code, relating to disability insurance.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 31727.7 of the Government Code is amended 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 the following persons:

(a) Persons who become members of the retirement system after the operative date of this section in the county.

(b) 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.

(c) Management and confidential employees and employees not a part of a bargaining unit who were members prior to such operative date and elect to be subject to this section on or after such operative date. The board of supervisors shall prescribe the time period and conditions governing the election.

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.

SEC. 2. Section 710.5 of the Unemployment Insurance Code is amended to read:

710.5. (a) Notwithstanding the provisions of Section 709, any public agency, as defined in Section 3501 of the Government Code, may elect to become an employer subject to Part 2 (commencing with Section 2601) of this division, with respect to all employees who are a part of an appropriate unit established pursuant to the provisions of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code, provided such election is the result of a negotiated agreement between the public agency and the recognized employee organization, as such terms are defined in Section 3501 of the Government Code. The public agency employer also may elect to provide coverage to its management and confidential employees and to its employees who are not a part of an appropriate unit, but such election shall not be contingent upon coverage of other employees of the public agency employer.

Upon filing of such an election, the filing entity shall, upon approval by the director, become an employer subject to Part 2 (commencing with Section 2601) of this division to the same extent as other employers, and services performed by its employees who are subject to an election under this section shall constitute employment subject to such part. Beginning at that time, the public agency shall withhold from the wages of such employees the contributions

required for unemployment compensation disability benefits.

(b) No public agency, as defined in Section 3501 of the Government Code, may file an election pursuant to this section after December 31, 1983, provided that this subdivision shall not affect any election made pursuant to this section before January 1, 1984.

(c) The department shall study the impact on the Disability Fund of elections made pursuant to this section and report its findings to the Legislature before January 1, 1984.

CHAPTER 705

An act to add Section 60204 to the Government Code, and to add Sections 40501.1, 40527, 40528, 40529, 40530, 40531, 40532, 40533, 40534, 40535, 40536, 40537, 40538, 40539, and 40540 to the Health and Safety Code, relating to the South Coast Air Quality Management District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 60204 is added to the Government Code, to read:

60204. For the purposes of this chapter, the terms "special district" and "district" shall also include the South Coast Air Quality Management District and the Bay Area Air Quality Management District, and the term "legislative body" shall also include the boards of the districts.

SEC. 2. Section 40501.1 is added to the Health and Safety Code, to read:

40501.1. (a) Notwithstanding any other provision of this division, the south coast district board may authorize, by resolution, the holding of single-member hearings by the chairman of the hearing board and any other member or alternate designated by the hearing board, under the conditions specified in this section.

(b) Single-member hearings shall be authorized, when stipulated to by the executive officer and the petitioner, only for the purpose of hearing petitions for emergency variances pursuant to Section 42359.5, interim variances pursuant to Section 42351, short variances and modifications of a schedule of increments of progress of a duration not to exceed 60 days pursuant to Section 40825, interim authorizations pursuant to Section 42351.5, and modifications of variances pursuant to Section 42356 which do not modify the final compliance date.

(c) The procedure for conducting single-member hearings shall be the same as for hearings before the full board and all legal requirements, including notice requirements, findings, and

conditions, shall apply, except that the single member may take action on any matter properly before the member.

(d) A single-member hearing decision may be contested by (1) any person who, in person or through a representative, appeared at the single-member hearing, or (2) any person who informed the air pollution control officer of the nature of his concern prior to the hearing, or (3) any person who for good cause was unable to do either (1) or (2). If a decision is contested under this subdivision, the matter shall be reheard by the full board within 10 days of the decision. The clerk of the hearing board shall notify the petitioner, the executive officer, and all members of the public who appeared at the hearing of any contest of a decision. The notice shall be in writing and sent by first-class mail, postage prepaid, to the address supplied by the person who appeared, unless the right to the notice is affirmatively waived on the record.

SEC. 2.5. Section 40527 is added to the Health and Safety Code, to read:

40527. The south coast district board shall appoint a treasurer, who shall be the custodian of funds of the south coast district and who shall make payments only upon warrants duly and regularly signed by the person authorized by the south coast district board.

The treasurer shall keep an account of all receipts and disbursements.

SEC. 3. Section 40528 is added to the Health and Safety Code, to read:

40528. The south coast district shall appoint a controller who shall be the accounting officer for the south coast district and who shall exercise general supervision over the accounting forms and methods of keeping the accounts of the south coast district.

SEC. 4. Section 40529 is added to the Health and Safety Code, to read:

40529. The south coast district board may, by resolution, cause to be drawn all warrants on the treasurer against all funds, except funds for debt service, of the south coast district in the treasury for the payment of salaries and expenses of the south coast district.

SEC. 5. Section 40530 is added to the Health and Safety Code, to read:

40530. The south coast district board may authorize, in writing, the controller to draw separate payroll warrants in the names of the individual south coast district employees for the respective amounts due each employee so each employee may be furnished with a statement of the amount earned and an itemization of the amounts withheld.

SEC. 6. Section 40531 is added to the Health and Safety Code, to read:

40531. (a) The payroll warrants shall show the closing date of the pay period for which they are issued, the date of issue, and a statement that it is drawn by order of the south coast district board. The payroll warrants shall bear the signature of the controller.

(b) The payroll procedure authorized by the south coast district board shall specify the ending date of the pay period and the date of issue for payroll warrants, except that the issue date shall be on or before the 10th calendar day following the end of the pay period. The payroll procedure may provide for salary payments, including salary advances, more frequently than once a month. The payroll procedure may provide for payroll orders authorizing salary payments to individual employees on a continuing basis until the time a notification of changes or adjustments is made.

SEC. 7. Section 40532 is added to the Health and Safety Code, to read:

40532. The south coast district board may authorize, in writing, the controller to issue warrants in favor of the persons entitled to payment of all claims chargeable against the south coast district which have been legally examined, allowed, and ordered paid by the south coast district board. The controller shall issue warrants on the treasurer for all those claims against the south coast district.

SEC. 8. Section 40533 is added to the Health and Safety Code, to read:

40533. The form of the warrants shall be prescribed by the south coast district board and approved by the treasurer.

SEC. 9. Section 40534 is added to the Health and Safety Code, to read:

40534. Except as specified in Section 40527, no county officer shall be responsible for producing reports, statements, and other data relating to or based upon payments of salaries or claims of the south coast district pursuant to the procedure authorized in this article.

SEC. 10. Section 40535 is added to the Health and Safety Code, to read:

40535. The south coast district shall provide the officials of the Los Angeles County Employees Retirement Association and the San Bernardino County Employees Retirement Association, in the form prescribed by them, the data necessary to make retirement reports and maintain records required by law.

SEC. 11. Section 40536 is added to the Health and Safety Code, to read:

40536. All warrants, vouchers, and supporting documents shall be kept by the south coast district if the procedure authorized under this article is implemented.

SEC. 12. Section 40537 is added to the Health and Safety Code, to read:

40537. Notwithstanding Section 27005 of the Government Code, or any other section requiring warrants or orders for warrants to be signed by the county auditor, if the south coast district treasurer is a county treasurer, the county treasurer shall pay the warrant if money is available and a person authorized to sign the warrant has signed it. The county treasurer may charge the south coast district for the cost of fiscal services he or she renders.

SEC. 13. Section 40538 is added to the Health and Safety Code,

to read:

40538. The controller shall execute an official bond in an amount fixed by the south coast district board conditioned upon the faithful performances of his or her duties.

A county auditor shall not be liable under the terms of his or her bond or otherwise for a warrant issued pursuant to this article.

This section shall not be applied so as to impair the obligation of any contract in the bond of the officers in effect on the effective date of this section.

SEC. 14. Section 40539 is added to the Health and Safety Code, to read:

40539. If the auditor of the south coast district is a county auditor, he shall be provided, upon his request, a monthly listing of the warrants issued under this section reporting the warrant number, the date and amount of the warrant, the name of the payee and the fund on which the warrant is drawn and a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances, and unencumbered balances.

The form of the listing and statement shall be as prescribed by the south coast district board and approved by the county auditor.

SEC. 15. Section 40540 is added to the Health and Safety Code, to read:

40540. Upon adoption of a resolution by the south coast district board to implement the procedure to issue warrants pursuant to this article, the procedure shall be implemented on the first day of the second month following the date of adoption of the resolution. If, at any time, the south coast district board determines that the accounting controls of the south coast district have become inadequate, it may revoke its authorization effective at the beginning of the next fiscal year.

SEC. 16. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

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 the necessity are:

In order to effectuate changes in the fiscal affairs of the South Coast Air Quality Management District at the earliest opportunity, it is necessary that this act take effect immediately.

CHAPTER 706

An act relating to the Klamath and Trinity Rivers, and making an appropriation therefor.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. The Director of Fish and Game shall appoint a Klamath and Trinity Salmon Restoration Advisory Committee. The committee shall consist of not more than nine persons representing the Indian tribes of the Klamath River, the ocean commercial salmon fishery, the recreational salmon fishery, and major landowners in the Klamath-Trinity basin including the United States Forest Service. The committee shall advise the director on restoration programs and assist the Department of Fish and Game in the establishment and coordination of these programs.

The reasonable and necessary expenses of committee members incurred in the performance of their official duties shall be payable by the Department of Fish and Game from the Fish and Game Preservation Fund. However, members shall not receive any per diem for serving on the committee.

This act shall remain in effect only until January 1, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

CHAPTER 707

An act to add Sections 69517, 69518, and 69519 to, and to repeal and add Section 69516 to, the Education Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 69516 of the Education Code is repealed.

SEC. 2. Section 69516 is added to the Education Code, to read:

69516. (a) By October 15, 1981, the Student Aid Commission shall propose regulations establishing processes for adjusting:

(1) Annual award selection procedures, including eligibility criteria, related to the award of grants pursuant to Section 69532.

(2) Other factors which contribute to the size and cost of the grant awards.

(b) The proposed regulations shall be made available for public review and comment pursuant to procedures set forth in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The regulations related to award selection procedures pursuant to subdivision (a) shall include, but not be limited to, procedures and criteria used to determine:

(1) Parental and other family income limitations.

(2) Maximum grant amount.

(3) Number of awards.

(4) Allowable student budgets.

(5) The number and characteristics of actual recipients of awards granted pursuant to Section 69532.

(6) How the amounts of individual grants are to be computed.

SEC. 3. Section 69517 is added to the Education Code, to read:

69517. (a) By October 15, 1981, and by October 15 of each fiscal year thereafter, the Student Aid Commission may propose adjustments to award selection procedures and selection criteria established pursuant to Section 69532. The proposed adjustments shall be made available for public review and comment pursuant to procedures set forth in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. In determining adjustments, the commission shall consider at least the following factors:

(1) The impact of the adjustments on the distribution of funds and awards among income groups, ethnic groups, and grade point average levels.

(2) The impact of the adjustments on the distribution of funds and awards among postsecondary education segments.

(3) The costs of implementing proposed adjustments.

(4) The availability of financial aid from other sources for students who qualify for an award.

(b) The commission may also consider the impact of inflation in the proposed adjustments pursuant to subdivision (a).

SEC. 4. Section 69518 is added to the Education Code, to read:

69518. (a) By November 1, 1981, and by November 1 of each fiscal year thereafter, the Student Aid Commission shall submit a formal budget proposal to the California Postsecondary Education Commission, the Joint Legislative Budget Committee, and the Department of Finance for inclusion in the Governor's Budget prepared pursuant to Section 12 of Article IV of the Constitution.

(b) The budget proposal submitted pursuant to subdivision (a) shall include, but not be limited to, a description of the award selection procedures and eligibility criteria related to the award of grants pursuant to Sections 69516 and 69532 to be in effect for the forthcoming fiscal year and an analysis of the impact of any proposed adjustments on the distribution of funds and awards among income groups, ethnic groups, grade point average levels and postsecondary education segments.

(c) Any supporting materials prepared for the Student Aid Commission's consideration and public review and comment pursuant to Section 69516, Section 69517, and this section shall be incorporated within the expenditure plan.

(d) If the Student Aid Commission proposes, in its budget proposal, adjustments to the maximum grant and the income ceiling for grant awards made pursuant to Section 69532, at least the following factors shall be considered in determining the appropriate adjustments:

(1) The impact of inflation.

(2) The availability of financial aid from other sources for students who would qualify for a grant award.

(3) Any changes in the level of educational support provided to students at public colleges and universities in the state.

(4) The impact of proposed adjustments in the maximum grant and in the income ceiling upon the utilization of public and private postsecondary educational institutions.

(5) The number of applicants eligible to receive an award in the previous year who did not receive an award in the previous year.

(e) The budget proposal shall include information on the prior year's distribution of funds and awards among income groups, ethnic groups, grade point average levels, and postsecondary education segments.

SEC. 5. Section 69519 is added to the Education Code, to read:

69519. By January 1 of each year, commencing in 1982, the California Postsecondary Education Commission shall submit to the education policy committees of both houses of the Legislature an analysis of the budget proposal of the Student Aid Commission identifying policy issues of possible concern to the policy committees, including, but not limited to, the impact of proposed adjustments on the distribution of funds and awards among income groups, postsecondary education segments, grade point average levels, and ethnic groups.

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 the necessity are:

In order that the provisions of this act apply to the grant award program at the earliest time possible, it is necessary that this act take effect immediately.

CHAPTER 708

An act to amend Sections 211, 727, 3592.5, and 3597 of, and to repeal Sections 3572.5, 3578, and 3583.1 of, the Public Utilities Code, relating to carriers.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 211 of the Public Utilities Code is amended to read:

211. "Common carrier" means every person and corporation providing transportation for compensation to or for the public or any portion thereof, except as otherwise provided in this part.

"Common carrier" includes:

(a) Every railroad corporation; street railroad corporation; express corporation; freight forwarder; dispatch, sleeping car, dining car, drawing-room car, freight, freightline, refrigerator, oil, stock, fruit, car-loaning, car-renting, car-loading, and every other car corporation or person operating for compensation within this state.

(b) Every corporation or person, owning, controlling, operating, or managing any vessel engaged in the transportation of persons or property for compensation between points upon the inland waters of this state or upon the high seas between points within this state, except as provided in Section 212. "Inland waters" as used in this section includes all navigable waters within this state other than the high seas.

(c) Every "passenger stage corporation" operating within this state.

(d) Every highway common carrier and cement carrier operating within this state.

SEC. 2. Section 727 of the Public Utilities Code is amended to read:

727. It is the policy of the state that the use of all waterways, ports, and harbors of this state shall be encouraged, and to that end the commission is directed in the establishment of rates for water carriers applying to business moving between points within this state to fix those rates at such a differential under the rates of competing land carriers that the water carriers shall be able fairly to compete for such business. In fixing the rates there shall be taken into consideration quality and regularity of service and class and speed of vessels. "Competing land carriers" includes all land carriers as defined in this part, and includes a highway contract carrier as defined in the Highway Carriers' Act, Chapter 1 (commencing with Section 3501) of Division 2.

SEC. 3. Section 3572.5 of the Public Utilities Code is repealed.

SEC. 4. Section 3578 of the Public Utilities Code is repealed.

SEC. 5. Section 3583.1 of the Public Utilities Code is repealed.

SEC. 6. Section 3592.5 of the Public Utilities Code is amended to read:

3592.5. (a) An application for a permit to operate as a tank truck carrier or a vacuum truck carrier shall be in writing, verified under oath, and shall be in such form, contain such information, and be

accompanied by proof of service upon such interested parties as the commission requires.

(b) Any tank truck carrier or vacuum truck carrier engaged in such business on or before January 1, 1981, may file with the commission prior to July 1, 1982, an application for a permit to operate as a tank truck or vacuum truck carrier; provided, that in lieu of all other fees required by law, the applicant shall pay a fee of fifty dollars ($50). If the applicant was operating in good faith as a tank truck or vacuum truck carrier at any time during 1980, and on the date of filing, the commission shall grant a permit to such applicant to operate as a tank truck or vacuum truck carrier statewide, provided such tank truck or vacuum truck carrier applies to the commission for such permit prior to July 1, 1982, and submits adequate proof of such prior operations.

(c) If, in the judgment of the commission, the applicant has satisfied all requirements of this section, it may issue the requested permit without further proceedings; otherwise it may require the applicant to demonstrate compliance at a public hearing.

(d) Between January 1, 1981, and the final determination of such application the continuance of the applicant's operation is lawful. Upon issuance of a permit pursuant to this section, all prior operating authority authorizing transportation included in the provisions of the permit is revoked.

SEC. 7. Section 3597 of the Public Utilities Code is amended to read:

3597. (a) Application for permits to operate as a heavy-specialized carrier shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by proof of service upon such interested parties as the commission requires.

(b) Any heavy-specialized carrier engaged in such business on or before January 1, 1980, shall file with the commission prior to July 1, 1982, an application for a permit to operate as a heavy-specialized carrier; provided, that in lieu of all other fees required by law, the applicant shall pay a fee of fifty dollars ($50). If the applicant was operating in good faith as a heavy-specialized carrier at any time during 1979, and on the date of filing, the commission shall grant a permit to such applicant to operate as a heavy-specialized carrier statewide, provided such heavy-specialized carrier applies to the commission for such permit prior to July 1, 1982, and submits adequate proof of such prior operations.

(c) If, in the judgment of the commission, the applicant has satisfied all requirements of this section, it may issue the requested permit without further proceedings; otherwise it may require the applicant to demonstrate compliance at a public hearing.

(d) Between January 1, 1980, and the final determination of such application the continuance of the applicant's operation is lawful. Upon issuance of a permit pursuant to this section, all prior operating authority authorizing transportation included in the provisions of the

permit is revoked.

CHAPTER 709

An act to amend Section 1066.2 of, and to repeal Section 3542 of, the Public Utilities Code, relating to carriers.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 1066.2 of the Public Utilities Code is amended to read:

1066.2. Nothing in this code shall be construed to prohibit any person or corporation from engaging in the transportation of property both as a highway common carrier and under written contract as a highway contract carrier of the same commodities between the same points.

SEC. 2. Section 3542 of the Public Utilities Code is repealed.

CHAPTER 710

An act to amend Section 13510 of, and to add Section 13524 to, the Penal Code, relating to peace officers, and making an appropriation therefor.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 13510 of the Penal Code is amended to read:

13510. (a) For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office, reserve officers as defined in subdivision (a) of Section 830.6, policemen of a district authorized by statute to maintain a police department, regularly employed and paid inspectors and investigators of a district attorney's office as defined in Section 830.1 who conduct criminal investigations, or peace officer members of a district, in any city, county, city and county, or district receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county

sheriff's offices, reserve officers as defined in subdivision (a) of Section 830.6, policemen of a district authorized by statute to maintain a police department, regularly employed and paid inspectors and investigators of a district attorney's office as defined in Section 830.1 who conduct criminal investigations, and peace officer members of a district which shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

(b) The commission shall conduct research concerning job-related educational standards and job-related selection standards, to include vision, hearing, physical ability, and emotional stability. Job-related standards which are supported by this research shall be adopted by the commission prior to January 1, 1985, and shall apply to those peace officer classes identified in subdivision (a). The commission shall consult with local entities during the conducting of related research into job-related selection standards.

(c) Nothing in this section shall prohibit a local law enforcement agency from establishing selection and training standards which exceed the minimum standards established by the commission.

SEC. 2. Section 13510 of the Penal Code is amended to read:

13510. (a) For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office, marshals or deputy marshals of a municipal court, reserve officers as defined in subdivision (a) of Section 830.6, policemen of a district authorized by statute to maintain a police department, regularly employed and paid inspectors and investigators of a district attorney's office as defined in Section 830.1 who conduct criminal investigations, or peace officer members of a district, in any city, county, city and county, or district receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county sheriff's offices, marshals or deputy marshals of a municipal court, reserve officers as defined in subdivision (a) of Section 830.6, policemen of a district authorized by statute to maintain a police department, regularly employed and paid inspectors and investigators of a district attorney's office as defined in Section 830.1 who conduct criminal investigations, and peace officer members of a district which shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The commission shall conduct research concerning

job-related educational standards and job-related selection standards, to include vision, hearing, physical ability, and emotional stability. Job-related standards which are supported by this research shall be adopted by the commission prior to January 1, 1985, and shall apply to those peace officer classes identified in subdivision (a). The commission shall consult with local entities during the conducting of related research into job-related selection standards.

(c) Nothing in this section shall prohibit a local law enforcement agency from establishing selection and training standards which exceed the minimum standards established by the commission.

SEC. 3. Section 13524 is added to the Penal Code, to read:

13524. Any county wishing to receive state aid pursuant to this chapter for the training of regularly employed and paid inspectors and investigators of a district attorney's office, as defined in Section 830.1 who conduct criminal investigations, shall include such request for aid in its application to the commission pursuant to Sections 13522 and 13523.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill 210 are both chaptered and become effective January 1, 1982, both bills amend Section 13510 of the Penal Code, and this bill is chaptered after Senate Bill 210, that the amendments to Section 13510 proposed by both bills be given effect and incorporated in Section 13510 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 210 are both chaptered and become effective January 1, 1982, both amend Section 13510, and this bill is chaptered after Senate Bill 210, in which case Section 1 of this act shall not become operative.

CHAPTER 711

An act to add Chapter 1.5 (commencing with Section 1210) to Title 8 of Part 2 of the Penal Code, to amend Section 6250 of, and to repeal Article 1 (commencing with Section 6300) of Chapter 2 of, Part 2 of the Welfare and Institutions Code, relating to mentally disordered sex offenders.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23. 1981]

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

SECTION 1. Chapter 1.5 (commencing with Section 1210) is added to Title 8 of Part 2 of the Penal Code, to read:

CHAPTER 1.5. MENTALLY DISORDERED SEX OFFENDERS

1210. As used in this chapter, "mentally disordered sex offender" means any person who by reason of mental defect, disease, or

disorder, is predisposed to the commission of sexual offenses to such a degree that he or she is dangerous to the health and safety of others. Wherever the term "sexual psychopath" is used in any code, it shall be construed to refer to and mean a "mentally disordered sex offender."

1210.1. No person who is being treated by prayer in the practice of the religion of any well-recognized church, sect, denomination or organization, shall be ordered detained or committed under this chapter unless the court determines that he or she is or would likely become dangerous to himself, herself, or to the person or property of others, or unless being a minor, the parent or guardian having custody of his or her person consents to the detention or commitment.

1210.2. Any person admitted to a state hospital as a mentally disordered sex offender shall have the full patient rights specified in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code.

1210.3. This chapter shall not apply to any person sentenced to death. This chapter shall not apply to any person convicted of an offense the punishment for which may be death until after a sentence other than death has been imposed, at which time this chapter shall apply to the person and he or she may be certified to the superior court as provided in Section 1210.4.

1210.4. (a) When a person is convicted of any sex offense, the judge, on his or her own motion, or on motion of the prosecuting attorney, or on application by affidavit by or on behalf of the defendant, if it appears to the satisfaction of the court that there is probable cause for believing the person is a mentally disordered sex offender within the meaning of this chapter, may adjourn the proceeding or suspend the sentence, as the case may be, and may certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this chapter.

As used in this section the term "sex offense" means any offense for which registration is required by Section 290; or any felony or misdemeanor which is shown by clear proof or the stipulation of the defendant to have been committed primarily for purposes of sexual arousal or gratification.

When an affidavit is filed under this subdivision it shall be substantially in the form specified for the affidavit in Section 6251 of the Welfare and Institutions Code. The title and body of the affidavit shall refer to the person as "an alleged mentally disordered sex offender" and shall state fully the facts upon which the allegation that the person is a mentally disordered sex offender is based. If the person is then before the court or is in custody, the court may order that the person be detained in a place of safety until the issue and service of an order for examination and detention as provided by this chapter.

(b) When a person is convicted of a sex offense involving a child

under 14 years of age and it is a misdemeanor, and the person has been previously convicted of a sex offense in this or any other state, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this chapter.

(c) When a person is convicted of a sex offense involving a child under 14 years of age and it is a felony, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this chapter.

(d) When the court certifies the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender, the court shall transmit its certification to the superior court to that effect, accompanied by a statement of the court's reasons for finding that there is probable cause for believing the person is a mentally disordered sex offender within the meaning of this chapter in cases certified under subdivision (a), or a statement of the facts making the certification mandatory under subdivision (b) or (c).

The judge or justice presiding in the court, whenever it is deemed necessary or advisable, may issue and deliver to a peace officer for service, an order directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination to determine whether the person is a mentally disordered sex offender. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit if one was filed, the certification, accompanied by the court's statement, and the warrant shall be personally delivered to the person and copies thereof shall also be delivered to the superior court to which the person was certified and to the district attorney of the county.

The order for examination and detention shall be substantially in the form provided by Section 6252 of the Welfare and Institutions Code.

1210.5. At the time of service of the petition and order for examination or detention, the officer making the service shall also deliver to each person served a copy of a notice which shall read substantially as follows:

The petition which accompanies this notice has been filed in the Superior Court in and for the County of _____, alleging that _____ is a _____.

* _____ is notified to present himself or herself at the time and place designated in the attached order to submit to an examination into the state of his or her mental health. He or she is permitted to be accompanied by one or more of his or her relatives or friends to the place of examination. If he or she fails or refuses to appear for the

examination, the court may issue an order for his or her immediate detention for the examination.

* _____ has been affirmatively alleged to be likely to injure himself, or herself, or others if not immediately hospitalized or detained. The court has therefore issued the attached order for detention and for examination and hearing before the court. _____ has the right to a hearing, to bring in witnesses and to have compulsory process therefor, and to be represented by an attorney.

If _____ or a relative, friend, counsel or representative desires to be heard by the court, he or she must within four days after service of this notice file a request for a hearing with the clerk of the Superior Court in and for the County of _____.

* Strike out when not applicable.

1210.6. Whenever a person is certified to the superior court for hearing and examination under Section 1210.4 the certification may be made in substantially the following form:

(Title of court and cause)

Order Adjoining Proceedings and Certifying Alleged Mentally Disordered Sex Offender to the Superior Court

Upon the court's own motion, the motion of the prosecuting attorney, application by or on behalf of the defendant (strike the conditions not applicable), it appearing to the satisfaction of the court that the above-named defendant has been convicted of a criminal offense, to wit, violation of _____ of the State of California, and that there is probable cause for believing that the defendant is a mentally disordered sex offender within the meaning of Chapter 1.5 (commencing with Section 1210) of Title 8 of Part 2 of the Penal Code, in that he or she is a person who by reason of mental defect, disease, or disorder, is predisposed to the commission of sexual offenses to such a degree that he or she is dangerous to the health and safety of others.

Now, therefore, the above proceeding is adjourned and it is hereby ordered that the above-named defendant is certified to the Superior Court of the State of California, in and for the County of _____ for hearing and examination by the court to determine whether the defendant is a mentally disordered sex offender within the meaning of Chapter 1.5 (commencing with Section 1210) of Title 8 of Part 2 of the Penal Code. The above-named defendant shall be taken before the court, as provided in Section 1210.7 of the Penal Code, on the _____ day of _____, 19__, at the hour of _____.* A copy of this certification of the defendant to the superior court shall be delivered to the defendant.

Dated this _____ day of _____, 19__.

_____

Judge

*This sentence may be included if the date and hour have been set by the superior court upon the request of the certifying judge.

1210.7. The person certified or alleged to be a mentally disordered sex offender shall be taken before a judge of the superior court of the county. The judge shall then inform the person that he or she is certified or alleged to be a *mentally* disordered sex offender, and inform him or her of his or her rights to make a reply and to produce witnesses in relation thereto. The judge shall by order fix such a time and place for the hearing and examination in open court as will give reasonable opportunity for the filing of the probation officer's report as provided in Section 1210.8, and for the production and examination of witnesses. If, however, the person is too ill to appear in court, or if appearance in court would be detrimental to the mental or physical health of the person, the judge may hold the hearing at the bedside of the person. The order shall be entered at length in the minute book of the court or shall be signed by the judge and filed, and a certified copy thereof served on the person. The judge shall order that notice of the apprehension of the person and of the hearing of the mentally disordered sex offender be served on the district attorney of the county and on such relatives of the person known to be residing in the county as the judge deems necessary or proper.

If the alleged mentally disordered sex offender has no attorney, an attorney shall be appointed to represent the person in the manner prescribed by Section 1210.16. In a county where there is no public defender, the court shall fix the compensation to be paid by the county for the services if the court determines that the person is not financially able to employ counsel.

1210.8. The court shall refer the matter to the probation officer, along with a copy of the certification accompanied by the certifying court's statement, and the name and address of each psychiatrist or clinical psychologist appointed pursuant to Section 1210.9, to investigate and report to the court within a specified time, upon the circumstances surrounding the crime and the prior record and history of the person. The report shall include the criminal record, if any, of the person, obtained from the State Bureau of Criminal Identification and Investigation. The probation officer shall furnish to the psychiatrists and clinical psychologists pertinent information concerning the circumstances surrounding the crime and the prior record and history of the person.

1210.9. The judge shall appoint not less than two nor more than three certified clinical psychologists, each of whom shall have a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis of emotional and mental disorders, or psychiatrists, each of whom shall be a holder of a valid and unrevoked physician's and surgeon's certificate and have directed his or her professional practice primarily to the diagnosis and treatment of mental and nervous disorders for a period of not less than five years to make a personal examination of the alleged mentally disordered sex offender, directed toward ascertaining whether the person is a mentally disordered sex offender.

If the proposed commitment is contested by either the defendant or the people, one of the clinical psychologists or psychiatrists so appointed may be designated by the defendant, and one by the people.

1210.10. Each psychiatrist or psychologist so appointed shall file with the court a separate written report of the result of his or her examination, together with his or her conclusions and recommendations and his or her opinion as to whether or not the person would benefit by care and treatment in a state hospital. At the hearing each psychiatrist or psychologist shall hear the testimony of all witnesses, and shall testify as to the result of his or her examination, and to any other pertinent facts within his or her knowledge, unless the person upon the advice of counsel waives the presence of the psychiatrists or psychologists and it is stipulated that their respective reports may be received in evidence.

1210.11. Any psychiatrist or psychologist so appointed by the court may be called by either party to the proceeding or by the court itself and when so called shall be subject to all legal objections as to competency and bias and as to qualification as an expert. When called by the court, or by either party to the proceeding, the court may examine the psychiatrist or psychologist, as deemed necessary, but either party shall have the same right to object to the questions asked by the court and the evidence adduced as though the psychiatrist or psychologist were a witness for the adverse party. When the psychiatrist is called and examined by the court the parties may cross-examine him or her in the order directed by the court. When called by either party to the proceeding the adverse party may examine him or her the same as in the case of any other witness called by the party.

1210.12. The psychiatrists or psychologists so appointed by the court shall be allowed fees not exceeding one hundred fifty dollars ($150) per day, which shall be prorated by the court when services are rendered for less than a full day. The fees allowed shall be paid by the county in which the hearing is held.

1210.13. The provisions of this chapter relating to psychiatrists appointed by the court shall not be construed to prevent any party to a proceeding under this chapter from producing any other expert evidence as to the mental condition of the alleged mentally disordered sex offender.

1210.14. The judge shall also cause to be examined as a witness any other person whom he or she believes to have knowledge of the mental condition of the alleged mentally disordered sex offender, or of the financial condition of the alleged mentally disordered sex offender and of any person liable for his or her support.

1210.15. The judge may, for any hearing, order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this state, as provided by law for the trial of a criminal case.

All witnesses, other than psychiatrists or psychologists appointed

by the court, attending a hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in like manner.

1210.16. The alleged mentally disordered sex offender shall be present at the hearing; and if he has no attorney, the judge shall appoint the public defender or other counsel to represent him or her unless the defendant affirmatively, knowingly and intelligently demands to act as his or her own attorney.

1210.17. If, upon the hearing, the person is found by the superior court not to be a mentally disordered sex offender, the superior court shall return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

1210.18. (a) If, after examination and hearing, the court finds that the person is a mentally disordered sex offender and that the person could benefit by treatment in a state hospital, or other treatment facility the court in its discretion has the alternative to return the person to the criminal court for further disposition, or may make an order committing the person to the department for confinement in a state hospital, or may commit the person to the county mental health director for confinement in an appropriate public or private treatment facility, approved by such director or may place the person on outpatient status under Title 15 (commencing with Section 1600) of Part 2. A copy of the commitment shall be personally served upon the person within five days after the making of the order.

If after examination and hearing, the court finds that the person is a mentally disordered sex offender but will not benefit by care or treatment in a state hospital or other treatment facility the court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to the criminal charge. The court shall resume the proceedings and shall impose sentence or make such other suitable disposition of the case as it deems necessary.

The court shall transmit a copy of its order to the county mental health director or a designee and to the Director of Mental Health in all cases where a person is found to be a mentally disordered sex offender.

(2) Prior to making such an order, the court shall order the county mental health director or a designee to evaluate the person and to submit to the court within 15 judicial days of the order a written recommendation as to whether the person should be committed to a state hospital or to another treatment facility approved by the county mental health director or be placed on outpatient status under the provisions of Title 15 (commencing with Section 1600) of Part 2. No such person shall be admitted to a state hospital or other treatment facility or placed on outpatient status without having been evaluated by the county mental health director or a designee.

(3) If the person is committed or transferred to a state hospital pursuant to this chapter the committing court may, upon receiving

the written recommendation of the medical director of the state hospital and the county mental health director that the person be transferred to a public or private treatment facility approved by the county mental health director, order the person transferred to that facility. If the person is committed or transferred to a public or private treatment facility approved by the county mental health director, the committing court may, upon receiving the written recommendation of the county mental health director or a designee, transfer the person to a state hospital or to another public or private treatment facility approved by the county mental health director. Where either the defendant, or the prosecutor chooses to contest either kind of order of transfer, a petition may be filed in the court for a hearing, which shall be held if the court determines that sufficient grounds exist. At the hearing, the prosecuting attorney or the defendant may present evidence bearing on the order of transfer. The court shall use the same standards used in conducting probation revocation hearings pursuant to Section 1203.2.

Prior to making an order for transfer under this chapter, the court shall notify the person, the prosecuting attorney, attorney of record for the person, and the county mental health director or a designee.

(b) During the time the person is confined in a state hospital or other treatment facility as an inpatient under the provisions of this chapter, the medical director of the facility shall, at six-month intervals, submit a report in writing to the court, and the county mental health director of the county of commitment or a designee concerning the person's progress toward recovery. The court shall supply a copy of the report to the prosecutor and the defense attorney.

1210.19. (a) In the case of any person found to be a mentally disordered sex offender who committed a felony on or after July 1, 1977, the court shall state in the commitment order the maximum term of commitment, and the person may not be kept in actual custody longer than the maximum term of commitment, except as provided in Section 1210.20. For the purposes of this section, "maximum term of commitment" shall mean the longest term of imprisonment which could have been imposed for the offense or offenses of which the defendant was convicted, including the upper term of the base offense and any additional terms for enhancements and consecutive sentences which could have been imposed less any applicable credits as defined by Section 2900.5 and disregarding any credits which could have been earned under Sections 2930 to 2932, inclusive.

(b) In the case of a person found to be a mentally disordered sex offender who committed a felony prior to July 1, 1977, who could have been sentenced under Section 1168 or 1170 if the offense was committed after July 1, 1977, the Board of Prison Terms shall determine the maximum term of commitment which could have been imposed under subdivision (a), and the person may not be kept in actual custody longer than the maximum term of commitment,

except as provided in Section 1210.20.

In fixing a term under this section, the board shall utilize the upper term of imprisonment which could have been imposed for the offense or offenses of which the defendant was convicted, increased by any additional terms which could have been imposed based on matters which were found to be true in the committing court. However, if at least two of the members of the board after reviewing the person's file determine that a longer term should be imposed for the reasons specified in Section 1170.2, a longer term may be imposed following the procedures and guidelines set forth in Section 1170.2 , within 90 days of the date the person is received by the State Department of Mental Health, the Board of Prison Terms shall provide each person committed pursuant to Section 1210.19 with the determination of his or her maximum term of commitment or shall notify the person that he or she will be scheduled for a hearing to determine his or her term.

Within 20 days following the determination of the maximum term of commitment the board shall provide the person committed, the prosecuting attorney, the committing court, and the State Department of Mental Health with a written statement setting forth the maximum term of commitment, the calculations, the statements, the recommendations, and any other materials considered in determining the maximum term.

(c) In the case of a person found to be a mentally disordered sex offender who committed a misdemeanor, whether before or after July 1, 1977, the maximum term of commitment shall be the longest term of county jail confinement which could have been imposed for the offense or offenses of which the defendant was convicted, and the person may not be kept in actual custody longer than this maximum term. The provisions of this subdivision shall be applied retroactively.

(d) Nothing in this section limits the power of the State Department of Mental Health or of the committing court to release the person, conditionally or otherwise, for any period of time allowed by any other provision of law.

1210.20. (a) A person may be committed beyond the term prescribed by Section 1210.19 only under the procedure set forth in this section and only if the person meets all of the following criteria:

(1) The "sex offense" as defined in subdivision (a) of Section 1210.4 of which the person has been convicted is a felony, whether committed before or after July 1, 1977, or is a misdemeanor which was committed before July 1, 1977.

(2) He or she suffers from a mental disease, defect, or disorder, and as a result of the mental disease, defect, or disorder, is predisposed to the commission of sexual offenses to such a degree that he or she presents a substantial danger of bodily harm to others.

(b) If during a commitment under this chapter, the Director of Mental Health has good cause to believe that a patient is a person described in subdivision (a), the director may submit such

supporting evaluations and case file to the prosecuting attorney who may file a petition for extended commitment in the superior court which issued the original commitment. The petition shall be filed no later than 90 days before the expiration of the original commitment. The petition shall state the reasons for the extended commitment, with accompanying affidavits specifying the factual basis for believing that the person meets each of the requirements set forth in subdivision (a).

(c) At the time of filing a petition, the court shall advise the patient named in the petition of his or her right to be represented by an attorney and of his or her right to a jury trial. The rules of discovery in criminal cases shall apply.

(d) The court shall conduct a hearing on the petition for extended commitment. The trial shall be by jury unless waived by both the patient and the prosecuting attorney. The trial shall commence no later than 30 days prior to the time the patient would otherwise have been released by the State Department of Mental Health.

(e) The patient shall be entitled to the rights guaranteed under the federal and state constitutions for criminal proceedings. All proceedings shall be in accordance with applicable constitutional guarantees. The State Controller shall reimburse the counties for all expenses of transportation, care and custody of the patient and all trial and related costs. The state shall be represented by the Attorney General or the district attorney with the consent of the Attorney General. If the patient is indigent, the State Public Defender shall be appointed. The State Public Defender may provide for representation of the patient in any manner authorized by Section 15402 of the Government Code. Appointment of necessary psychologists or psychiatrists shall be made in accordance with this chapter and the provisions of this code and the Evidence Code applicable to criminal defendants who have entered pleas of not guilty by reason of insanity or asserted diminished capacity defenses.

(f) If the court or jury finds that the patient is a person described in subdivision (a), the court may order the patient committed to the State Department of Mental Health in a treatment facility. A commitment or a recommitment under Section 1210.19 shall be for a period of two years from the date of termination of the previous commitment.

(g) A person committed under this section to the State Department of Mental Health shall be eligible for outpatient release as provided in this chapter.

(h) Prior to termination of a commitment under this section, a petition for recommitment may be filed to determine whether the person remains a person described in subdivision (a). The recommitment proceeding shall be conducted in accordance with the provisions of this chapter.

(i) Any commitment to the State Department of Mental Health under this chapter places an affirmative obligation on the department to provide treatment for the underlying causes of the

person's mental disorder.

(j) Amenability to treatment is not required for a finding that any person is a person as described in subdivision (a), nor is it required for treatment of the person. Treatment programs need only be made available to him or her. Treatment does not mean that the treatment be successful or potentially successful, nor does it mean that the person must recognize his or her problem and willingly participate in the treatment program.

(k) The person committed pursuant to this section shall be confined in a state hospital unless released as an outpatient as provided in Section 1210.31. The Director of Mental Health may, with the consent of the Director of Corrections, transfer the person to a treatment unit in the Department of Corrections for confinement and treatment if the person is not amenable for treatment in existing hospital programs or is in need of stricter security and custody measures than are available within the state hospitals. The treatment unit shall be designated by the Director of Corrections. A person transferred under this section shall be entitled to a hearing by the State Department of Mental Health to determine whether he may be confined and treated in a state hospital.

The person shall be entitled to be present at the hearing, to ask and answer questions, to speak on his or her own behalf, and to offer relevant evidence. The hearing shall be held before any transfer to the Department of Corrections unless the person is already in the custody of the Director of Corrections or the need for transfer becomes immediate making a hearing before transfer impractical.

Any person transferred to the Department of Corrections pursuant to this section shall be entitled to treatment of a kind and quality similar to that which he or she would receive if confined by the State Department of Mental Health. He or she shall be treated in a unit at a level of staffing that will enable him or her to receive the equivalent quality of care and therapy that would be received in a similar state hospital program.

(*l*) The provisions of Section 1210.33 shall apply to a commitment ordered pursuant to this section.

1210.21. If a person ordered under Section 1054.18 to be committed as a mentally disordered sex offender to the department for placement in a state hospital for care and treatment or to the county mental health director for placement in an appropriate facility, or any friend in his behalf, is dissatisfied with the order of the judge so committing him or her, he or she may, within 15 days after the making of the order, demand that the question of his or her being a mentally disordered sex offender be tried by a judge or by a jury in the superior court of the county in which he or she was committed. Thereupon the court shall set the case for hearing at a date, or shall cause a jury to be summoned and to be in attendance at a date stated, not less than five nor more than 10 days from the date of the demand for a court or jury trial. The court shall adjudge whether the person is a mentally disordered sex offender, or if it is a trial by jury the judge

shall submit to the jury the question: Are you convinced to a moral certainty and beyond a reasonable doubt that the defendant is a mentally disordered sex offender?

1210.22. Proceedings under this chapter under the order for commitment to the department for placement in a state hospital or to a county mental health director for placement in an appropriate facility shall not be stayed, pending the proceedings for determining the question of whether the person is a mentally disordered sex offender by a judge or jury, except upon the order of a superior court judge, with provision made therein for such temporary care and custody of the person as the judge deems necessary. If the superior court judge, by the order granting the stay, commits the person to the custody of any person other than a peace officer, he or she may, by the order, require a bond for the person's appearance at the trial.

1210.23. At the trial the petition and its allegations that the person is a mentally disordered sex offender shall be presented by the district attorney of the county.

1210.24. The trial shall be had as provided by law for the trial of criminal causes, and if tried before a jury the person shall be discharged unless a verdict that he or she is a mentally disordered sex offender is found unanimously by the jury. If the judge adjudges or the verdict of the jury is that the person is a mentally disordered sex offender the judge shall adjudge that fact and make an order similar to the original order for commitment to the department for placement in a state hospital or to a county mental health director for placement in an appropriate facility. The order committing the person to the department for placement in a state hospital or other facility shall be presented to the superintendent of the state hospital or other facility or other representative of the department to whom the person is committed.

1210.25. The sheriff of any county wherein an order is made by the court committing a person for an indeterminate period to a state hospital or other facility or returning such person to the court, or any other peace officer designated by the court, shall execute the writ of commitment or order of return, and receive as compensation therefor the fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, which shall be payable in the same manner.

The expense of transporting a person to a county facility or state hospital temporarily for an observation placement under this chapter and returning the person to the court is a charge upon the county in which the court is situated.

1210.26. Certified copies of the affidavit, certification from the trial court, order for examination or detention, order for hearing and examination, report of the probation officer and of the court-appointed psychiatrists, and the order of commitment for an indeterminate period shall be delivered to the person transporting the mentally disordered sex offender to the state hospital or other facility, and shall be delivered by that person to the officer in charge

of the hospital or other facility.

1210.27. The provisions of Section 4025 and of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7 of the Welfare and Institutions Code relative to the property and care and support of persons in state hospitals, the liability for their care and support, and the powers and duties of the State Department of Mental Health and all officers and employees thereof in connection therewith shall apply to persons committed to state hospitals or to other facilities pursuant to this chapter the same as if such persons were expressly referred to in Section 4025 and Article 4 (commencing with Section 7275) of Chapter 3 of Division 7 of the Welfare and Institutions Code.

1210.28. (a) Whenever a person who is committed to a state hospital or other treatment facility under the provisions of this chapter or placed on outpatient status under Title 15 (commencing with Section 1600) of Part 2 has been treated to such an extent that in the opinion of the medical director of the state hospital or other facility or the outpatient treatment supervisor under Title 15 (commencing with Section 1600) of Part 2, the person will not benefit by further care and treatment and is not a danger to the health and safety of others, the medical director or person in charge of the facility or county mental health director or a designee where the person is on outpatient status, shall file with the committing court a certification of that opinion including therein a report, diagnosis, and recommendation concerning the person's future care, supervision, or treatment.

(b) Whenever a person who is committed to a state hospital or other treatment facility under the provisions of this chapter who is placed on outpatient status under Title 15 (commencing with Section 1600) of Part 2, has not recovered, and in the opinion of the medical director of the state hospital or other facility or of the county mental health director where the patient is on outpatient status the person is still a danger to the health and safety of others, the director shall file with the committing court a certification of that opinion, including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment.

(c) The court shall transmit a copy of the opinion certified under subdivision (a) or (b) to the county mental health director or a designee and shall give notice of the hearing date to the county mental health director or a designee and to the Director of Mental Health.

Upon the expiration of the time for making a motion pursuant to Section 1210.31, upon the denial of such a motion, or upon the entry of a finding that the person is no longer a mentally disordered sex offender after a hearing pursuant to Section 1210.33 the committing court shall order the return of the person to the committing court. The committing court shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to the criminal charge.

The court shall resume the proceedings, upon the return of the person to the court, and after considering all the evidence before it may place the person on probation upon such terms as may be required to protect the public if the criminal charge permits probation and the person is otherwise eligible for probation. In any case, where the person is sentenced on a criminal charge, the time the person spent under indeterminate commitment as a mentally disordered sex offender shall be credited by the court or community release board against the sentence. The court in which the criminal case was tried shall notify the county mental health director or a designee and the Director of Mental Health of the outcome of the criminal proceedings.

1210.29. A person committed pursuant to Section 1210.20 may be placed on outpatient status as provided in Title 15 (commencing with Section 1600) of Part 2.

1210.30. When a person is returned to the committing court pursuant to Section 1210.28, either party may move for a new examination and hearing pursuant to Sections 1210.8 through 1210.21, inclusive, within five days of the person's arrival. The motion may be granted if the moving party shows by affidavit the existence of facts which establish that the opinion certified under subdivision (a) or (b) of Section 1210.28 was an abuse of discretion. The hearing shall be set to commence within 30 days of the person's return to court. If the opinion certified was under subdivision (a) of Section 1210.28, and a new hearing is granted upon motion of the people, the person shall be entitled to be admitted to bail or released on his or her own recognizance in the manner provided by law for criminal cases. If, at the conclusion of a hearing pursuant to this section, the person is found to remain a mentally disordered sex offender who could benefit by treatment in the state hospital or other mental health facility, the court may direct that the previous order of commitment remain in full force and effect.

1210.31. A person committed to a state hospital or other treatment facility under the provisions of Section 1210.18 or 1210.24 may be placed on outpatient status from such commitment as provided in Title 15 (commencing with Section 1600) of Part 2.

1210.32. If the opinion so certified is under subdivision (b) of Section 1210.28, the person may not be released until such time as probation is granted or such other disposition as the court may deem necessary and proper is made of the case.

1210.33. After a person has been committed to the State Department of Mental Health for placement in a state hospital or to a county mental health director for placement in a treatment facility as a mentally disordered sex offender and has been confined or released on outpatient status pursuant to Title 15 (commencing with Section 1600) of Part 2 for a period of not less than six months from the date of the order of commitment, the committing court may upon its own motion or on motion by or on behalf of the person committed, require the medical director of the state hospital or other

facility or the outpatient supervisor, as appropriate, to forward to the committing court and to the county mental health director or a designee, within 30 days an opinion under subdivision (a) or (b) of Section 1210.28 including therein a report, diagnosis, and recommendation concerning the person's future care, supervision, or treatment. After receipt of the report, the committing court may order the return of the person to the court for a hearing as to whether the person is still a mentally disordered sex offender within the meaning of this chapter.

The court shall give notice of the hearing date to the county mental health director or a designee and to the Director of Mental Health.

The hearing shall be conducted substantially in accordance with Section 1210.8 through 1210.16, inclusive. If, after the hearing, the judge finds that the person has not recovered from the mental disorder and is still a danger to the health and safety of others, the judge shall order the person returned to the State Department of Mental Health or county mental health director under the prior order of commitment. The court shall transmit a copy of its order to the county mental health director or a designee and to the Director of Mental Health. A subsequent hearing may not be held under this section until the person has been confined or on outpatient status for an additional period of six months from the date of return to the department or county mental health director. If the court finds that the person has recovered from the mental disorder to such an extent that the person is no longer a danger to the health and safety of others, or that the person will not benefit by further care and treatment in the hospital or other facility and is not a danger to the health and safety of others, the committing court shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to the criminal charge. The court in which the criminal charge was tried shall notify the county mental health director or a designee and the Director of Mental Health of the outcome of the criminal proceedings.

1210.34. The superintendent of a state hospital or other facility may extend to any person confined therein pursuant to this chapter such of the privileges granted to other patients of the hospital or facility as are not incompatible with his or her detention or unreasonably conducive to his or her escape from custody.

1210.35. The district attorney of the county may appear on behalf of the people at any of the hearings held pursuant to this chapter.

1210.36. Every person committed to a state hospital or state institution or other public or private mental health facility as a mentally disordered sex offender, who escapes from or who escapes while being conveyed to or from a county facility, state hospital or state institution, is punishable by imprisonment in the state prison; or in the county jail not to exceed one year.

SEC. 2. Section 6250 of the Welfare and Institutions Code is

amended to read:

6250. As used in this part, "persons subject to judicial commitment" means persons who may be judicially committed under this part as mentally retarded persons pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of this part.

Nothing in this part shall be held to change or interfere with the provisions of the Penal Code and other laws relating to mentally disordered persons charged with crime or to the criminally insane.

This part shall be liberally construed so that, as far as possible and consistent with the rights of persons subject to commitment, such persons shall be treated, not as criminals, but as sick persons.

SEC. 3. Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 5. If another bill which repeals Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of the Welfare and Institutions Code is chaptered and becomes effective on or before January 1, 1982, the provisions of this act shall not become operative.

CHAPTER 712

An act to amend Section 8213 of the Government Code, relating to notaries public.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981.]

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

SECTION 1. Section 8213 of the Government Code is amended to read:

8213. No later than 30 days after the beginning of the term prescribed in the commission, every person appointed a notary public shall file an official bond, and take, subscribe, and file an oath of office in the office of the county clerk of the county within which the person maintains a principal place of business as shown in the application submitted to the Secretary of State, and the commission shall not take effect unless this is done within the 30-day period. Upon filing the oath and bond, the county clerk shall forthwith transmit to the Secretary of State a certificate setting forth the fact of such filing and containing a copy of the official oath, personally signed by the notary public in the form set forth in the commission and shall forthwith deliver the bond to the county recorder for recording.

If a notary public transfers the principal place of business from one county to another, the notary public may file a new oath of office and bond, or a duplicate of the original bond with the county clerk to which the principal place of business was transferred. If the notary public elects to make such a new filing, such notary public shall,

within 30 days of such filing, obtain an official seal which shall include the name of the county to which the notary public has transferred. In such a case, the same filing and recording fees are applicable as in the case of the original filing and recording of the bond.

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

The county recorder shall record the bond and shall thereafter mail, unless specified to the contrary, it to the person named in the instrument and, if no person is named, to the party leaving it for recording. A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements and attachments, may be read in evidence with like effect as the original thereof, without further proof.

CHAPTER 713

An act to amend Sections 25210.77d, 25210.77f, 25828, 38743, and 38744 of the Government Code, to amend Section 33327 of the Health and Safety Code, to amend Sections 98.6, 99, 99.9, and 100 of the Revenue and Taxation Code, to amend Section 55501 of the Water Code, and to repeal Section 17.8 of Chapter 801 of the Statutes of 1980, relating to local agencies.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 25210.77d of the Government Code is amended to read:

25210.77d. If any water or sewer standby 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 county service area is located is required by law to levy the amount of taxes required for county purposes, a 6-percent penalty thereon shall accrue. The amount of the unpaid standby charge plus the penalty shall be added to the annual tax levied upon the land for which the standby charge is unpaid, and shall constitute a lien on that land. The amount of tax attributable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to the charges appearing on the tax bill, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to the real property and the unpaid water or sewer standby charges, and any

penalty thereon, relating to the property shall be transferred to the unsecured roll for collection.

On or before August 10, the county officer, designated by the board of supervisors, shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the county service area upon which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land.

SEC. 2. Section 25210.77f of the Government Code is amended to read:

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

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

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

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

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary 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. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 3. Section 25828 of the Government Code is amended to read:

25828. If services are provided by a county pursuant to Section 25827, and if such service is provided at the request of the property owner, the cost of such service which remains unpaid for a period of 60 or more days after the close of the period for which they were billed may be collected by the county as provided herein.

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

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

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

(d) The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent charges. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem 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. All laws applicable to the levy, collection, and enforcement of county ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent charges, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 4. Section 38743 of the Government Code is amended to read:

38743. A city may fix, on or before the first day of July in each calendar year, an annual water service standby or immediate availability charge to be applied on an area or frontage or parcel basis, or a combination thereof, within the city to be charged to such areas to which water service is made available for any purpose by the city, whether the water service is actually used or not. The city

council of a city which fixes such a charge may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such city. The council may not, however, fix a monthly charge in excess of ten dollars ($10) per acre, either on an area or frontage basis, or in excess of five dollars ($5) for a parcel or frontage of less than an acre.

A city may collect the standby or availability charge by billing the charged lands on a monthly or fiscal year basis.

A city may collect the standby or availability charge as a part of the annual general county tax bill provided the city furnishes, on or before August 10, in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel. The parcel description may be the parcel number assigned by the county assessor to the parcel.

If the city collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 5. Section 38744 of the Government Code is amended to read:

38744. If any water standby charge authorized to be collected pursuant to Section 38743 remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the city is located is required by law to levy county general taxes, a 6-percent penalty shall accrue upon the amount unpaid. The amount of the unpaid standby charge, plus the penalty, shall constitute a lien upon the land for which the standby charge is unpaid and shall be collected in the same manner and at the same time as that applicable for the collection of unpaid or delinquent county general taxes. The amount of tax attributable to unpaid water standby charges, and the penalty thereon, shall be stated on the county tax bill separately from all other taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to the charges appearing on the tax bill, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the unpaid water standby charges, and any penalty thereon, relating to such property shall be transferred to the unsecured roll for collection.

On or before August 10, the city council shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the city upon

which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land.

SEC. 6. Section 33327 of the Health and Safety Code is amended to read:

33327. After receipt of any preliminary redevelopment plan pursuant to Section 33325, the agency shall transmit to the auditor, assessor, and tax collector of the county in which the proposed project is located, or to the officer or officers performing the functions of the auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county, to the legislative or governing bodies of local agencies which receive a portion of the property tax levied pursuant to Part 0.5 (commencing with Section 50) of the Revenue and Taxation Code and to the State Board of Equalization:

(1) A description of the boundaries of the project area and the property outside the project area specified in subdivision (g) of Section 33328.

(2) A statement that a plan for the redevelopment of the area is being prepared.

(3) A map indicating the boundaries of the project area and the property outside the project area specified in subdivision (g) of Section 33328.

In addition, the agency may include a listing, by tax rate area, of all parcels within the boundaries of the project area and the value used for each such parcel on the secured property tax roll.

Thereafter, if the boundaries of the proposed project are changed to increase the land within the project area, the agency shall notify such taxing officials and the State Board of Equalization within 30 days by transmitting a description and map indicating each such boundary change made. The State Board of Equalization shall prescribe the format of the description of boundaries and statements, and the form, size, contents, and number of copies of the map required to be transmitted pursuant to this section.

SEC. 6.5. Section 33327 of the Health and Safety Code is amended to read:

33327. After receipt of any preliminary redevelopment plan pursuant to Section 33325 which contains a provision for the division of taxes as permitted by Section 33670, the agency shall transmit to the auditor, assessor, and tax collector of the county in which the proposed project is located, or to the officer or officers performing the functions of the auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county, to the legislative or governing bodies of local agencies which receive a portion of the property tax levied pursuant to Part 0.5 (commencing with Section 50) of the Revenue and Taxation Code and to the State Board of Equalization:

(1) A description of the boundaries of the project area and the

property outside the project area specified in subdivision (g) of Section 33328.

(2) A statement that a plan for the redevelopment of the area is being prepared.

(3) A map indicating the boundaries of the project area and the property outside the project area specified in subdivision (g) of Section 33328.

In addition, the agency may include a listing, by tax rate area, of all parcels within the boundaries of the project area and the value used for each such parcel on the secured property tax roll.

Thereafter, if the boundaries of the proposed project are changed to increase the land within the project area, the agency shall notify such taxing officials and the State Board of Equalization within 30 days by transmitting a description and map indicating each such boundary change made. The State Board of Equalization shall prescribe the format of the description of boundaries and statements, and the form, size, contents, and number of copies of the map required to be transmitted pursuant to this section.

SEC. 7. Section 98.6 of the Revenue and Taxation Code is amended to read:

98.6. (a) Notwithstanding any other provision of this chapter, the amount allocated pursuant to Sections 96 or 97, and 98, to a special district, as defined in Article 1 (commencing with Section 2201) of Chapter 3 of Part 4, excluding multicounty districts, shall be reduced by an amount computed as follows:

(1) A ratio shall be computed for each such special district equal to the amount of state assistance payment for such special district for the 1978–79 fiscal year divided by the sum of such state assistance payment for the special district plus the amount of property tax revenue allocated to the special district for the 1978–79 fiscal year pursuant to Section 26912 of the Government Code.

(2) The amount by which the allocation pursuant to Sections 96 or 97, and 98, shall be reduced shall be equal to such allocation multiplied by the factor computed for the district pursuant to paragraph (1).

(3) The total of all amounts computed for special districts within each county shall be deposited in the Special District Augmentation Fund which shall specify amounts for each governing body as defined in Section 16271 of the Government Code and which shall be allocated pursuant to subdivision (b).

(b) There is hereby created a Special District Augmentation Fund in each county to augment the revenues of special districts. The auditor shall, on or before September 30 of each year, notify each governing body, as defined in Section 16271 of the Government Code, of the amount allocated to it pursuant to this section.

Within 15 days of such notice, the governing body shall hold a public hearing for the purpose of determining the distribution of such funds. The governing body shall send written notice to the legislative body of each special district which is not governed by the

board of supervisors or the city council and shall publish such notice in a newspaper of general circulation in the county not less than three days prior to the hearing. The notice shall include the following: (1) the amount of funds available to special districts, and (2) the time and place of the hearing.

Within 30 days of the notice of allocation, the governing body shall determine the amount of funds to be disbursed to each special district. The funds provided for by this shall be used exclusively for special districts and shall not be used for any general county or municipal expenses.

The county auditor shall disburse funds to the special district in the same manner as disbursements which are made from the county treasurers property tax trust fund.

Disbursements to cities with more than one subsidiary special district may be made to the city. Each city shall distribute these funds to their individual subsidiary special district in accordance with the city council's final determination.

SEC. 7.5. Section 98.6 of the Revenue and Taxation Code is amended to read:

98.6. (a) Notwithstanding any other provision of this chapter, the amount allocated pursuant to Sections 96 or 97, and 98, to a special district, as defined in Article 1 (commencing with Section 2201) of Chapter 3 of Part 4, excluding multicounty districts, shall be reduced by an amount computed as follows:

(1) A ratio shall be computed for each such special district equal to the amount of state assistance payment for such special district for the 1978–79 fiscal year divided by the sum of such state assistance payment for the special district plus the amount of property tax revenue allocated to the special district for the 1978–79 fiscal year pursuant to Section 26912 of the Government Code.

(2) The amount by which the allocation pursuant to Sections 96 or 97, and 98, shall be reduced shall be equal to such allocation multiplied by the factor computed for the district pursuant to paragraph (1).

(3) The total of all amounts computed for special districts within each county shall be deposited in the Special District Augmentation Fund which shall specify amounts for each governing body as defined in Section 16271 of the Government Code and which shall be allocated pursuant to subdivision (b).

(b) There is hereby created a Special District Augmentation Fund in each county to augment the revenues of special districts. The auditor shall, on or before September 30 of each year, notify each governing body, as defined in Section 16271 of the Government Code, of the amount allocated to it pursuant to this section.

Within 15 days of such notice, the governing body shall hold a public hearing for the purpose of determining the distribution of such funds. The governing body shall send written notice to the legislative body of each special district which is not governed by the board of supervisors or the city council and shall publish such notice

in a newspaper of general circulation in the county not less than three days prior to the hearing. The notice shall include the following: (1) the amount of funds available to special districts, and (2) the time and place of the hearing.

Within 30 days of the notice of allocation, the governing body shall determine the amount of funds to be disbursed to each special district. In determining the amount of funds to be disbursed to each special district, the governing body shall not:

(1) Consider as district revenues any assessments, charges, or special taxes collected pursuant to Section 50077 or 50078 or Article 16 (commencing with Section 53970) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

(2) Allocate to a district which collected those assessments, charges, or special taxes, an amount less than the amount which would have been allocated to the district had it not collected any assessments, charges, or special taxes; or an amount less than that which is generated pursuant to Section 96 or Sections 97 and 98, by that district, as defined in Article 1 (commencing with Section 2201) of Chapter 3 of Part 4, excluding multicounty districts, unless an emergency resolution is adopted pursuant to Section 29127 of the Government Code.

(3) Consider revenues distributed to the district from the supplemental unsecured property tax revenue as defined in Section 97.1.

The funds provided for by this subdivision shall be used exclusively for special districts and shall not be used for any general county or municipal expenses.

The county auditor shall disburse funds to the special district in the same manner as disbursements which are made from the county treasurers property tax trust fund.

Disbursements to cities with more than one subsidiary special district may be made to the city. Each city shall distribute these funds to their individual subsidiary special district in accordance with the city council's final determination.

SEC. 8. Section 99 of the Revenue and Taxation Code is amended to read:

99. (a) For the purposes of the computations required by this chapter:

(1) In the case of a jurisdictional change, other than a city incorporation or a formation of a district as defined in Section 2215 of the Revenue and Taxation Code, the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 97, or the annual tax increment determined pursuant to Section 98, for local agencies whose service area or service responsibility would be altered by such jurisdictional change, as determined pursuant to subdivision (b) or (c).

(2) In the case of a city incorporation or a formation of a district as defined in Section 2215 of the Revenue and Taxation Code, the auditor shall assign the allocation of property tax revenues

determined pursuant to Section 54790.3 of the Government Code to the newly formed city or district and shall make the adjustment as determined by Section 54790.3 in the allocation of property tax revenue determined pursuant to Section 96 or 97 for each local agency whose service area or service responsibilities would be altered by such incorporation or formation.

(b) Upon the filing of an application or a resolution pursuant to the Municipal Organization Act (Part 2 (commencing with Section 35000) of Division 2 of Title 4 of the Government Code) or the District Reorganization Act of 1965 (Part 1 (commencing with Section 56000) of Division 1 of Title 6 of the Government Code), but prior to the issuance of a certificate of filing, the executive officer shall give notice of such filing to the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. Such notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change.

(1) (A) The county assessor shall provide to the county auditor, within 30 days of the notice of filing, a report which identifies the assessed valuations for the territory subject to the jurisdictional change and the tax rate area or areas in which the territory exists.

(B) The auditor shall estimate the amount of property tax revenue generated within the territory which is the subject of the jurisdictional change during the current fiscal year.

(2) The auditor shall estimate what proportion of the property tax revenue determined pursuant to paragraph (1) is attributable to each local agency pursuant to Section 96 or 97, and Section 98, notwithstanding the provisions of Section 98.6.

(3) Within 45 days of notice of the filing of an application or resolution, the auditor shall notify the governing body of each local agency whose service area or service responsibility will be altered by the amount of, and allocation factors with respect to, property tax revenue estimated pursuant to paragraph (2) which is subject to a negotiated exchange.

(4) Upon receipt of the estimates pursuant to paragraph (3) the local agencies shall commence negotiations to determine the amount of property tax revenues to be exchanged between and among such local agencies. Such negotiation period shall not exceed 30 days.

Such exchange may be limited to an exchange of property tax revenues from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years.

(5) In the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the board of supervisors of the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues.

(6) Notwithstanding any other provision of law, the executive officer shall not issue a certificate of filing pursuant to Section 54791 of the Government Code until such local agencies included in the property tax revenue exchange negotiation, within the 30-day negotiation period, present resolutions adopted by each such county and city whereby each such county and city agrees to accept the exchange of property tax revenues.

(7) In the event that the commission modifies the proposal or its resolution of determination, any local agency whose service area or service responsibility would be altered by the proposed jurisdictional change may request, and the executive officer shall grant, 15 days for the affected agencies, pursuant to paragraph (4) to renegotiate an exchange of property tax revenues. Notwithstanding the time period specified in paragraph (4), if the resolutions required pursuant to paragraph (6) are not presented to the executive officer within the 15-day period, all proceedings of the jurisdictional change shall automatically be terminated.

(8) No later than the date on which the certificate of completion of the jurisdictional change is recorded with the county recorder, the executive officer shall notify the auditor or auditors of the exchange of property tax revenues and the auditor or auditors shall make the appropriate adjustments as provided in subdivision (a).

(c) Whenever a jurisdictional change is not required to be reviewed and approved by a local agency formation commission, the local agencies whose service area or service responsibilities would be altered by the proposed change, shall give notice to the State Board of Equalization and the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. Such notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change and request the auditor and assessor to make the determinations required pursuant to paragraphs (1) and (2) of subdivision (b). Upon notification by the auditor of the amount of, and allocation factors with respect to, property tax subject to exchange, such local agencies, pursuant to the provisions of paragraphs (4), (5), and (6) of subdivision (b), shall determine the amount of property tax revenues to be exchanged between and among such local agencies. Notwithstanding any other provision of law, no such jurisdictional change shall become effective until each county and city included in such negotiations agrees, by resolution, to accept the negotiated exchange of property tax revenues. Such exchange may be limited to an exchange of property tax revenue from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years. Upon the adoption of the resolutions required pursuant to this section, the adopting agencies shall notify the auditor who shall make the appropriate

adjustments as provided in subdivision (a).

(d) With respect to adjustments in the allocation of property taxes pursuant to this section, a county and any local agency or agencies within the county may develop and adopt a master property tax transfer agreement. Such agreement may be revised from time to time by the parties subject to such agreement.

(e) Except as otherwise provided in subdivision (f), for the purpose of determining the amount of property tax to be allocated in the 1979–80 fiscal year and thereafter for those local agencies which were affected by a jurisdictional change which was filed with the State Board of Equalization after January 1, 1978 but on or before January 1, 1979. The local agencies shall determine by resolution the amount of property tax revenues to be exchanged between and among such affected agencies and notify the auditor of such determination.

(f) For the purpose of determining the amount of property tax to be allocated in the 1979–80 fiscal year and thereafter, for a city incorporation which was filed pursuant to Sections 54900 to 54904 after January 1, 1978, but on or before January 1, 1979, the amount of property tax revenue considered to have been received by such jurisdiction for the 1978–79 fiscal year shall be equal to two-thirds of the amount of property tax revenue projected in the final local agency formation commission staff report pertaining to such incorporation multiplied by the proportion that the total amount of property tax revenue received by all jurisdictions within the county for the 1978–79 fiscal year bears to the total amount of property tax revenue received by all jurisdictions within the county for the 1977–78 fiscal year. Except, however, in the event that the final commission report did not specify the amount of property tax revenue projected for such incorporation, the commission shall by October 10, determine pursuant to Section 54790.3 of the Government Code the amount of property tax to be transferred to the city.

The provisions of this subdivision shall also apply to the allocation of property taxes for the 1980–81 fiscal year and thereafter for incorporations approved by the voters in June 1979.

(g) For the purpose of the computations made pursuant to this section, in the case of a district formation which was filed pursuant to Sections 54900 to 54904, inclusive, of the Government Code after January 1978, but before January 1, 1979, the amount of property tax to be allocated to such district for the 1979–80 fiscal year and each fiscal year thereafter shall be determined pursuant to Section 54790.3 of the Government Code.

(h) For the purposes of the computations required by this chapter, in the case of a jurisdictional change, other than a change requiring an adjustment by the auditor pursuant to subdivision (a), the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 97, or the annual tax increment determined pursuant to Section 98, for each local school district,

community college district, or county superintendent of schools whose service area or service responsibility would be altered by such jurisdictional change, as determined as follows:

(1) The governing body of each such district, county superintendent of schools, or county whose service areas or service responsibilities would be altered by such change shall determine the amount of property tax revenues to be exchanged between and among such affected jurisdictions. Such determination shall be adopted by each affected jurisdiction by resolution. For the purpose of negotiation, the county auditor shall furnish the parties and the county board of education with an estimate of the property tax revenue subject to negotiation.

(2) In the event that such affected jurisdictions are unable to agree, within 60 days after the effective date of the jurisdictional change, and if all the jurisdictions are wholly within one county, the county board of education shall, by resolution, determine the amount of property tax revenue to be exchanged. If the jurisdictions are in more than one county, the State Board of Education shall, by resolution, within 60 days after the effective date of the jurisdictional change, determine the amount of property tax to be exchanged.

(3) Upon adoption of any resolution pursuant to this subdivision, the adopting jurisdictions or State Board of Education shall notify the county auditor who shall make the appropriate adjustments as provided in subdivision (a).

(i) For purposes of subdivision (h), the annexation by a community college district of territory within a county not previously served by a community college district is an alteration of service area. The community college district and the county shall negotiate the amount, if any, of property tax revenues to be exchanged. In such negotiations, there shall be taken into consideration the amount of revenue received from the timber yield tax and forest reserve receipts by the community college district in the area not previously served. In no event shall the property tax revenue to be exchanged exceed the amount of property tax revenue collected prior to such annexation for the purposes of paying tuition expenses of residents enrolled in such community college district, adjusted each year by the percentage change in population and the percentage change in cost of living, or per capita personal income, whichever is lower, less the amount of revenue received by the community college district in the annexed area from the timber yield tax and forest reserve receipts.

SEC. 8.5. Section 99.9 of the Revenue and Taxation Code is amended to read:

99.9. No amendment made by any chapter of the Statutes of 1980, or any year thereafter, to Section 99 of the Revenue and Taxation Code shall be construed, except as expressly provided therein, to apply to a jurisdictional change initiated, pursuant to the applicable provisions of law governing such jurisdictional changes, prior to the effective date of the amendment and the provisions of Section 99 of

the Revenue and Taxation Code in effect at the time the jurisdictional change is initiated shall govern the procedures for, and exchange of, property tax revenues between local agencies whose service area or service responsibility would be altered by such jurisdictional change, provided that there shall be no duty to impound any property tax revenues.

SEC. 9. Section 100 of the Revenue and Taxation Code is amended to read:

100. (a) On or before August 1, 1982, and on or before August 1 of each year thereafter, any jurisdiction may request that the amount computed for it pursuant to this chapter be reduced for the current fiscal year by a specified amount. Upon such request, the county auditor shall compute an effective tax rate reduction by dividing the amount of property tax revenue to be reduced by the taxable assessed value on the secured roll of the jurisdiction and multiplying the quotient by 100. The effective tax rate reduction shall be applied to the taxable assessed value on each secured roll tax bill for property within the jurisdiction, and the resulting amount shall be subtracted from the property tax owed by the taxpayer which is attributable to the tax rate provided by subdivision (b) of Section 2237. This subtracted amount shall be shown on each such tax bill with a notation reading: "Tax reduction by (name of jurisdiction)." The same effective tax rate reduction shall be applied in a comparable manner to the taxable assessed value on the next succeeding unsecured roll tax bill for property within the jurisdiction, except that for the 1981–82 fiscal year any such rate reduction used on that year's unsecured roll shall be equal to the 1980–81 rate divided by four.

(b) Notwithstanding any other provision of law, if a school entity acts pursuant to subdivision (a), the state shall not increase school apportionments to such school entity to make up the reduction in property tax revenues.

(c) Effective tax rate reductions made pursuant to this section shall not be taken into account in computing property tax allocations pursuant to Sections 95 to 99, inclusive, of this chapter, except that for the 1981–82 fiscal year any such rate reduction used on that year's unsecured roll shall be equal to the 1980–81 rate divided by four.

SEC. 10. Section 55501 of the Water Code is amended to read:

55501. The board may fix and collect rates or charges for the use and supply of water furnished by the system, and to apply the receipts from the rates or charges to the expenses of the administration and government of the district and the use, operation and extension of the waterworks and water supply.

The revenues obtained from such rates or charges may be in lieu of or supplemental to revenues obtained by the levy of taxes.

The district board may provide for the collection of the charges for services rendered in the current or immediately preceding fiscal year as a part of the annual general county tax bill provided the district furnishes, on or before August 10, in writing to the board of

supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such case the charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll for collection.

If the district collects charges through the county general tax bill, the amount of the charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 11. Section 17.8 of Chapter 801 of the Statutes of 1980 is repealed.

SEC. 12. It is the intent of the Legislature, if this bill and Senate Bill No. 241 are both chaptered and become effective January 1, 1982, both bills amend Section 33327 of the Health and Safety Code, and this bill is chaptered after Senate Bill No. 241, that the amendments to Section 33327 proposed by both bills be given effect and incorporated in Section 33327 in the form set forth in Section 6.5 of this act. Therefore, Section 6.5 of this act shall become operative only if this bill and Senate Bill No. 241 are both chaptered and become effective January 1, 1982, both amend Section 33327, and this bill is chaptered after Senate Bill No. 241, in which case Section 6 of this act shall not become operative.

SEC. 13. It is the intent of the Legislature, if this bill and Assembly Bill 934 are both chaptered and become effective January 1, 1982, both bills amend Section 98.6 of the Revenue and Taxation Code, and this bill is chaptered after Assembly Bill 934, that the amendments to Section 98.6 proposed by both bills be given effect and incorporated in Section 98.6 in the form set forth in Section 7.5 of this act. Therefore, Section 7.5 of this act shall become operative only if this bill and Assembly Bill 934 are both chaptered and become effective January 1, 1982, both amend Section 98.6, and this bill is chaptered after Assembly Bill 934, in which case Section 7 of this act shall not become operative.

SEC. 14. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose

of making reimbursement 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. 15. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

CHAPTER 714

An act to amend Sections 1627, 2892, 2892.1, 2913, 4035, 4036, 4047.7, 6037, 6102, 6146, 6180.14, 6546.6, 10133.1, 10153, 10471, 12613, 12701, 12777, 12793, 14415, 17842, 19409.5, and 19464 of, to amend the heading of Article 4 (commencing with Section 9840) of Chapter 20 of Division 3 of, to amend and renumber Sections 730, 731, 4975, 7538.7, 9780, and 23428.7 of, to amend and renumber the heading of Article 6 (commencing with Section 4140), Article 7 (commencing with Section 4160), Article 8 (commencing with Section 4210), Article 10 (commencing with Section 4330), Article 11 (commencing with Section 4350), Article 12 (commencing with Section 4380), and Article 13 (commencing with Section 4410), of Chapter 9 of Division 2 of, to repeal Sections 11010.3, 11010.4, and 23958.3 of, and to repeal Article 10.5 (commencing with Section 725) of, the heading of Article 10.5 (commencing with Section 730) of Chapter 1 of, the heading of Article 5 (commencing with Section 4120) of Chapter 9 of Division 2 of, the Business and Professions Code, to amend Sections 25.8, 56.22, 224, 224a, 232.3, 798.38. 798.56, 3241, and 4555 of, to amend and renumber Sections 798.10 and 1821.23 of, and to repeal Section 4600.5 of the Civil Code, to amend Sections 86, 329, 446, 917.7, 1046, 1282.2, 1567, 1952, and 2034 of, to repeal Sections 119.6, 119.9, 120.1, 123, 123.1, 123.4, 123.5, and 123.7 of, and to repeal the heading of Article 4 (commencing with Section 121) and Article 6 (commencing with Section 123) of Chapter 5-B of Title 1 of Part 1 of, the Code of Civil Procedure, to amend Sections 16039, 16406, 22509, 23804, 23902, 23918, 24806, 35167, 39153, 39316, 41604, 48600, 48651, 49405, 49422, 49441, 49454, 52324, 54347, 54526, 54600, 54630, 54660, 56364, 69276, 72130, 76441, 84370, and 88086.5 of, to amend the heading of Article 4 (commencing with Section 19700) of Chapter 9 of Part 11 of, to amend and renumber Sections 1273 and 42649 of, to amend and renumber the heading of Part 20 (commencing with Section 32500) of, the heading of Article 3 (commencing with Section 78230), Article 4 (commencing with Section 78240), and Article 5 (commencing with Section 78271) of Chapter 2 of Part 48 of, and to repeal the heading of Article 2 (commencing with Section 78220) of Chapter 2 of Part 48 of, the Education Code, to amend Sections 3709,

11554, 23528, 27212, 29623, and 30044 of the Elections Code, to amend Sections 752, 855, 1231, 1237, 2071, 3522, 5067.5, 6407, 6408, 6450.4, 7153.9, 7153.11, 14052, 14410, 18138, 18300, 18455, 24454, 31020, 31114, and 33521 of, and to amend and renumber Section 18643 of, the Financial Code, to amend Sections 4700, 8231, 8234, 10740, and 10770 of, and to repeal Sections 8680, 8681, 8682, and 8683 of, the Fish and Game Code, to amend Sections 11512 and 68081 of, to add Division 23 (commencing with Section 70500) to, to repeal Division 23 (commencing with Section 67500) of, and to repeal the heading of Chapter 5 (commencing with Section 43801) and Chapter 20.5 (commencing with Section 47501) of Division 17 of, the Food and Agricultural Code, to amend Sections 850.8, 6901, 8574.3, 8580, 8597, 8897.1, 11011.1, 11121.9, 11370, 11550, 11554, 35012.5, 38507, 43073, 53205, 55606, 55607, 55608, 55640, 55641, 60400, 65302, 66452.5, 66770.5, 75095.1, and 91531 of, to amend and renumber Sections 24, 4540, 4541, 4542, 7540, 7541, 7542, 7543, 7544, 12032, 25211.3, 53215, 65863.5, 69894.4, 71603.2, 91560, 91561, 91562, 91563, and 91564 of, to amend and renumber the heading of Chapter 11 (commencing with Section 4540) of Division 5 of Title 1 of, and Chapter 24 (commencing with Section 7540) of Division 7 of Title 1 of, and to repeal Section 66427.4 of, the Government Code, to amend Sections 775.5, 6309.4, and 7157 of, and to amend the heading of Chapter 1 (commencing with Section 240) of Division 2 of, the Harbors and Navigation Code, to amend Sections 1250, 1285, 1343, 1732, 3703, 11361.5, 12003, 12006, 13002, 13009.5, 13053, 13054, 13055, 13100, 13104.5, 13140.5, 13821, 13991, 17922.5, 17925, 25810, 25811, 33436, 34354.5, 37850, 41809, 41813, 41957, 41958, 41959, 41960, 41961, 50902, 51351, and 51858 of, to amend the heading of Article 3.4 (commencing with Section 320) of Chapter 2 of Division 1 of the Health and Safety Code, to amend and renumber Sections 1367.8, 5472, and 11977 of, to repeal Sections 1250.2 and 51350.5 of, to repeal the heading of Article 1 (commencing with Section 446) of Part 1.95 of Division 1 of, to repeal Article 2 (commencing with Section 447) of Part 1.95 of Division 1 of, Chapter 9 (commencing with Section 50735), and Chapter 10 (commencing with Section 50775) of Part 2 of Division 31 of, the Health and Safety Code, to amend Sections 779.8, 922.4, 922.5, 1033, 1035.5, 1597, 1599, 1751, 10178, 11551, 11558, 11580.2, 11600, 11602, 11656.9, 11657, 11663, 11690, 11699, 11710, 11715, 11716, 11716.01, 11716.02, 11716.61, 11719, 11730, 11732.1, 11732.3, 11733, 11738, 11740, 11741, 11750, 11750.1, 11750.2, 11750.3, 11751.5, 11755, 11770, 11778, 11780, 11784, 11840, 11846, 11871, 12401.3, and 12973.9 of, and to amend and renumber Sections 11512.18 and 11512.21 of, the Insurance Code, to amend Sections 98.1, 1299, 3093, 3097, 3600.3, 4724, and 6305 of, and to repeal Section 7804 of, the Labor Code, to amend Sections 375, 384a, 384i, 626.11, 653k, 653o, 859, 871.5, 894, 1170.6, 1203.4a, 1413, 1551.2, 1567, 2903, 5006, 5007, 5008, 13301, and 13843 of, the Penal Code, to amend Section 732 of the Probate Code, to amend Sections 2313, 2708, 2760, 3311, 3470, 4143, 4186, 4423.1, 4431, 4438, 4446, 4476, 4551, 4554, 4555, 4582.8, 4621.2, 4656, 4656.1, 5003.7, 5019.10, 5019.53, 5093.62, 6332, 9104,

9183, 13111, 21080.5, 21083, 21087, 25210, 25213, 25502, 25964, 26004, 26563, 26703, 30302, 30339, 30340.5, 30700, and 34056 of, and to amend and renumber Sections 30168 and 30170.6 of, the Public Resources Code, to amend Sections 1901, 1902, 5503.5, 21675, 27091, 29038, 29171, 29750, 29753, 50218, and 99117 of the Public Utilities Code, to amend Sections 99, 485, 4836.5, 6486, 7396, 15556, 17153, 17203, 17206, 17253, 17482, 17631, 17637, 18082, 18211, 18816.5, 19092, 20583, 20640.6, 24431, 24497, 24563, 24662, 24949.2, 24952, 38108, 38351, 38421, 40081, and 41080 of, to amend and renumber Sections 232 and 6593 of, to repeal the heading of Chapter 6 (commencing with Section 5801) of Part 12 of Division 1 of, to repeal the heading of Article 4 (commencing with Section 14791) of Chapter 12 of Part 8 of Division 2 of, the Revenue and Taxation Code, to amend Section 31856 of the Streets and Highways Code, to amend Sections 2708.1 and 9002 of the Unemployment Insurance Code, to amend Sections 1817, 2400, 3051, 4451, 5004, 5004.5, 9400, 11511, 11515, 11704.5, 11902, 21051, 25100, 26708.5, 35780.5, and 42050 of the Vehicle Code, to amend Sections 8617, 8886, 13220, 13360, 13627, 20023, 20054, 25809, 25825.3, 26225, 31303, and 47127 of the Water Code, to amend Sections 708, 736, 1756, 1760.5, 9203, 9600, and 10653 of, to amend and renumber Section 14145 and the heading of Chapter 8.5 (commencing with Section 19810) of Part 2 of Division 10 of, to add Chapter 3 (commencing with Section 4330) to Division 4 of, to add Chapter 7.5 (commencing with Section 4740) to Division 4.5 of, to repeal Sections 4302, 4446, 18294, 18295, 18296, 18297, and 18298 of, and to repeal Chapter 7.5 (commencing with Section 4740) of Division 4.1 of, the Welfare and Institutions Code, and to amend Section 25 of Chapter 1313 of the Statutes of 1980, relating to the maintenance of the codes.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 23, 1981]

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

SECTION 1. Article 10.5 (commencing with Section 725) of Chapter 1 of Division 2 of the Business and Professions Code, as added by Chapter 373 of the Statutes of 1979, is repealed. The repeal made by this section shall not affect the existence or validity of Article 10.5 (commencing with Section 725) of Chapter 1 of Division 2 of the Business and Professions Code, as added by Chapter 348 of the Statutes of 1979.

SEC. 2. The heading of Article 10.5 (commencing with Section 730) of Chapter 1 of Division 2 of the Business and Professions Code, as added by Chapter 955 of the Statutes of 1979, is repealed.

SEC. 3. Section 730 of the Business and Professions Code is amended and renumbered to read:

726. The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer which is substantially related to the qualifications, functions, or duties of the occupation for

which a license was issued constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division, under Chapter 17 (commencing with Section 9000) of Division 3, and under Chapter 4 (commencing with Section 17800) of Part 3 of Division 7.

SEC. 4. Section 731 of the Business and Professions Code is amended and renumbered to read:

727. The provisions of subdivision (2) of Section 1103 of the Evidence Code shall apply in disciplinary proceedings brought against a licensee for acts in violation of Section 726.

SEC. 5. Section 1627 of the Business and Professions Code is amended to read:

1627. It is unlawful for any person to engage in the practice of dentistry in the state, either privately or as an employee of a governmental agency or political subdivision, unless the person has obtained a license or special permit from the board. The provisions of this act, however, do not apply to practice by personnel of the Air Force, Army, Coast Guard, or Navy or employees of the United States Public Health Service, Veterans' Administration, or Bureau of Indian Affairs when engaged in discharge of official duties.

The license of any dentist, existing at the time of the passage of this chapter, shall continue in force until it expires or is forfeited in the manner provided by this chapter.

SEC. 6. Section 2892 of the Business and Professions Code is amended to read:

2892. Licenses issued under this chapter prior to January 1, 1974, shall, unless renewed, expire on the last day of the month following the month in 1974 in which the licensee's birthday occurs and at two-year intervals thereafter on the last day of the month following the month in which the licensee's birthday occurs. Licenses issued under this chapter on or after January 1, 1974, shall, unless renewed, expire at two-year intervals on the last day of the month following the month in which the licensee's birthday occurs, beginning with the second birthday following the date on which the license was issued. To renew an unexpired license, the licensee shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

The board shall give written notice to a licensee 30 days in advance of the renewal date and, 90 days in advance of the expiration of the fourth year that a renewal fee has not been paid, shall give written notice to the licensee informing the licensee in general terms of the provisions of Section 2892.4.

SEC. 7. Section 2892.1 of the Business and Professions Code is amended to read:

2892.1. Except as provided in Sections 2892.3 and 2892.5, an expired license may be renewed at any time within four years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect

on the date the application for renewal is filed.

If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. 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 last occurs. If so renewed, the license shall continue in effect through the date provided in Section 2892 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 8. Section 2913 of the Business and Professions Code is amended to read:

2913. A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in subdivision (c) of Section 1204 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

(a) The person is termed a "psychological assistant."

(b) The person has completed at least one fully matriculated year of graduate training in psychology from an accredited or approved university, college, or professional school. In addition, on or before January 1, 1983, that person shall maintain registration as a "psychological assistant," and to be entitled to use that title, shall have completed all requirements for a master's degree from an accreditied or approved university, college, or professional school. On and after January 1, 1980, a master's degree in (1) psychology, or (2) education with the field of specialization in psychology or counseling psychology from an accredited or approved university, college, or professional school shall be required of all new registrants as psychology assistants.

(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the committee, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with the provisions of this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, board-certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological assistant with the committee. The registration shall be renewed annually in accordance with regulations adopted by the committee.

No licensed psychologist may register, employ, or supervise more

than three psychological assistants at any given time unless specifically authorized to do so by the committee. No board-certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 such assistants at any one time. No contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.

(e) The psychological assistant shall comply with regulations that the committee may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

(f) No person shall practice as a psychological assistant who is found by the committee to be in violation of the provisions of Section 2960 and the rules and regulations duly adopted thereunder.

SEC. 9. Section 4035 of the Business and Professions Code is amended to read:

4035. Pharmacy is an area, place, or premises in which the profession of pharmacy is practiced and where prescriptions are compounded. "Pharmacy" includes, but is not limited to, any area, place, or premises described in a permit issued by the board by reference to plans filed with and approved by the board wherein narcotics or dangerous drugs or dangerous devices, as they are herein defined, are stored, possessed, prepared, manufactured, derived, compounded, or repackaged, and from which said narcotics or dangerous drugs or dangerous devices are furnished, sold, or dispensed at retail.

"Pharmacy" shall not include any area in a facility licensed by the State Department of Health Services where floor supplies, ward supplies, operating room supplies, or emergency room supplies of drugs or dangerous devices are stored or possessed solely for treatment of patients registered for treatment in the facility or for treatment of patients receiving emergency care in the facility.

"Narcotics or dangerous drugs or dangerous devices" as used herein shall include, but is not limited to, all narcotics, drugs, or devices which are included within one or more of the following classifications:

(a) Drugs or devices bearing the legend, "Caution, federal law prohibits dispensing without prescription," or words of similar import.

(b) Controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(c) Drugs or devices enumerated in Section 4211.

(d) Drugs or devices heretofore or hereafter classified as dangerous by the board pursuant to Sections 4061 and 4240.

(e) Hypodermic syringes and needles, or other drugs or devices, the sale of which is restricted by law to a registered pharmacist.

Neither this section nor any other provision of law shall be construed as prohibiting a pharmacy from furnishing a prescription drug or device to a licensed health care facility for storage in a secured emergency pharmaceutical supplies container maintained within the facility in accordance with facility regulations of the State Department of Health Services set forth in Title 22 of the California Administrative Code.

SEC. 10. Section 4036 of the Business and Professions Code is amended to read:

4036. (a) "Prescription" means an oral order given individually for the person or persons for whom prescribed, directly from the prescriber to the furnisher, or indirectly by means of a written order, signed by the prescriber, and shall bear the name or names and address of the patient or patients, the name and quantity of the drug or device prescribed, directions for use, and the date of issue, and either rubber stamped, typed, or printed by hand or typeset the name, address, and telephone number of the prescriber, his or her license classification, and his or her federal registry number, if a controlled substance is prescribed. No person other than a physician, dentist, podiatrist, or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, shall prescribe or write a prescription.

Nothing in the amendments made to this section at the 1969 Regular Session of the Legislature shall be construed as expanding or limiting the right which a chiropractor, while acting within the scope of his or her license, may have to prescribe a device.

The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(b) Notwithstanding subdivision (a), a written order of the prescriber for a dangerous drug, except for any Schedule II controlled substance, which contains at least the name and signature of the prescriber, the name or names and address of the patient or patients in a manner consistent with paragraph (3) of subdivision (b) of Section 11164 of the Health and Safety Code, the name and quantity of the drug prescribed, directions for use, and the date of issue may be treated as a prescription by the dispensing pharmacist so long as any additional information required by subdivision (a) is readily retrievable in the pharmacy. In the event of a conflict between the provisions of this subdivision and Section 11164 of the Health and Safety Code, the provisions of Section 11164 shall prevail.

(c) Except as provided in Section 4036.1, an oral prescription shall as soon as practicable be reduced to writing by the pharmacist and shall be filled by, or under the direction of, the pharmacist. The pharmacist need not reduce to writing the address, telephone number, license classification, federal registry number of the prescriber, or the address of the patient or patients if the information is readily retrievable in the pharmacy.

SEC. 11. Section 4047.7 of the Business and Professions Code is amended to read:

4047.7. (a) The State Director of Health Services shall establish by regulation a formulary of generic drug types and drug products which the State Director of Health Services determines demonstrate clinically significant biological or therapeutic inequivalence and which, if substituted under Section 4047.6, would pose a threat to the health and safety of patients receiving prescription medication.

(b) The drug formulary established pursuant to this section shall include generic drug types and manufactured brand drug products, including, where applicable, drug products differentiated by dosage form or strength. In compiling the generic drug types and drug products for inclusion on the formulary, the State Director of Health Services may rely on drug product research, testing, information, and formularies compiled by other states, the United States Department of Health and Human Services, and any other source which the State Director of Health Services deems reliable.

(c) Regulations establishing the drug formulary shall be promulgated within 120 days of the effective date of this section. The formulary shall be added to or deleted from as the State Director of Health Services deems appropriate. Regulations shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Any person who requests that the State Director of Health Services make any inclusion, addition, or deletion, of a generic drug type or drug product to the formulary shall have the burden of proof to show cause why such inclusion, addition, or deletion, should be made by the State Director of Health Services.

(d) Upon adoption of the formulary, and upon each addition, deletion or modification to the formulary, the State Director of Health Services shall mail a copy to each pharmacist licensed by the State Board of Pharmacy and to each physician and surgeon licensed to practice in the state by the State Board of Medical Quality Assurance and each person licensed by the Board of Osteopathic Examiners. No pharmacist shall dispense a generically equivalent drug product pursuant to Section 4047.6 if the drug product and its generic drug type is included in the formulary.

SEC. 12. The heading of Article 5 (commencing with Section 4120) of Chapter 9 of Division 2 of the Business and Professions Code is repealed.

SEC. 13. The heading of Article 6 (commencing with Section 4140) of Chapter 9 of Division 2 of the Business and Professions Code

is amended and renumbered to read:

Article 5. Hypodermics

SEC. 14. The heading of Article 7 (commencing with Section 4160) of Chapter 9 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 6. Poisons

SEC. 15. The heading of Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 7. Dangerous Drugs

SEC. 16. The heading of Article 10 (commencing with Section 4330) of Chapter 9 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 8. Certificates, Information and Records

SEC. 17. The heading of Article 11 (commencing with Section 4350) of Chapter 9 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 9. Disciplinary Proceedings

SEC. 18. The heading of Article 12 (commencing with Section 4380) of Chapter 9 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 10. Prohibitions and Offenses Against the Chapter, Generally

SEC. 19. The heading of Article 13 (commencing with Section 4410) of Chapter 9 of Division 2 of the Business and Professions Code is amended and renumbered to read:

Article 11. Revenue

SEC. 20. Section 4975 of the Business and Professions Code, as added by Chapter 1313 of the Statutes of 1980, is amended and renumbered to read:

4974.5. This chapter shall become operative on July 1, 1982.

SEC. 21. Section 6037 of the Business and Professions Code is amended to read:

6037. No action or decision of the board or committee of the board shall be invalid because of the participation therein by a

member or members in violation of Section 6036. However, any member who intentionally violates the provisions of subdivision (a) of Section 6036 is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding five days, or by a fine not exceeding five hundred dollars ($500), or by both, and, if the member is an attorney member of the board, a certified copy of the record of conviction shall be transmitted to the Supreme Court for disposition as provided in Sections 6101 and 6102. Upon entry of final judgment of conviction, the member's term of office on the board of governors, and duties and authority incidental thereto, shall automatically terminate. Any member who intentionally violates the provisions of subdivision (b) of Section 6036 shall be liable for a civil penalty not to exceed five hundred dollars ($500) for each violation, which shall be assessed and recovered in a civil action in a court of competent jurisdiction brought in the name of the state only by a district attorney of a county in which the member resides or maintains offices and the penalty collected shall be paid to the treasurer of that county.

SEC. 22. Section 6102 of the Business and Professions Code is amended to read:

6102. (a) Upon the receipt of the certified copy of the record of conviction, if it appears therefrom that the crime of which the attorney was convicted involved or that there is probable cause to believe that it involved moral turpitude, the Supreme Court shall suspend the attorney until the time for appeal has elapsed, if no appeal has been taken, or until the judgment of conviction has been affirmed on appeal, or has otherwise become final, and until the further order of the court. Upon good cause shown the court may set aside the suspension when it appears to be in the interest of justice to do so, with due regard being given to maintaining the integrity of and confidence in the profession.

(b) If, after adequate notice and opportunity to be heard (which hearing shall not be had until the judgment of conviction has become final or, irrespective of any subsequent order under the provisions of Section 1203.4 of the Penal Code, an order granting probation has been made suspending the imposition of sentence), the court finds that the crime of which the attorney was convicted, or the circumstances of its commission, involved moral turpitude it shall enter an order disbarring the attorney or suspending him or her from practice for a limited time, according to the gravity of the crime and the circumstances of the case; otherwise it shall dismiss the proceedings. In determining the extent of the discipline to be imposed in a proceeding pursuant to this article any prior discipline imposed upon the attorney may be considered.

(c) The court may refer the proceedings or any part thereof or issue therein, including the nature or extent of discipline, to the State Bar for hearing, report, and recommendation.

(d) The record of the proceedings resulting in the conviction, including a transcript of the testimony therein, may be received in

evidence.

(e) The Supreme Court shall prescribe rules for the practice and procedure in proceedings had pursuant to this section and Section 6101.

(f) The other provisions of this article providing a procedure for the disbarment or suspension of an attorney do not apply to proceedings pursuant to Sections 6101 and 6102, unless expressly made applicable.

SEC. 23. Section 6146 of the Business and Professions Code is amended to read:

6146. (a) An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon such person's alleged professional negligence in excess of the following limits:

(1) Forty percent of the first fifty thousand dollars ($50,000) recovered.

(2) Thirty-three and one-third percent of the next fifty thousand dollars ($50,000) recovered.

(3) Twenty-five percent of the next one hundred thousand dollars ($100,000) recovered.

(4) Ten percent of any amount on which the recovery exceeds two hundred thousand dollars ($200,000).

The limitations shall apply regardless of whether the recovery is by settlement, arbitration, or judgment, or whether the person for whom the recovery is made is a responsible adult, an infant, or a person of unsound mind.

(b) If periodic payments are awarded to the plaintiff pursuant to Section 667.7 of the Code of Civil Procedure, the court shall place a total value on these payments based upon the projected life expectancy of the plaintiff and include this amount in computing the total award from which attorney's fees are calculated under this section.

(c) For purposes of this section:

(1) "Recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and the attorney's office-overhead costs or charges are not deductible disbursements or costs for such purpose.

(2) "Health care provider" means any person licensed or certified pursuant to Division 2 (commencing with Section 500), or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act, or licensed pursuant to Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code; and any clinic, health dispensary, or health facility, licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code. "Health care provider" includes the legal representatives of a health care provider.

(3) "Professional negligence" is a negligent act or omission to act

by a health care provider in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death, provided that the services are within the scope of services for which the provider is licensed and which are not within any restriction imposed by the licensing agency or licensed hospital.

SEC. 24. Section 6180.14 of the Business and Professions Code is amended to read:

6180.14. As used in this article, "attorney" means a member or former member of the State Bar; "law practice" means (a) a law practice conducted by an individual; (b) a law practice conducted by a partnership, if Section 6180 applies to all partners; and (c) a law practice conducted by a law corporation, if Section 6180 applies to all shareholders of the corporation. This article does not apply to legal services rendered as an employee, or under a contract which does not create the relationship of lawyer and client.

SEC. 25. Section 6546.6 of the Business and Professions Code is amended to read:

6546.6. (a) Notwithstanding any other provision of this chapter, a person is qualified to receive a certificate of registration as a registered barber who complies with each of the following:

(1) Has met the requirements of subdivisions (a), (b), (c), (d), (f), and (g) of Section 6545.

(2) Has satisfactorily completed a course of training in barbering established by the Department of Corrections which complies with the requirements of this chapter pertaining to instructors and complies in all other respects with the requirements established for such courses by the board.

(3) Has satisfactorily completed any supplementary training the board prescribes as necessary to assure that his or her total training will be substantially equivalent to the training required in a barber college licensed by the board.

(b) The provisions of Section 6536 relating to notice and hearing shall be applicable to a person who applies under this section.

SEC. 26. Section 7538.7 of the Business and Professions Code, as added by Chapter 954 of the Statutes of 1980, is amended and renumbered to read:

7538.9. Each person licensed as a repossessor shall serve a consumer with a notice of seizure as soon as possible after the recovery of personal property, but in no event later than 48 hours after the repossession of personal property, which notice shall include all of the following:

(a) The name, address, and phone number of the representative of the legal owner to be contacted regarding repossession.

(b) The name, address, and phone number of the representative of the repossessor to be contacted regarding repossession.

(c) A statement printed on the notice containing the following:

"Repossessors are regulated by the Bureau of Collection and Investigative Services and are required to provide you, not later than 48 hours after the recovery of personal property, with an inventory

of personal effects or personal property recovered during repossession."

(d) A disclosure that "Damage to a vehicle during or subsequent to a repossession is the liability of the repossessor."

The notice may be given by regular mail addressed to the last known address of the consumer or by personal service at the option of the repossessor.

SEC. 27. Section 9780 of the Business and Professions Code, as added by Chapter 108 of the Statutes of 1979, is amended and renumbered to read:

9790. Any person having a noncommercial aircraft in for repairs or service has the right to request, in advance of any work done, a written estimate or may specify a maximum charge on the total cost of repairs or service to be performed. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer which shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Nothing in this section shall be construed as requiring any person to give a written estimated price if such person does not agree to perform the requested repair.

SEC. 28. The heading of Article 4 (commencing with Section 9840) of Chapter 20 of Division 3 of the Business and Professions Code is amended to read:

Article 4. Offenses Against the Chapter

SEC. 29. 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, Article 5 (commencing with Section 10230), Article 6 (commencing with Section 10237), and Article 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 the agency.

(c) Any nonprofit cooperative association organized under Chapter 1 (commencing with Section 54001) of Division 20 of the Food and 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 the person renders services in the course of his or her 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), provided, the 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 the 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 any of the following apply:

(1) The person has made application to the commissioner and has complied with all the provisions of Section 10133.25.

(2) The person makes the 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 the written authorization.

SEC. 30. Section 10153 of the Business and Professions Code is amended to read:

10153. In addition to the proof of honesty and truthfulness required of any applicant for a real estate license, the commissioner shall ascertain by written examination that the applicant, and in case of a corporation applicant for a real estate broker's license that each officer, or agent thereof through whom it proposes to act as a real estate licensee, has all of the following:

(a) An appropriate knowledge of the English language, including reading, writing, and spelling and of arithmetical computations common to real estate and business opportunity practices.

(b) An understanding of the principles of real estate and business opportunity conveyancing, the general purposes and general legal effect of agency contracts, deposit receipts, deeds, mortgages, deeds of trust, chattel mortgages, bills of sale, land contracts of sale and leases, and of the principles of business and land economics and appraisals.

(c) A general and fair understanding of the obligations between principal and agent, of the principles of real estate and business opportunity practice and the canons of business ethics pertaining thereto, of the provisions of this part, of Chapter 1 (commencing with Section 11000) of Part 2, and of the regulations of the Real Estate Commissioner as contained in Title 10 of the California Administrative Code.

SEC. 31. Section 10471 of the Business and Professions Code is amended to read:

10471. (a) When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person or persons licensed under this part, under grounds of fraud, misrepresentation, deceit, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this part, and which cause of action occurred on or after July 1, 1964, the aggrieved person may, upon the judgment becoming final, file a verified application in the court in which the judgment was entered for an order directing payment out of the separate account in the Real Estate Fund for education, research, and recovery purposes of the amount of actual and direct loss in the transaction up to the sum of ten thousand dollars ($10,000) of the amount unpaid upon the judgment, provided that nothing shall be construed to obligate that separate account for more than ten thousand dollars ($10,000) per transaction regardless of the number of persons aggrieved or parcels of real estate involved in the transaction.

In the case of a small claims court judgment, the aggrieved person shall file the verified application in the justice or municipal court in which the judgment was entered in favor of the aggrieved person. The court shall then make a determination as to whether the small claims court judgment was based on facts constituting grounds for recovery under this section and may enter an order directing payment of the small claims court judgment out of the separate account in the Real Estate Fund for education, research, and recovery purposes.

A copy of the verified application shall be served upon the commissioner and the judgment debtor and a certificate or affidavit of that service filed with the court.

(b) Notwithstanding subdivision (a), the liability of that portion of the separate account in the Real Estate Fund for education, research, and recovery purposes, for which the cause of action occurred on or after January 1, 1980, shall not exceed twenty thousand dollars ($20,000) per transaction, for any transaction which

is a basis for the judgment or judgments, regardless of the number of persons aggrieved or the number of parcels of real estate involved, or the number of licensees who participated in the transaction.

SEC. 32. Section 11010.3 of the Business and Professions Code, as added by Chapter 1105 of the Statutes of 1980, is repealed. The repeal made by this section shall not affect the existence or validity of Section 11010.3 of the Business and Professions Code, as added by Chapter 1336 of the Statutes of 1980.

SEC. 33. Section 11010.3 of the Business and Professions Code, as added by Chapter 1152 of the Statutes of 1980, is repealed. The repeal made by this section shall not affect the existence or validity of Section 11010.3 of the Business and Professions Code, as added by Chapter 1336 of the Statutes of 1980.

SEC. 34. Section 11010.4 of the Business and Professions Code, as added by Chapter 1105 of the Statutes of 1980, is repealed.

SEC. 35. Section 12613 of the Business and Professions Code is amended to read:

12613. If any provision of this chapter is less stringent or requires information different from any requirement of Section 4 of the act of Congress entitled "Fair Packaging and Labeling Act" (P.L. 89-755; 80 Stat. 1296; 15 U.S.C. 1451-1461) or of any regulation promulgated pursuant to that act, the provision is inoperative to the extent that it is less stringent or requires information different from the federal requirement, in which event the federal requirement is a part of this chapter.

SEC. 36. Section 12701 of the Business and Professions Code is amended to read:

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

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

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

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation, including carriers of household goods when transporting shipments weighing less than 1,000 pounds.

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

they are licensed.

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

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

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

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

(i) Employees of garbage and refuse disposal districts operating pursuant to Chapter 1.5 (commencing with Section 4170) of Part 2 of Division 5 of the Health and Safety Code and county sanitation districts operating pursuant to Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, which are authorized by their respective governing boards to utilize scales in determining charges for the disposal of liquid and solid wastes and employees of operators of solid waste disposal facilities, as defined in Section 66720.1 of the Government Code.

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

(k) Persons operating under a license issued pursuant to Section 11701 of the Food and Agricultural Code.

SEC. 37. Section 12777 of the Business and Professions Code is amended to read:

12777. Each license required by this chapter shall be renewed annually, on or before July 1st of each year, by application to the director accompanied by the annual license fee. To any fee not paid when due there shall be added a penalty equal to the amount of the license fee. However, in the case of a deputy weighmaster, no penalties shall be applied if a statement of nonemployment is filed.

The required statement shall be filed at the time of application.

SEC. 38. Section 12793 of the Business and Professions Code is amended to read:

12793. Any person is guilty of a misdemeanor who does any of the following acts:

(a) Requests a public weighmaster at large or any person employed by him or her to weigh, measure, or count any commodity falsely or incorrectly.

(b) Requests a false or incorrect certificate of weights and measures.

(c) Possesses unfilled or unused certificates of weights and measures forms if he or she is not a public weighmaster. This subdivision does not apply to a person engaged in the business of printing certificates of weights and measures forms nor to his or her representative.

(d) Furnishes or gives false information to a weighmaster for use in the completion of a certificate of weights and measures.

(e) Presents for payment a certificate made false by the insertion of any weight, measure, or count not determined by the issuing weighmaster.

SEC. 39. Section 14415 of the Business and Professions Code is amended to read:

14415. The filing of articles of incorporation pursuant to Section 200 of the Corporations Code, in the case of a domestic corporation, or the obtaining of a certificate of qualification pursuant to Sections 2105 and 2106 of the Corporations Code, in the case of a foreign corporation, shall establish a rebuttable presumption that the corporation has the exclusive right to use as a trade name, in the state the corporate name set forth in the articles or certificate, as well as any confusingly similar trade name, if the corporation is the first to have filed the articles or obtained the certificate containing the corporate name, and is actually engaged in a trade or business utilizing that corporate name or a confusingly similar name.

If a foreign corporation continues to have authority to transact intrastate business pursuant to Section 2102 of the Corporations Code, the foreign corporation shall be considered to have obtained its certificate of qualification pursuant to law for the purposes of this section on the date it first qualified to transact intrastate business in this state.

The rebuttable presumption created by this section affects the burden of producing evidence.

SEC. 40. Section 17842 of the Business and Professions Code is amended to read:

17842. A suspended license is subject to expiration and shall be renewed as provided in this article, but the renewal does not entitle the licensee, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

SEC. 41. Section 19409.5 of the Business and Professions Code is amended to read:

19409.5. "Harness horse racing" is that form of horseracing in which "standardbred horses" as defined in Section 19409 are harnessed to a sulky or similar vehicle, and are raced at either the trotting or pacing gait.

SEC. 42. Section 19464 of the Business and Professions Code is amended to read:

19464. No application for a horse owner's license or for a license to conduct a race meeting shall be granted unless the applicant's liability for workers' compensation is secured in accordance with Division 4 (commencing with Section 3700) of the Labor Code. Any termination of security for that liability during the period of a license shall result in the immediate automatic suspension of the license during the period of that termination and also shall be a ground for

revocation of the license.

SEC. 43. Section 23428.7 of the Business and Professions Code, as added by Chapter 623 of the Statutes of 1979, is amended and renumbered to read:

23428.4. For the purpose of this article, "club" also means any nonprofit social club with at least 100 members, which members are mobilehome owners within a private mobilehome park and have participated as social club members with a designated clubhouse for not less than one year.

SEC. 44. Section 23958.3 of the Business and Professions Code, as added by Chapter 445 of the Statutes of 1980, is repealed.

SEC. 45. Section 25.8 of the Civil Code is amended to read:

25.8. Either parent if both parents have legal custody, or the parent or person having legal custody or the legal guardian, of a minor may authorize in writing any adult person into whose care the minor has been entrusted to consent to any X-ray examination, anesthetic, medical or surgical diagnosis or treatment and hospital care to be rendered to the minor under the general or special supervision and upon the advice of a physician and surgeon licensed under the provisions of the Medical Practice Act or to consent to an X-ray examination, anesthetic, dental or surgical diagnosis or treatment and hospital care to be rendered to the minor by a dentist licensed under the provisions of the Dental Practice Act.

SEC. 46. Section 56.22 of the Civil Code is amended to read:

56.22. The disclosure of medical information regarding a patient which is subject to subdivision (b) of Section 1798.24 shall be made only with an authorization from the individual patient which complies with the provisions of this part. However, the disclosure may be made only within the time limits specified in subdivision (b) of Section 1798.24.

SEC. 47. Section 224 of the Civil Code is amended to read:

224. A child having a presumed father under subdivision (a) of Section 7004 cannot be adopted without the consent of its parents if living; however, if one parent has been awarded custody by judicial decree, or has custody by agreement of the parents, and the other parent for a period of one year willfully fails to communicate with and to pay for the care, support, and education of the child when able to do so, then the parent having custody alone may consent to the adoption, but only after the parent not having custody has been served with a copy of a citation in the manner provided by law for the service of a summons in a civil action that requires him or her to appear at the time and place set for the appearance in court under Section 227; failure of a parent to pay for the care, support and education of the child for the period of one year or failure of a parent to communicate with the child for the period of one year is prima facie evidence that the failure was willful and without lawful excuse; nor a child with no presumed father under subdivision (a) of Section 7004 without the consent of its mother if living; except that the consent of a father or mother is not necessary in the following cases:

1. When the father or mother has been judicially deprived of the custody and control of the child (a) by order of the court declaring the child to be free from the custody and control of either or both of his parents pursuant to Chapter 4 (commencing with Section 232) of Title 2 of Part 3 of Division 1, or (b) by similar order of the court of another jurisdiction, pursuant to any law of that jurisdiction authorizing the order; or when the father or mother has, in a judicial proceeding in another jurisdiction, voluntarily surrendered his right to the custody and control of the child pursuant to any law of that jurisdiction providing for the surrender.

2. Where the father or mother of any child has deserted the child without provision for its identification.

3. Where the father or mother of any child has relinquished the child for adoption as provided in Section 224m; or where the father or mother has relinquished the child for adoption to a licensed or authorized child-placing agency in another jurisdiction pursuant to the law of that jurisdiction.

SEC. 48. Section 224a of the Civil Code is amended to read:

224a. The State Department of Social Services shall adopt such rules and regulations as it determines are reasonably necessary to assure that a parent or parents of Indian ancestry, seeking to relinquish a child for adoption, provide sufficient information to the licensed adoption agency or to the State Department of Social Services so that a certificate of degree of Indian blood can be obtained from the Bureau of Indian Affairs. The State Department of Social Services shall immediately request a certificate of degree of Indian blood from the Bureau of Indian Affairs upon obtaining the information. A copy of all documents pertaining to the degree of Indian blood and tribal enrollment, including a copy of the certificate of degree of Indian blood, shall become a permanent record in the adoption files and shall be housed in a central location and made available to authorized personnel from the Bureau of Indian Affairs when required to determine the adoptee's eligibility to receive services or benefits because of the adoptee's status as an Indian. This information shall be made available to the adopted person upon reaching the age of majority.

SEC. 49. Section 232.3 of the Civil Code is amended to read:

232.3. (a) Notwithstanding any other provision of law, an action to declare a child free from parental custody and control pursuant to Section 232 shall be heard not more than 45 days after filing of a petition therefor and completion of service thereon in the manner prescribed by law for service of civil process. Final determination of the matter shall be made as expeditiously as possible.

(b) In order to obtain a motion for a continuance of the hearing, written notice shall be filed within two court days of the date set for the hearing, together with affidavits or declarations detailing specific facts showing that a continuance is necessary, unless the court for good cause entertains an oral motion for continuance. Continuances shall be granted only upon a showing of good cause. Neither a

stipulation between counsel nor the convenience of the parties is in and of itself a good cause.

A continuance shall be granted only for that period of time shown to be necessary by the evidence considered at the hearing on the motion. Whenever any continuance is granted, the facts proven which require the continuance shall be entered upon the minutes of the court.

SEC. 50. Section 798.10 of the Civil Code, as amended and renumbered by Section 7 of Chapter 502 of the Statutes of 1980, is amended and renumbered to read:

798.11. "Resident" is a tenant or other person who lawfully occupies a mobilehome.

SEC. 51. Section 798.38 of the Civil Code is amended to read:

798.38. Where the management provides both master meter and submeter service of utilities to a tenant, for each billing period the cost of the charges for the period shall be separately stated along with the opening and closing readings for his meter. The management shall post in a conspicuous place, the prevailing residential utilities rate schedule as published by the serving utility.

SEC. 52. Section 798.56 of the Civil Code is amended to read:

798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the tenant to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the tenant receives a notice of noncompliance from the appropriate governmental agency.

(b) Conduct by the tenant, upon the park premises, which constitutes a substantial annoyance to other tenants.

(c) Failure of the tenant to comply with a reasonable rule or regulation of the park as set forth in the rental agreement or any amendment thereto.

No act or omission of the tenant shall constitute such a failure to comply unless and until the management has given the tenant written notice of the alleged rule or regulation violation and the tenant has failed to adhere to the rule or regulation within seven days.

(d) Nonpayment of rent, utility charges, or reasonable incidental service charges, provided that the tenant shall be given a three-day written notice to pay the amount due or to vacate the tenancy. The three-day written notice shall be given to the tenant in the manner prescribed by Section 1162 of the Code of Civil Procedure. Such notice may be given at the same time as the 60 days' notice required for termination of the tenancy. Payment by the tenant prior to the expiration of the three-day notice period, or payment by the legal owner, as defined in Section 18007 of the Health and Safety Code, or registered owner, as defined in Section 18010.2 of the Health and Safety Code, if other than the tenant, on behalf of the tenant prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner or registered owner provided in subdivision

(b) of Section 798.55, shall cure a default under this subdivision with respect to such payment. The tenant shall remain liable for all payments due up until the time the tenancy is vacated. Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner or registered owner, if other than the tenant, as provided by this subdivision, may not be exercised more than twice during the term of the tenancy.

(e) Condemnation of the park.

(f) Change of use of the park or any portion thereof, provided:

(1) The management gives the tenants at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.

(2) The management gives the tenants 12 months' or more written notice of the proposed change after the management has made initial application to the local governmental board, commission, or body requesting a change of use. However, no tenant shall be required to vacate until all required permits for a change of use have been obtained. After all required permits have been obtained and the 12-month or more period specified in the notice has elapsed, the notice specified in Section 798.55 may be given.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed tenant written notice thereof prior to the inception of his or her tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.55, 798.56, and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, which conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall only apply to notices given on or after January 1, 1980.

SEC. 53. Section 1821.23 of the Civil Code is amended and renumbered to read:

1861.23. (a) The defendant may except to the plaintiff's sureties not later than 10 days after levy of the writ of possession by filing with the court in which the action was brought a Notice of Exception to Sureties and mailing a copy of the notice to the levying officer and to the plaintiff. An affidavit stating that such copies have been mailed shall be filed with the court at the time the notice is filed.

(b) The plaintiff may except to the defendant's sureties not later than 10 days after the defendant's undertaking is filed by filing with

the court in which the action was brought a Notice of Exception to Sureties and mailing a copy of the notice to the levying officer and to the defendant at the address set out in his undertaking. An affidavit stating that such copies have been mailed shall be filed with the court at the time the notice is filed.

(c) If the plaintiff or the defendant does not except to the sureties of the other as provided in this section, he waives all objection to them.

(d) When excepted to, the sureties shall justify in the manner provided in Chapter 7 (commencing with Section 830) before the court in which the action was brought at a time specified by the excepting party.

(e) If the plaintiff's sureties, or others in their place, fail to justify at the time and place appointed or do not qualify, the court shall vacate the temporary restraining order or preliminary injunction, if any, and the writ of possession and, if levy has occurred, order the levying officer or the plaintiff to return the property to the defendant. If the plaintiff's sureties do qualify, the court shall order the levying officer to deliver the property to the plaintiff.

(f) If the defendant's sureties, or others in their place, fail to justify at the time and place appointed or do not qualify, the court shall order the levying officer to deliver the property to the plaintiff, or, if the plaintiff has previously been given possession of the property, he shall retain such possession. If the defendant's sureties do qualify, the court shall order the levying officer or the plaintiff to deliver the property to the defendant.

SEC. 54. Section 3241 of the Civil Code is amended to read:

3241. The written notice to be given to the surety or sureties as provided in Section 3240 may be given by delivery thereof personally to, or by depositing same in the mail, postage prepaid, and certified or registered, addressed in accordance with any of the following which may be applicable:

(a) If to an individual surety, at his residence or place of business, if known.

(b) If to an individual surety and his or her residence is unknown, then in care of the county clerk of the county in which the bond has been recorded.

(c) If to a corporate surety, at the office or care of the agent designated by the surety in the bond as the address to which such notice shall be sent.

(d) At the office or care of any officer of the surety in this state.

(e) At the office of or care of the statutory agent of the surety in this state.

(f) By service in the manner provided by law for the service of a summons in a civil action.

SEC. 55. Section 4555 of the Civil Code is amended to read:

4555. (a) A final judgment made pursuant to Section 4553 shall not prejudice nor bar the rights of either of the parties to institute an action to set aside the final judgment for fraud, duress, accident,

mistake, or other grounds recognized at law or in equity or to make a motion pursuant to Section 473 of the Code of Civil Procedure.

(b) The court shall set aside a final judgment made pursuant to Section 4553 regarding all matters except the status of the marriage, upon proof that the parties did not meet the requirements of Section 4550 at the time the petition was filed.

SEC. 56. Section 4600.5 of the Civil Code, as added by Chapter 204 of the Statutes of 1979, is repealed. The repeal made by this section shall not affect the existence or validity of Section 4600.5 of the Civil Code, as added by Chapter 915 of the Statutes of 1979.

SEC. 57. Section 86 of the Code of Civil Procedure is amended to read:

86. (a) Each municipal and justice court shall have original jurisdiction of civil cases and proceedings as follows:

(1) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to fifteen thousand dollars ($15,000) or less, except cases which involve the legality of any tax, impost, assessment, toll, or municipal fine, except the courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

(2) In actions for dissolution of partnership where the total assets of the partnership do not exceed fifteen thousand dollars ($15,000); in actions of interpleader where the amount of money or the value of the property involved does not exceed fifteen thousand dollars ($15,000).

(3) In actions to cancel or rescind a contract when the relief is sought in connection with an action to recover money not exceeding fifteen thousand dollars ($15,000) or property of a value not exceeding fifteen thousand dollars ($15,000), paid or delivered under, or in consideration of, the contract; in actions to revise a contract where the relief is sought in an action upon the contract if the court otherwise has jurisdiction of the action.

(4) In all proceedings in forcible entry or forcible or unlawful detainer:

(A) In actions to recover possession of real property where rent is charged, and the amount of the last rental charged is one thousand dollars ($1,000) per month or less, and the whole amount of damages claimed is fifteen thousand dollars ($15,000) or less.

(B) In all other actions to recover possession of real property where the rental value is one thousand dollars ($1,000) per month or less, and the whole amount claimed is fifteen thousand dollars ($15,000) or less.

(5) In all actions to enforce and foreclose liens on personal property where the amount of the liens is fifteen thousand dollars ($15,000) or less.

(6) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2 (commencing with

Section 3109) of Title 15 of Part 4 of Division 3 of the Civil Code where the amount of the liens is fifteen thousand dollars ($15,000) or less. However, where an action to enforce the lien is pending in a municipal or justice court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of the liens sought to be foreclosed against the same property by action or actions in a municipal or justice court aggregates an amount in excess of fifteen thousand dollars ($15,000) the municipal or justice court in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order the action or actions pending therein transferred to the proper superior court. Upon the making of the order, the same proceedings shall be taken as are provided by Section 399 with respect to the change of place of trial.

(7) In actions for declaratory relief when brought by way of cross-complaint as to a right or indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding otherwise within the jurisdiction of the municipal or justice court.

(8) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in subdivision 4 of Section 564; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by the court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in those cases to appoint a receiver and to make any order or perform any act mentioned or authorized in that section; in proceedings under Section 689, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

(9) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor where the interest claimed adversely is of a value not exceeding fifteen thousand dollars ($15,000) or the debt denied does not exceed fifteen thousand dollars ($15,000).

(b) Each municipal and justice court shall have jurisdiction of cases in equity as follows:

(1) In all cases to try title to personal property when the amount involved is not more than fifteen thousand dollars ($15,000).

(2) In all cases when equity is pleaded as a defensive matter in any case otherwise properly pending in a municipal or justice court.

(3) To vacate a judgment or order of such municipal or justice court obtained through extrinsic fraud, mistake, inadvertence, or excusable neglect.

(c) In any action that is otherwise within its jurisdiction, the court may impose liability whether the theory upon which liability is sought to be imposed involves legal or equitable principles.

(d) Changes in the jurisdictional ceilings made by amendments to this section at the 1977–78 Regular Session of the Legislature shall not constitute a basis for the transfer to another court of any case pending at the time such changes become operative.

SEC. 58. Section 119.6 of the Code of Civil Procedure is repealed.

SEC. 59. Section 119.9 of the Code of Civil Procedure is repealed.

SEC. 60. Section 120.1 of the Code of Civil Procedure is repealed.

SEC. 61. The heading of Article 4 (commencing with Section 121) of Chapter 5-B of Title 1 of Part 1 of the Code of Civil Procedure is repealed.

SEC. 62. The heading of Article 6 (commencing with Section 123) of Chapter 5-B of Title 1 of Part 1 of the Code of Civil Procedure is repealed.

SEC. 63. Section 123 of the Code of Civil Procedure is repealed.

SEC. 64. Section 123.1 of the Code of Civil Procedure is repealed.

SEC. 65. Section 123.4 of the Code of Civil Procedure is repealed.

SEC. 66. Section 123.5 of the Code of Civil Procedure is repealed.

SEC. 67. Section 123.7 of the Code of Civil Procedure is repealed.

SEC. 68. Section 329 of the Code of Civil Procedure is amended to read:

329. The time within which an action for the foreclosure of a lien securing an assessment against real property for street improvements, the proceedings for which are prescribed by legislation of any political unit other than the state, may be commenced, shall be two years from and after the date on which the assessment, or any bond secured thereby, or the last installment of the assessment or bond, shall be due, or, as to existing rights of action not heretofore barred, one year after the effective date hereof, whichever time is later. After that time, if the lien has not been otherwise removed, the lien ceases to exist and the assessment is conclusively presumed to be paid. The official having charge of the records of the assessment shall mark it "Conclusively presumed paid," if, at the expiration of the time within which such action might be brought he has received no written notice of the pendency of the action.

SEC. 69. Section 446 of the Code of Civil Procedure is amended to read:

446. Every pleading shall be subscribed by the party or his attorney. When the state, any county thereof, city, school district, district, public agency, or public corporation, or any officer of the state, or of any county thereof, city, school district, district, public agency, or public corporation, in his or her official capacity, is plaintiff, the answer shall be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or, unless a county thereof, city, school district, district, public agency, or public corporation, or an officer of the state, or of any county, city, school district, district, public agency, or public corporation, in his or her official capacity, is defendant. When the complaint is verified, the answer shall be verified. In all cases of a

verification of a pleading, the affidavit of the party shall state that the same is true of his own knowledge, except as to the matters which are therein stated on his or her information or belief, and as to those matters that he or she believes it to be true; and where a pleading is verified, it shall be by the affidavit of a party, unless the parties are absent from the county where the attorney has his or her office, or from some cause unable to verify it, or the facts are within the knowledge of his or her attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he or she shall set forth in the affidavit the reasons why it is not made by one of the parties.

When a corporation is a party, the verification may be made by any officer thereof. When the state, any county thereof, city, school district, district, public agency, or public corporation, or an officer of the state, or of any county thereof, city, school district, district, public agency, or public corporation, in his or her official capacity is plaintiff, the complaint need not be verified; and if the state, any county thereof, city, school district, district, public agency, or public corporation, or an officer of such state, county, city, school district, district, public agency, or public corporation, in his or her official capacity is defendant, its or his or her answer need not be verified.

When the verification is made by the attorney for the reason that the parties are absent from the county where he or she has his or her office, or from some other cause are unable to verify it, or when the verification is made on behalf of a corporation or public agency by any officer thereof, the attorney's or officer's affidavit shall state that he or she has read the pleading and that he or she is informed and believes the matters therein to be true and on that ground alleges that the matters stated therein are true. However, in those cases the pleadings shall not otherwise be considered as an affidavit or declaration establishing the facts therein alleged.

A person verifying a pleading need not swear to the truth or his or her belief in the truth of the matters stated therein but may, instead, assert the truth or his or her belief in the truth of those matters "under penalty of perjury."

SEC. 70. Section 917.7 of the Code of Civil Procedure is amended to read:

917.7. The perfecting of an appeal shall not stay proceedings as to those provisions of a judgment or order which award, change, or otherwise affect the custody, including the right of visitation, of a minor child in any civil action, in an action filed under the Juvenile Court Law, or in a special proceeding, or the provisions of a judgment or order for the temporary exclusion of a party from the family dwelling or the dwelling of the other party, as provided in Section 4359 of the Civil Code. However, the trial court may in its discretion stay execution of such provisions pending review on appeal or for such other period or periods as to it may appear appropriate. Further, in the absence of a writ or order of a reviewing court providing otherwise, the provisions of the judgment or order

allowing, or eliminating restrictions against, removal of the minor child from the state are stayed by operation of law for a period of 30 days from the entry of the judgment or order and are subject to any further stays ordered by the trial court, as herein provided.

SEC. 71. Section 1046 of the Code of Civil Procedure is amended to read:

1046. An affidavit, notice, or other paper, without the title of the action or proceeding in which it is made, or with a defective title, is as valid and effectual for any purpose as if duly entitled, if it intelligibly refers to the action or proceeding.

SEC. 72. Section 1282.2 of the Code of Civil Procedure is amended to read:

1282.2. Unless the arbitration agreement otherwise provides, or unless the parties to the arbitration otherwise provide by an agreement which is not contrary to the arbitration agreement as made or as modified by all the parties thereto:

(a) (1) The neutral arbitrator shall appoint a time and place for the hearing and cause notice thereof to be served personally or by registered or certified mail on the parties to the arbitration and on the other arbitrators not less than seven days before the hearing. Appearance at the hearing waives the right to notice.

(2) With the exception of matters arising out of collective-bargaining agreements, those described in Section 1283.05, actions involving personal injury or death, or as provided in the parties' agreement to arbitrate, in the event the aggregate amount in controversy exceeds fifty thousand dollars ($50,000) and the arbitrator is informed thereof by any party in writing by personal service, registered or certified mail, prior to designating a time and place of hearing pursuant to paragraph (1), the neutral arbitrator by the means prescribed in paragraph (1) shall appoint a time and place for hearing not less than 60 days before the hearing, and the following provisions shall apply:

(A) Either party shall within 15 days of receipt of the notice of hearing have the right to demand in writing, served personally or by registered or certified mail, that the other party provide a list of witnesses it intends to call designating which witnesses will be called as expert witnesses and a list of documents it intends to introduce at the hearing provided that the demanding party provides such lists at the time of its demand. A copy of such demand and the demanding party's lists shall be served on the arbitrator.

(B) Such lists shall be served personally or by registered or certified mail on the requesting party 15 days thereafter. Copies thereof shall be served on the arbitrator.

(C) Listed documents shall be made available for inspection and copying at reasonable times prior to the hearing.

(D) Time limits provided herein may be waived by mutual agreement of the parties if approved by the arbitrator.

(E) The failure to list a witness or a document shall not bar the testimony of an unlisted witness or the introduction of an

undesignated document at the hearing, provided that good cause for omission from the requirements of subparagraph (A) is shown, as determined by the arbitrator.

(F) The authority of the arbitrator to administer and enforce this paragraph shall be as provided in subdivisions (b) to (e), inclusive, of Section 1283.05.

(b) The neutral arbitrator may adjourn the hearing from time to time as necessary. On request of a party to the arbitration for good cause, or upon his own determination, the neutral arbitrator may postpone the hearing to a time not later than the date fixed by the agreement for making the award, or to a later date if the parties to the arbitration consent thereto.

(c) The neutral arbitrator shall preside at the hearing, shall rule on the admission and exclusion of evidence and on questions of hearing procedure and shall exercise all powers relating to the conduct of the hearing.

(d) The parties to the arbitration are entitled to be heard, to present evidence and to cross-examine witnesses appearing at the hearing, but rules of evidence and rules of judicial procedure need not be observed. On request of any party to the arbitration, the testimony of witnesses shall be given under oath.

(e) If a court has ordered a person to arbitrate a controversy, the arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party ordered to arbitrate, who has been duly notified, to appear.

(f) If an arbitrator, who has been duly notified, for any reason fails to participate in the arbitration, the arbitration shall continue but only the remaining neutral arbitrator or neutral arbitrators may make the award.

(g) If a neutral arbitrator intends to base an award upon information not obtained at the hearing, he shall disclose the information to all parties to the arbitration and give the parties an opportunity to meet it.

SEC. 73. Section 1567 of the Code of Civil Procedure is amended to read:

1567. The Director of Parks and Recreation may examine any tangible personal property delivered to the Controller under this chapter for purposes of determining whether such property would be useful under the provisions of Section 512 of the Public Resources Code. If the director makes such a determination with respect to the property, the Controller may deliver the property to the director for use in carrying out the purposes of Section 512 of the Public Resources Code. Upon the termination of any such use, the director shall return the property to the Controller.

SEC. 74. Section 1952 of the Code of Civil Procedure is amended to read:

1952. The court, on its own motion, may order destroyed or otherwise disposed of any exhibit or deposition introduced in the trial of a civil action or proceeding or filed in such action or

proceeding which, if appeal has not been taken from the decision of the court in the action or proceeding, remains in the custody of the court or clerk six months after time for appeal has expired, or, if appeal has been taken, remains in the custody of the court or clerk six months after final determination thereof or the dismissal of such action or proceeding, or which remains in the custody of the court or clerk for a period of six months after any of the following:

(a) A motion for a new trial has been granted and a memorandum to set the case for trial has not been filed or a motion to set for trial has not been made within such six months.

(b) The filing of the remittitur where the action or proceeding, after appeal, has been remanded to the trial court for a new trial and the same has not been brought to trial within such six months.

(c) The dismissal of such action or proceeding.

(d) The introduction or filing thereof where the foregoing provisions of this section make no provision for the destruction or other disposition of such exhibit or deposition and where in the discretion of the court the same should be destroyed or otherwise disposed of.

The order shall be entered in the register of actions of each case in which any such order is made.

No exhibit or deposition shall be ordered destroyed or otherwise disposed of pursuant to the provisions of this section where a party to the action or proceeding files a written notice with the court requesting the preservation of any exhibit or deposition for a stated time, but not to exceed three years. Such exhibit or deposition may be destroyed after such time unless another such notice is filed.

No exhibit or deposition shall be ordered destroyed or otherwise disposed of pursuant to the provisions of this section until 30 days after notice of such proposed action has been mailed to all attorneys of record and to all parties not having an attorney of record. Such notice is complete upon mailing of written notice by the clerk, or by the court if there is no clerk, to the attorney, or to the party if he has no attorney, at his last address shown in the file.

SEC. 75. 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. The 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 the 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 the book, document, or other thing. The motion may also be made,

without further notice, if the proponent notifies the refusing party or other deponent at the time of the 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 the deposition. Upon the refusal or failure of a party to answer any interrogatory submitted under Section 2030, 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 the request may on like notice make like application for an order requiring answers or further answers to the 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, the party serving the 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 the answer or further answer is not filed and served within the period ordered by the court, each of the matters involved in the 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),

or (iii) the refusal of any person to obey any order made by the court under subdivision (a).

(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 that party or person refuses to obey an order made under subdivision (a), 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, the court may make any orders in regard to the refusal which are just, including, but not limited to, any of the following:

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) 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.

(F) If a party fails to comply with an order under subdivision (a) of Section 2032 requiring him to produce another for examination, those orders listed in paragraph (A), (B), or (C), unless the party failing to comply shows that he is unable to produce the person for examination.

(c) If a party, after being served with a request under Section 2033 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 document or the truth of any matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him or her the reasonable expenses incurred in making the 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 party or person willfully fails to appear before the officer who is to take his deposition, after the party or his attorney has been served with a proper notice in accordance with the provisions of paragraph (4) of subdivision (a) of Section 2019, or if a party or an officer or managing agent of a party willfully fails to serve answers to interrogatories submitted under Section 2030, after proper service of the 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 other penalties of a lesser nature the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney's fees.

SEC. 76. Section 1273 of the Education Code, as added by Chapter 909 of the Statutes of 1978, is amended and renumbered to read:

1274. The county superintendent of schools may establish a fund or funds for losses, and payments, including, but not limited to, property of the superintendent, any liability, and workers' compensation, in the county treasury for the purpose of covering the deductible amount under deductible types of insurance policies, losses or payments arising from self-insurance programs, or losses or payments due to noninsured perils. In the fund or funds shall be placed such sums, to be provided in the budget of the superintendent, as will create an amount which, together with investments made from the fund or funds, will be sufficient in the judgment of the superintendent to protect the superintendent from those losses or to provide for payments on the deductible amount under deductible types of insurance policies, losses or payments arising from self-insurance programs, or losses or payments due to noninsured perils. Nothing in this section shall be construed as prohibiting the superintendent from providing protection against those losses or liability for the payment of claims partly by means of the fund or funds and partly by means of insurance written by acceptable insurers as provided in Section 39601.

The fund or funds shall be considered as separate and apart from all other funds of the superintendent, and the balance therein shall not be considered as being part of the working cash of the superintendent in compiling annual budgets.

Warrants may be drawn on, or transfers made from, the fund or funds so created only to reimburse or indemnify the superintendent for losses as herein specified, and for the payment of claims, administrative costs, related services, and to provide for deductible insurance amounts and purchase of excess insurance. The warrants or transfers shall be within the purpose of the fund or funds as established by the superintendent

The cash placed in the fund or funds may be invested and reinvested by the county treasurer, with the advice and consent of the superintendent, in securities which are legal investments for surplus county funds in this state. The income derived from the investments, together with interest earned on uninvested funds, shall be considered revenue of and be deposited in the fund. The cost of contracts or services authorized by this section are appropriate charges against the respective fund.

The superintendent may contract for investigative, administrative, and claims adjustment services relating to claims. The contract may provide that the contracting firm may reject, settle, compromise, and approve claims against the superintendent, its officers or employees, within those limits and for those amounts as the superintendent may specify, and may provide that the contracting firm may execute and issue checks in payment of those claims, which checks shall be payable only from a trust account which may be established by the superintendent. Funds in the trust account established by the superintendent pursuant to the provisions of this section shall not exceed a sum sufficient as determined by the superintendent to provide for the settlement of claims for a 30-day period. The rejection or settlement and approval of a claim by the contracting firm in accordance with the terms of the contract shall have the same effect as would the rejection or settlement and approval of the claim by the superintendent. The contract may also provide that the contracting firm may employ legal counsel, subject to those terms and limitations as the superintendent may prescribe, to advise the contracting firm concerning the legality and advisability of rejecting, settling, compromising, and paying claims referred to the contracting firm by the superintendent for investigation and adjustment, or to represent the superintendent in litigation concerning the claims. The compensation and expenses of the attorney for services rendered to the superintendent shall be an appropriate charge against the appropriate fund.

The contract provided for in this section may contain any other terms and conditions the superintendent may consider necessary or desirable to effectuate the superintendent's self-insured programs.

In lieu of, or in addition to, contracting for the services described in this section, the superintendent may authorize an employee or employees to perform any or all of the services and functions which the superintendent may contract for under the provisions of this section.

As used in this section, "firm" includes a person, corporation, or other legal entity.

A county superintendent of schools may participate in, or administer, insurance for one or more school or community college districts pursuant to this section, and Sections 39602 and 81602.

SEC. 77. Section 16039 of the Education Code is amended to read:

16039. Notwithstanding any other provisions of this chapter, a district which applies for an apportionment for the purchase of a site

or for the cost of the preparation of plans and specifications, which is not a part of a construction project, shall make a separate application for the site or plans and specifications in the same manner as prescribed by Section 16024.

All of the provisions of this chapter apply to that application and apportionment except that:

(a) If the Department of Education determines that within five years in the case of an application for an elementary grade level maintained by the district, or within seven years, in the case of an application for a high school grade level maintained by the district, from the date of the application for the site or for the plans and specifications, there will be sufficient enrollment in the district, based upon enrollment projection criteria adopted by the board, to show the need of such site or for the plans and specifications, it may approve the application. The board may modify a determination respecting future enrollment in connection with an application for an elementary grade level maintained by the district to utilize a period of seven years from the date of the application if it is necessary to meet the emergency conditions existing in that certain district due to a rapid increase in the enrollment of pupils, or due to the scarcity of land within the district, or both. Any application referred to the board pursuant to this section may be either approved in whole or in part, not exceeding the amount applied for, as the board may deem appropriate, pursuant to Sections 16024 and 16035, except that the board may approve additional portions of an application and make an additional apportionment or apportionments within five years of the original approval without requiring a district to issue additional bonds. No additional approval pursuant to the original application or apportionment thereunder may be made unless the board first has investigated and determined the necessity of the additional approval or apportionment, and has received a report thereon from the Department of Education. Any provision of Section 16024 inconsistent with this section does not apply to that application. As used in this section, an "elementary grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in clause (1) of subdivision (e) of Section 16002. As used in this section a "high school grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in clause (2) of subdivision (e) of Section 16002.

(b) Section 16007 does not apply.

(c) An application for a site pursuant to this section may include an amount for the preparation of plans and specifications for school facilities and for the development of the site, which will conform to those eligible for construction under this chapter.

(d) If the application is approved and an apportionment granted therefor the district shall repay the full amount of the apportionment and the interest thereon. The repayment of the apportionment for a site and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next

succeeding the fiscal year in which the apportionment became final. The repayment of the apportionment for plans and specifications, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the second fiscal year succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. The repayment is in addition to any other repayment required under this chapter. If an apportionment is granted pursuant to this section for a site and the site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, or if an apportionment is granted pursuant to this section for plans and specifications and the plans and specifications are subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, the district shall not be required to make any further repayments for the site, or the plans and specifications, as the case may be, pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site, or the plans and specifications, as the case may be, pursuant to this section shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project. The site is "subsequently used in a construction project" within the meaning of the preceding sentence, if it is used in connection with a construction project at the same grade level by any district receiving a construction apportionment therefor, as this is not intended as a change in the present law, but as a statement of the existing law. In addition, the site is "subsequently used in a construction project" within the meaning of that reference, if it is used in connection with the construction project by any district receiving a construction apportionment therefor at a different grade level, providing that in the latter instance the board in its discretion consents by resolution to the combination of the site and construction apportionments.

SEC. 78. Section 16406 of the Education Code is amended to read:

16406. The bonds authorized to be issued under this chapter shall be sold by the State Treasurer to the highest bidder for cash at public sale upon sealed bids in such parcels and numbers as the State Treasury shall be directed by the Governor, under seal thereof, but the State Treasurer shall reject any and all bids for those bonds, or for any of them, which is below the par value of the bonds so offered plus the interest thereon which accrues between the date of purchaser's payment for the bonds and the last preceding interest maturity date; and the State Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue the sale, as to the whole of the bonds offered, or any part thereof offered, at that time and place which the State Treasurer may select. Each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check

or cashier's check for five thousand dollars ($5,000), drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the nonacceptance of his or her bid, and a deposit of the successful bidder shall immediately upon the acceptance of his or her bid become and be the property of the State of California and be placed in the State Treasury to the credit of the State School Building Aid Fund, and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case the purchase price is paid in full by him or her within the time mutually agreed upon between the successful bidder and the State Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to the bonds or by reason of the bid, or to the recovery of the deposit accompanying the bid, or to any allowance or credit by reason of that deposit unless it appears that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by signature stamp.

SEC. 79. The heading of Article 4 (commencing with Section 19700) of Chapter 9 of Part 11 of the Education Code is amended to read:

Article 4. Biennial Election of Trustees

SEC. 80. Section 22509 of the Education Code is amended to read:

22509. Members who on January 1, 1976, are in state service positions according to former Section 13948 as it read on December 31, 1975, or who are employees of the Trustees of the California State University and Colleges, may elect in writing prior to July 1, 1976, not to continue as members of this system and to transfer membership to the Public Employees' Retirement System. Failure to execute and file the election which must be received in the office of this system by the close of business on June 30, 1976, shall be deemed a decision to remain as a member of this system.

SEC. 81. Section 23804 of the Education Code is amended to read:

23804. If on the date of death the member had met the following conditions:

(a) Death occurred after June 30, 1972, and

(b) Had one or more years of credited service, and

(c) If the member had a refund of accumulated retirement

contributions, at least one year of credited service had been performed subsequent to the most recent refund of accumulated retirement contributions, and

(d) If the member had been reinstated to membership under the provisions of Section 23913, at least one year of credited service had been performed subsequent to the date of reinstatement, and

(e) If there had been a break in service of more than one year, one-half year of credited service had been performed after the end of last break, and

(f) The provisions of Sections 23800 and 23801 have been met, or

(g) Lacking the above, was a disabilitant receiving a disability allowance based upon projected salary which began to accrue after June 30, 1972; a family allowance shall be paid subject to the provisions of this chapter and Section 24203 as follows:

(1) To the surviving spouse, having financial responsibility for at least one dependent child who qualifies under Section 22112 there shall be paid an amount, in monthly installments, equal to 40 percent of the deceased's final compensation, plus 10 percent of the final compensation for each child, up to a maximum of 90 percent of the final compensation. If there are children who are not in the care of the surviving spouse, the amount of the allowance in excess of 40 percent of the final compensation shall be divided equally among all children and is payable to the trustee of the estate of such children under age 18 or their guardian if no trustee is designated or to the children age 18 and over, or

(2) If there is no surviving spouse or the surviving spouse subsequently dies or remarries and there are children who qualify under Section 22112, there shall be paid to the trustee of the estate of surviving children under 18 as designated by the member, or the guardian of the children under age 18 if no trustee is designated, or to the child if over age 18, an amount payable in monthly installments equal to 10 percent of the deceased's final compensation, up to a maximum of 50 percent of the final compensation. If there are more than five children, they shall share equally in the maximum of 50 percent, or

(3) If there is no allowance being paid under paragraph (1) or (2) the unremarried spouse age 60 or over shall receive a monthly payment equal to the amount which would have been payable to the spouse based on projected service and projected salary, had the member continued service to age 60 and at that time elected option number three. The allowance payable under this paragraph shall be increased by application of the benefit improvement factor for time which elapses between the date the member would have reached age 60 and the date the allowances commence to accrue under this paragraph. For the calculation of the benefit, it shall be considered that the member died on the June 30 following the actual date of death and the spouse reached age 60 on the June 30 prior to attainment of that age, but the allowance shall not begin to accrue until the spouse attains age 60.

(4) If there is no surviving spouse or children entitled to allowances under paragraph (1), (2), or (3) at the time of the member's death, the dependent parent, age 60, or upon attainment of that age, shall receive an allowance based on projected service and projected earned salary equal to the amount which would have been paid if the member had retired at age 60 and elected option number three. If there are two parents who qualify under this paragraph, the total benefit will be computed on the assumption that the youngest parent is the beneficiary, and the total shall be divided equally for so long as there are two qualifying parents. Otherwise, the total amount shall be payable to the one who qualifies.

The benefits payable under paragraphs (1) and (2) because of the death of a disabilitant shall be based on projected salary.

Allowances payable under this section are in lieu of the death benefit payable under paragraph (1) of subdivision (b) of Section 23800 irrespective of the beneficiary designated to receive that benefit, except that if there are no children who qualify for an allowance under Section 22112, a spouse or the dependent parent or parents may elect, prior to the receipt of the first payment under paragraph (3) or (4), to receive the accumulated contributions in a lump sum subject to a reduction for any payments made from the account for any prior qualified persons.

SEC. 82. Section 23902 of the Education Code is amended to read:

23902. A member may apply for a disability allowance if he has five or more years of credited service and all of the following requirements are met:

(a) At least four years were credited for actual service performed in a position requiring membership in the system. Credit received because of workers' compensation payments shall be counted toward the four-year requirement.

(b) The last five years of credited service have been served in this state.

(c) At least one year was credited for service performed subsequent to the date on which the member was reinstated to membership under the provisions of Section 23913.

(d) At least one year was credited for service performed subsequent to the most recent refund of accumulated retirement contributions.

(e) The member has not attained age 60 years, or has unused sick leave with sufficient days to have him receive salary on account of sick leave to age 60 years.

Nothing in this section shall affect the right of a member to a disability allowance if the reason that the member has less than four years of actual service is due to an on-the-job injury or disease in a position requiring membership in the system.

SEC. 83. Section 23918 of the Education Code is amended to read:

23918. Any retirant whose last employment was in the California State University and Colleges, as a member of this system or the Public Employees' Retirement System, may serve as a member of

the teaching staff of the California State University and Colleges and shall be subject to the employment limitations as provided by the Public Employees' Retirement Law (Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code).

SEC. 84. Section 24806 of the Education Code is amended to read:

24806. (a) A district retirement salary plan established under Sections 24800 to 24812, inclusive, in any school district or districts, in which the average daily attendance of all districts combined is in excess of 200,000, governed by the same governing board, may be discontinued by the governing board of the district or districts, with the consent of the majority of the active members of the system expressing their desires with respect to the discontinuance of the plan evidenced in such manner as the governing board may prescribe; but no discontinuance of any retirement plan shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivisions (b), (c), (d), and (e).

(b) (1) Active and retired employees of the district or districts who otherwise would be members of the plan, other than teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System or who were so employed prior to retirement, shall be made members and beneficiaries, respectively, of the Public Employees' Retirement System according to the provisions of Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code, including transfer to the system of the accumulated contributions of the employees, together with any other assets of the plan as may be determined.

(2) With respect to persons who are members of the plan at its discontinuance, it shall be provided in the contract making the employees members of the Public Employees' Retirement System, that their respective rates of contribution thereunder shall be based on the age at the nearest birthday at July 1, 1944, or at the respective later effective dates of their membership in the plan, all instead of the age at the nearest birthday at the effective date of membership in the employees' system.

(3) Each employee of the district or districts who is included in the contract, but who during all or part of his or her employment in a status requisite for membership in the plan was not a member thereof, because of his or her election under an available option, or who failed to redeposit upon reentry into membership contributions previously withdrawn, shall have the right to elect by written document filed with the Board of Administration, Public Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make the election is mailed by the system to the member's latest address on file in the office of the system, and prior to the date of retirement, to contribute to the system, subject to minimum payments fixed by the board of administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his

accumulated contributions, including interest, transferred as required in paragraph (1), will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him or her in the plan, if he or she had never elected not to be a member thereof, or if he or she had redeposited the withdrawn contributions upon reentry, as the case may be. The employee shall pay to the Public Employees' Retirement System interest on the unpaid balance of the amount payable to the system, beginning with the date of discontinuance of the plan at the rate of interest currently used from time to time under the system. If the employee elects to make, and makes such contributions, and pays the interest, but not otherwise, he or she shall receive credit under the employees' system, as state service, for all the service rendered while he or she was not a member of the plan, because of his or her optional exclusion, or for all service upon which the withdrawn contributions were based, and for the purpose of paragraph (2) shall be considered as a member of the plan at its discontinuance and from November 1, 1937, or later beginning date of the service. Regardless of whether the contributions are made, the employee shall receive credit for service with which he or she was credited or would have been credited if he or she had been a member, as prior service under the plan. The contributions under this paragraph shall be added to and administered in the same manner as the contributions transferred under paragraph (1).

(4) Service rendered by active employees, who are made members of the Public Employees' Retirement System, prior to the assumption by the district or districts of the function under which the service was rendered, such as, but not limited to, cafeterias and student body activities. shall be credited under the employees' system; provided, the service qualified for credit under the discontinued plan.

(5) The contract making the active employees members of the Public Employees' Retirement System, shall include the employees with respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System, as provided in Section 20491 of the Government Code, and also with respect to service rendered in a status in which they are eligible for membership, but which is no longer credited under the retirement system, and the service shall be credited in the same manner applicable to service otherwise qualifying for credit.

(6) Retirement allowances being paid under the discontinued plan to retired employees of the district or districts, who are made beneficiaries of the Public Employees' Retirement System, shall be changed by action of the governing board of the districts, effective at the discontinuance of the plan, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under the plan, and average annual salary earnable during the highest three consecutive years of creditable service, calculated according to the methods used at the date of

discontinuance, under the plan in determining salary earnable, but excluding any salary based on overtime as provided in Section 20025.2 of the Government Code, but otherwise according to the formulae under the employees' system which apply to active employees who are made members thereof. The changed allowances shall be paid to beneficiaries for time commencing on the date they are made beneficiaries of the employees' system. No allowance shall be reduced by the change.

(7) If two or more districts under the control and management of a single governing board are participants in the plan, one contract between the board of administration and the governing board may include all the districts. The governing board may apportion the total contributions required under the contract, among the districts on the basis of total salaries upon which the contributions are computed, and on the basis of other pertinent information.

(8) Paragraph (1) of this subdivision notwithstanding, the contract making active employees members of the Public Employees' Retirement System, shall include teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System, with respect to service rendered in a status in which they would have been eligible for membership in the Public Employees' Retirement System, if the 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. Contributions deducted from salary earned by the employees in that service, together with credited interest, and standing to the credit of the employees at the effective date of discontinuance of the plan, shall be subject to the provisions of paragraph (1), in the same manner as they would have been so subject if the employees had been employed at the date of the discontinuance, in a status which was not requisite for membership in the State Teachers' Retirement System. The employees shall be members of the Public Employees' Retirement System with the same effect, but only with respect to that service, as if they had been employed in a status which would have qualified them for membership under other paragraphs of this section. The employees shall continue in membership and shall be entitled to benefits in the same manner as if they individually were credited with at least five hundred dollars ($500) in accumulated contributions. In the computation of such members' benefits under the Public Employees' Retirement System, their compensation earnable while they are members of the State Teachers' Retirement System shall be taken into consideration.

(c) Notwithstanding any other provisions of Sections 35161, 35162, 72200, 72201, Article 1 (commencing with Section 7000) of Chapter 1, Article 1 (commencing with Section 7100) of Chapter 2 of Part 5, Article 2 (commencing with Section 10010) of Chapter 1, Chapter 4 (commencing with Section 10300) of Part 7, Article 1 (commencing with Section 12500) of Chapter 5 of Part 8, this part, Article 5

(commencing with Section 32340) of Chapter 3 of Part 19, of this division, and Part 25 (commencing with Section 44000) of Division 3 of Title 2, Chapter 1 (commencing with Section 87000), Article 3 (commencing with Section 87250) and Article 4 (commencing with Section 87270) of Chapter 2, Article 1 (commencing with Section 87400), Article 2 (commencing with Section 87600), Article 5 (commencing with Section 87700), and Article 8 (commencing with Section 87800), Chapter 4 (commencing with Section 88000), of Part 51 of Division 7 of Title 3, contributions to the discontinued district retirement plan made by teachers and other persons employed by the district or districts in a status requisite for membership in the State Teachers' Retirement System standing to their individual credit at the date of discontinuance of the district retirement plan shall be deposited forthwith in the Retirement Annuity Fund with credited interest, to be applied on the amount due from the teachers, but not to exceed the amount so due. Likewise an amount equal to the actuarial equivalent of the annuity portion of the retirement allowance to which the respective retired teachers and other persons employed by the district or districts, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System were entitled under the plan, based on the interest rate and mortality tables used in its determination, shall be deposited in the Retirement Annuity Fund, to be applied on the amount due from the respective retired teachers, but not to exceed the amount so due. Any excess of the contributions with credited interest or the actuarial equivalents, as the case may be, over the respective amounts due under those sections, shall be paid forthwith to the respective active and retired teachers and other persons. Further amounts, if any, due under those sections after the deposits, shall be paid to the Retirement Annuity Fund by the respective active and retired teachers and other persons. If any of the teachers or other persons who is not retired, is not entitled to credit under the State Teachers' Retirement System for all or part of his or her service credited under the plan, or if any of the retired teachers or other persons is not entitled to a retirement allowance from the system, either before or after the discontinuance, the provisions of this subdivision about contributions and credited interest or about the actuarial equivalent of annuity portions of retirement allowances, as the case may be, shall not apply to him or her with respect to service which is not credited under the state system, until and unless he or she becomes entitled to credit for that service or to an allowance from the state system, based on service which was credited to him under the discontinued plan. The balance of the assets held in the various funds of the discontinued district retirement plan after the transfers, deposits and payments required by this section, or after establishment of reserves from which the transfers, deposits and payments shall be made, shall be delivered to the district or districts in which the plan is discontinued.

(d) The district or districts in which the district retirement plan

is discontinued shall pay monthly to teachers and other persons employed by the district or districts, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System who were retired prior to the date of the discontinuance an amount equal to the amount by which the retirement allowance to which any of the retired teachers or other persons was entitled under the plan exceeds the increase in the teacher's or other person's retirement allowance under the State Teachers' Retirement System resulting from the discontinuance. If the amount payable to any such teacher or other person, under the sentence next preceding, is less than two dollars ($2), the district or districts may pay, in lieu of that amount, one amount which shall be actuarially equivalent to the monthly amount thereafter payable, according to the interest rate and mortality table used in the determination of the teacher's or other person's retirement allowance under the district retirement plan. The payment of the actuarially equivalent amount shall discharge fully the district's liability to the teacher or other person under this subdivision. The arrangement under which the amounts are paid by the district shall not be considered to be a local retirement system for the purposes of Chapter 1 (commencing with Section 22000) to Chapter 15 (commencing with Section 23400), inclusive, of this part, nor shall the amount be taken into account in the calculation of retirement allowances under the State Teachers' Retirement System. If any of the teachers or other persons is not entitled to a retirement allowance from the State Teachers' Retirement System, either before or after discontinuance, the district or districts shall pay monthly to him or her, an amount equal to his or her retirement allowance under the plan prior to the discontinuance. If any teacher or other person has left the service of the district or districts, and is in a status under the plan, which if continued would qualify him or her for a retirement allowance without his return to that service, but is in a status otherwise which would not qualify him or her for retirement under the state system, the district or districts shall pay monthly to the teacher or other person, beginning at the date upon which he or she would have qualified for service retirement under the plan, an amount equal to the retirement allowance for which he or she would have qualified if the plan had not been discontinued. If any teacher or other person has credit under the plan for service which does not qualify for credit under either the State Teachers' Retirement System or Public Employees' Retirement System, the district or districts shall pay monthly to the teacher or other person, beginning on the date upon which he or she would have qualified for service retirement under the plan, an amount equal to the retirement allowance for which he or she would have qualified on the basis of that service if the plan had not been discontinued. If the individual at a later date becomes entitled to a retirement allowance from the state system, based on service which was credited to him or her under the discontinued plan, the monthly payments shall cease, and he or she shall become subject forthwith to the provisions

of subdivision (c), and the provisions of the first four sentences of this subdivision, in the same manner as he or she would have been subject, if he or she had been entitled to a retirement allowance at the date of discontinuance, but calculation of actuarial equivalents and amounts payable shall be made as of the later date.

(e) If any person who was retired prior to the discontinuance from a position requisite for membership in the State Teachers' Retirement System, under a district retirement salary plan which is discontinued pursuant to this section, elected either under the plan or under the system, but not under both, to have the retirement allowance modified according to an option under which he or she would receive a smaller allowance and provide a benefit for his beneficiary, such person shall have the right, to be exercised not later than 60 days after the discontinuance of the plan, to change his or her election under the State Teachers' Retirement System with respect to the options. Any computations of actuarial equivalent under a changed election shall be made as of the date of discontinuance of the plan, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

SEC. 85. The heading of Part 20 (commencing with Section 32500) of the Education Code is amended and renumbered to read:

PART 19.5. EDUCATION IN STATE PRISONS

SEC. 86. Section 35167 of the Education Code is amended to read:

35167. Except where otherwise provided, all of the provisions of this code applicable to the government, maintenance, support, functions, and administration of elementary and high school districts are applicable to the government, maintenance, support, and administration of unified school districts.

SEC. 87. Section 39153 of the Education Code is amended to read:

39153. The Department of General Services shall make such inspection of the school buildings and of the work of construction or alteration as in its judgment is necessary or proper for the enforcement of this article and the protection of the safety of the pupils, the teachers, and the public. The school district, city, city and county, or the political subdivision within the jurisdiction of which any school building is constructed or altered shall provide for and require competent, adequate, and continuous inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer and the Department of General Services. The inspector shall act under the direction of the architect or structural engineer as the board may direct, and be responsible to the governing board.

SEC. 88. Section 39316 of the Education Code is amended to read:

39316. Any bonds, notes, warrants, or other evidences of indebtedness to be issued by a nonprofit corporation to finance the construction of a building pursuant to a lease or agreement entered into pursuant to Section 39315 shall be sold pursuant to Chapter 10

(commencing with Section 5800) of Division 6 of Title 1 of the Government Code.

SEC. 89. Section 41604 of the Education Code is amended to read:

41604. "Miscellaneous funds" as used in Section 41603 means the amount the county superintendent of schools has determined and reported to the Superintendent of Public Instruction, in accordance with regulations the Superintendent of Public Instruction is hereby authorized to adopt, that the district has received and which has been deposited to the credit of the general fund of the district for a fiscal year on account of in-lieu taxes or income from bonuses or royalties. Federal forest reserve funds, potash and potassium royalties received pursuant to United States federal mineral deposits, and motor vehicle license fees distributed pursuant to Section 11003.4 of the Revenue and Taxation Code received by a district shall not be considered miscellaneous funds as defined by this section.

SEC. 90. Section 42649 of the Education Code, as added by Chapter 533 of the Statutes of 1977, is amended and renumbered to read:

42649.5. In a county in which the board of supervisors has transferred educational functions to the county board of education pursuant to Section 1080, and a single budget has been authorized for the purposes of the county school service fund, county board of education, county committee on school district organization, and the office of the county superintendent of schools pursuant to Sections 1620 to 1625, inclusive, the duties of the county auditor specified in this article shall be performed by the county superintendent of schools.

A listing of all warrants approved and allowed by the county superintendent of schools pursuant to this section shall be forwarded to the county auditor on the same day the warrants are forwarded to the school district or the payee. The form of the warrant and the form and content of the warrant listing shall be as prescribed by the county auditor.

Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants or warrants to be signed by the county auditor, the county treasurer in counties subject to this section shall pay warrants which are signed by the county superintendent of schools, and the county auditor shall not be liable under his bond or otherwise for a warrant issued pursuant to this section.

This section shall apply only in those counties in which the county board of supervisors has adopted its provisions by resolution.

SEC. 91. Section 48600 of the Education Code is amended to read:

48600. The purpose of this article is to provide for the operation of 24-hour elementary schools, established pursuant to Article 27 (commencing with Section 940) of Chapter 2 of Part 1 of Division 1 of the Welfare and Institutions Code, for minors between the ages of 8 and 16 years and to provide for the attendance, maintenance, care, home supervision, guidance, observation, and education of

minors attending the schools, and to provide the minors with that vocational, homemaking, mental, moral, physical, and other training which will tend to strengthen and develop them and enable them to become good and useful citizens. The staff of every 24-hour school shall make adjustment as rapidly as possible in order that the period of time the child is away from ordinary community life may be as brief as possible. They shall place the minors in properly licensed children's institutions where they will be assured of suitable educational opportunities, and shall cooperate with child placement agencies to this end and to stimulate proper care of the minors by their parents.

For purposes of this article, the county superintendent of schools has the primary authority to provide for the education and training of minors in 24-hour schools within his or her county.

SEC. 92. Section 48651 of the Education Code is amended to read:

48651. The terms and provisions of Article 25 (commencing with Section 900) of Chapter 2 of Part 1 of Division 2 and Section 579 of the Welfare and Institutions Code shall, so far as applicable, govern and control proceedings under this article.

SEC. 93. Section 49405 of the Education Code is amended to read:

49405. The control of smallpox is under the direction of the State Department of Health Services, and no rule or regulation on the subject of vaccination shall be adopted by school or local health authorities.

SEC. 94. Section 49422 of the Education Code is amended to read:

49422. No physician, psychiatrist, oculist, dentist, dental hygienist, optometrist, otologist, podiatrist, audiologist, or nurse not employed in that capacity by the State Department of Health Services, shall be, nor shall any other person be, employed or permitted to supervise the health and physical development of pupils unless he or she holds a services credential with a specialization in health or a valid credential issued prior to the operative date of the amendment to this section enacted at the 1970 Regular Session of the Legislature.

Any psychologist employed pursuant to Section 49403, and this article shall hold a school psychologist credential, a general pupil personnel services credential authorizing service as a school psychologist, a standard designated services credential with a specialization in pupil personnel services authorizing service as a psychologist, or services credential issued by the State Board of Education or Commission for Teacher Preparation and Licensing.

The services credential with a specialization in health authorizing service as a school nurse shall not authorize teaching services unless the individual holds a baccalaureate degree, or its equivalent, and has completed a fifth year of preparation.

No physician employed by a district to perform medical services pursuant to Section 44873, shall be required to hold a credential issued by the State Board of Education or commission, provided he or she meets the requirements of Section 44873.

SEC. 95. Section 49441 of the Education Code is amended to read:

49441. The governing board of any school district shall make such rules for the mental examination, as provided in Section 49440, of the pupils in the public schools under its jurisdiction as will insure proper care of the pupils and proper secrecy in connection with any condition of impaired mental health noted by the supervisor of health or his assistant and as may tend to the correction of such condition, and any such governing board may consult and cooperate with the State Department of Mental Health in formulating such rules. The State Department of Mental Health shall cooperate to the full extent of its capacities in aiding and assisting school districts in carrying out the duties imposed by this article.

SEC. 96. Section 49454 of the Education Code is amended to read:

49454. A person employed by a school district in a position requiring certification qualifications who holds a valid special credential authorizing the teaching of lipreading or the teaching of the deaf and hard of hearing or a standard teaching credential with specialized preparation in the area of the deaf and hard of hearing or in the area of the speech and hearing handicapped or who holds a certificate of registration to serve as a school audiometrist issued by the State Department of Health Services may, subject to Section 49451, test the hearing of pupils of the district through the use of an audiometer for the purpose of detecting pupils with impaired hearing.

SEC. 97. Section 52324 of the Education Code is amended to read:

52324. Units of average daily attendance in the regional occupational centers or regional occupational programs of a county for a fiscal year are the quotient arising from dividing the total number of days of pupil's attendance in the centers, or programs, during the fiscal year by 175.

Attendance in regional occupational centers, or regional occupational programs, operated under subdivision (a) of Section 52305 shall be considered pupil's attendance under this section, but attendance in regional occupational centers, or regional occupational programs, under subdivision (b) of Section 52305 shall not be so considered.

As used in this section, "school district" includes each of those districts which are cooperating in the maintenance of the center or program, with the approval of the county superintendent of schools, pursuant to Section 52301; and units of average daily attendance of pupils residing in the school district shall be credited to the school district.

SEC. 98. Section 54347 of the Education Code is amended to read:

54347. The State Board of Education and the Superintendent of Public Instruction shall take all necessary actions and steps to ensure that all federal funds which may be made available for any of the experimental pilot programs provided for under Article 2 (commencing with Section 54340) shall be received and utilized for those purposes.

SEC. 99. Section 54526 of the Education Code is amended to read:

54526. Pilot preschool followthrough programs and projects shall be established on the basis of a geographical dispersion throughout the state which is most appropriate for purposes of this article, as determined by the State Board of Education. The programs and projects shall serve as demonstration models for other school districts in the state in the coordination of preschool, kindergarten, and elementary grade instructional programs for the benefit of disadvantaged minors.

SEC. 100. Section 54600 of the Education Code is amended to read:

54600. This article may be cited as the Educational Improvement Act of 1969.

SEC. 101. Section 54630 of the Education Code is amended to read:

54630. This article shall be known and may be cited as the School Improvement Act of 1970.

SEC. 102. Section 54660 of the Education Code is amended to read:

54660. This article shall be known and may be cited as the Elementary and Secondary School Dropout Prevention Act of 1969.

SEC. 103. Section 56364 of the Education Code is amended to read:

56364. Special classes and centers which enroll pupils with similar and more intensive educational needs shall be available. The classes and centers shall enroll the pupils when the nature or severity of the disability precludes their participation in the regular school program for a majority of a schoolday. Special classes and centers and other removal of individuals with exceptional needs from the regular education environment shall occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals and recess periods, each public agency shall ensure that each individual with exceptional needs participates in those services and activities with nonhandicapped pupils to the maximum extent appropriate to the needs of the individual with exceptional needs. Special classes and centers shall meet standards adopted by the board.

SEC. 104. Section 69276 of the Education Code is amended to read:

69276. The Director of the Office of Statewide Health Planning and Development shall adopt, amend, or repeal such regulations as are necessary to enforce the provisions of this article, which shall include criteria which training programs must meet in order to qualify for waivers of single capitation formulas or maintenance of effort requirements authorized by Section 69274. Regulations for the administration of this article shall be adopted, amended, or repealed as provided in Chapter 3.5 (commencing with Section 11340) of Part

1 of Division 3 of Title 2 of the Government Code.

SEC. 105. Section 72130 of the Education Code is amended to read:

72130. The date set for special meetings shall be at least 24 hours subsequent to the completion of the call.

SEC. 106. Section 76441 of the Education Code is amended to read:

76441. The governing board of any community college district shall make any rules for the mental examination, as provided in Section 76440, of the students in the schools under its jurisdiction which will ensure proper care of the students and proper secrecy in connection with any condition of impaired mental health noted by the supervisor of health or his or her assistant and may correct that condition, and the governing board may consult and cooperate with the State Department of Mental Health in formulating such rules. The State Department of Mental Health shall cooperate to the full extent of its capacities in aiding and assisting school districts in carrying out the duties imposed by this article.

SEC. 107. The heading of Article 2 (commencing with Section 78220) of Chapter 2 of Part 48 of the Education Code is repealed.

SEC. 108. The heading of Article 3 (commencing with Section 78230) of Chapter 2 of Part 48 of the Education Code is amended and renumbered to read:

Article 2. Military Science

SEC. 109. The heading of Article 4 (commencing with Section 78240) of Chapter 2 of Part 48 of the Education Code is amended and renumbered to read:

Article 3. Work-Experience Education

SEC. 110. The heading of Article 5 (commencing with Section 78270) of Chapter 2 of Part 48 of the Education Code is amended and renumbered to read:

Article 4. Aviation

SEC. 111. Section 84370 of the Education Code is amended to read:

84370. (a) No community college district, other than one newly formed, shall, except as otherwise provided in this article, receive its full apportionment from the State School Fund unless it has maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year.

(b) For the purposes of this article, the Board of Governors of the California Community Colleges shall establish standards to determine whether the districts within its jurisdiction have maintained the regular day schools of the district for at least 175 days

during the next preceding fiscal year.

(c) If a community college district fails to maintain its schools for the required 175 days, the Board of Governors shall withhold from that district's apportionment the product of 0.01143 times the district's apportionment for each additional day the district would have had to maintain its schools in order to meet the requirement prescribed by this section. This subdivision shall apply retroactively to fiscal year 1975–76 and each fiscal year thereafter.

SEC. 112. Section 88086.5 of the Education Code is amended to read:

88086.5. The provisions of Sections 88022, 88023, 88160, 88198, 88199, 88201, and 88202 are applicable to the employees of school districts which have adopted a merit system pursuant to the procedure set forth in this article.

This section is declaratory of existing law. The sections here enumerated are to be construed and applied in the same manner and with the same effect as when they were applicable to the employees of such school districts prior to the enactment of Section 88000 by Chapter 1267 of the Statutes of 1959, and in accordance with the applicable provisions of this article and the rules of the personnel commission.

SEC. 113. Section 3709 of the Elections Code is amended to read:

3709. If the initiative petition is signed by voters not less in number than 20 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the board of supervisors shall either:

(a) Pass the ordinance without alteration at the regular meeting at which it is presented and within 10 days after it is presented.

(b) Immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the county.

SEC. 114. Section 11554 of the Elections Code is amended to read:

11554. Copies of each campaign statement shall be filed as follows:

(a) Campaign statements of candidates and persons holding statewide office, of committees supporting such candidates, of state central committees of political parties, and of committees supporting or opposing statewide measures—one original and one copy with the Secretary of State, two copies with the Registrar-Recorder of Los Angeles County, and two copies with Registrar of the City and County of San Francisco.

(b) (1) Campaign statements for candidates and persons holding office of superior court judge, Member of the State Legislature, and member of the Board of Equalization—one original and one copy with the Secretary of State, and two copies with the clerk of the largest county by population which in whole or in part is included in the election district which the officeholder represents or in which

the candidates seeks nomination or election, and two copies with the clerk of the county in which the candidate resides. No more than two copies of each such statement need be filed with the clerk of any one county.

(2) Campaign statements for committees supporting candidates and persons holding offices listed in paragraph (1)—one original and one copy with the Secretary of State, two copies with the clerk of the largest county by population which in whole or in part is included in the election district which the officeholder represents or in which the candidate or any of the candidates seek nomination or election, and two copies with the clerk of the county in which the committee is domiciled, provided that a committee not domiciled in California shall file two copies with the Registrar-Recorder of Los Angeles County instead of its county of domicile. No more than two copies of each such statement need be filed with the clerk of any one county. For purposes of this act, the domicile of a committee is the address of the committee listed on the campaign statement.

(c) Campaign statements of candidates and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates, and of committees supporting or opposing measures to be voted upon in more than one county but not statewide—one original and one copy with the clerk of the county having the largest population, and two copies with the clerk of each additional county wholly or partially included in the election district in which the candidate seeks nomination or election or in which the measure is voted upon.

(d) Campaign statements of candidates and persons holding office not mentioned above, or committees supporting such candidates, and of committees supporting or opposing measures to be voted upon in not more than one county—one original and one copy with the county clerk and, if the candidates or measures are to be voted upon within a single city, two copies with the clerk of that city.

(e) Campaign statements of the county central committees of political parties—one original and one copy with the Secretary of State and two copies with the county clerk.

SEC. 115. Section 23528 of the Elections Code is amended to read:

23528. At least 30 days prior to the day fixed for the general district election, the county clerk shall do all of the following:

(a) Establish a convenient number of election precincts within the affected county.

(b) Define the precinct boundaries.

(c) Designate a polling place for each precinct.

(d) Appoint for each precinct from the voters of any district within that precinct one inspector, one or more judges and one or more clerks who shall constitute a precinct board for the precinct.

(e) Notify the members of each precinct board of their appointment and the location of the precinct and polling place where they will serve.

The county clerk, in establishing precincts and defining their boundaries, shall, to the extent practicable, provide for a single polling place where a voter entitled to vote in more than one registered voter district may cast all of his ballots.

In a landowner voting district, the county clerk shall designate the polling place at which a nonresident landowner shall vote.

SEC. 116. Section 27212 of the Elections Code is amended to read:

27212. The petition shall be filed by the proponents, or by any person or persons authorized, in writing, by a proponent. All sections of the petition shall be filed at the same time.

When the petition is presented for filing, the clerk shall determine the total number of signatures affixed to the petition. If from this examination, the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, the clerk shall accept the petition for filing. The petition shall be deemed as filed on that date. Any sections of the petition not so filed shall be void for all purposes. If, from the clerk's examination, the clerk determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the petition shall not be filed and the proponents shall not be permitted to file supplemental petitions. Any petition not accepted for filing shall be returned to the proponents.

SEC. 117. Section 29623 of the Elections Code is amended to read:

29623. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election; or knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

SEC. 118. Section 30044 of the Elections Code is amended to read:

30044. All that portion of Los Angeles County described and bounded as follows:

Beginning at the intersection of Santa Maria East Fork Road and the boundary common to the County of Los Angeles and the City of Los Angeles; northeasterly on Santa Maria East Fork Road to Mulholland Drive; generally easterly on Mulholland Drive to the south extension of Lankershim Boulevard; north on the south extension of Lankershim Boulevard and Lankershim Boulevard to the Los Angeles River; easterly on the Los Angeles River to the south Burbank city limits; northeast on the Burbank city limits to the Glendale city limits; generally north and east on the Glendale city limits to the boundary of the Angeles National Forest; east and south on the boundary of the Angeles National Forest to Pickins Canyon Wash; southwest on Pickins Canyon Wash to Foothill Boulevard; southeast on Foothill Boulevard to Vista Bonita Way; south and southwest on Vista Bonita Way to a north Glendale city limits;

generally southeast on the Glendale city limits to the west Pasadena city limits; generally northeast, northwest, north, east, south and east to the Southern California Edison Company transmission line; easterly and southeasterly on the Southern California Edison Company transmission line to the boundary common to the County of Los Angeles and the City of Pasadena; north, east and south on the boundary common to the County of Los Angeles and the City of Pasadena to an angle point on the boundary common to the Angeles National Forest and the City of Pasadena (in the vicinity of Wilson Road); generally east on the boundary of the Angeles National Forest to a point representing the northwest corner of the City of Sierra Madre; south, west and south on the Sierra Madre boundary to a point common to the cities of Sierra Madre, Pasadena and Arcadia; generally south and east on the boundary common to the City of Arcadia and Temple City and the County of Los Angeles (the vicinity of the intersection of Double Drive and Lynrose Street); south and generally west in varying directions along the boundary of the boundary of Temple City to a point common to Cities of Temple City, Rosemead and El Monte; south and east in varying directions along the boundary common to the Cities of Rosemead and El Monte to the San Bernardino Freeway; west on the San Bernardino Freeway to Rosemead Boulevard; southeast on Rosemead Boulevard to Garvey Avenue; west on Garvey Avenue to the Rio Hondo River; generally south and southwest on the Rio Hondo River to the City of Pico Rivera and the County of Los Angeles; generally east varying directions on the Pico Rivera boundary and the Los Angeles County boundary to U.S. Route 605; generally south on U.S. Route 605 to Beverly Boulevard; southeast on Beverly Boulevard to Mesagrove Avenue; northeast, east and southeast in various directions on the boundary common to the City of Whittier and the County of Los Angeles to a point common to the City of Whittier and to the Counties Los Angeles and Orange (the vicinity of the intersection of Janison Drive and Solejar Drive); west, south and generally southwest on the boundary common to the Counties of Los Angeles and Orange to the Pacific Ocean; west, northwest, north and northwest on the Pacific Ocean to the boundary common to the County of Los Angeles and the City of Los Angeles (in the vicinity of the intersection of the Pacific Coast Highway and Coastline Drive); generally north on the boundary common to the County of Los Angeles and the City of Los Angeles to Santa Maria East Fork Road; including the Islands of San Clemente and Santa Catalina shall constitute the Fourth Equalization District.

SEC. 119. Section 752 of the Financial Code is amended to read:

752. A bank or trust company may purchase, acquire, and hold not less than 75 percent of the outstanding shares of a corporation engaged exclusively in holding real property of the character described in subdivision (a) of Section 750 for the purposes therein set forth or in holding, separately or in addition to that real property, tangible personal property necessary or convenient for the use of the

bank or trust company in the conduct of its business or for future expansion of its business. The purchase or acquisition of stock of any such corporation shall be approved by two-thirds of all the directors of such bank or trust company and be approved in writing by the superintendent.

SEC. 120. Section 855 of the Financial Code is amended to read:

855. (a) No later than 10 days, and no sooner than 60 days prior to the maturity date of any time deposit described in subdivision (g), a bank shall notify the depositor, in writing, of the maturity date.

(b) The notification shall also inform the depositor of the length of time available to the depositor for affecting the status of the deposit after the maturity date.

(c) If no interest is paid beyond the maturity date, and after such date the deposit shall be considered a demand deposit, the depositor shall be so informed.

(d) If, pursuant to an agreement, the deposit after maturity again constitutes a time deposit, the depositor shall be informed of the rate of interest and new maturity date.

(e) It is the intent of the Legislature that banks not be precluded from supplying depositors with additional written notices of the maturity date.

(f) This section does not apply to:

(1) Time deposits represented by instruments payable to bearer.

(2) Time deposits which contemplate subsequent deposits to the account having the same maturity date as the initial deposit, as to which the bank has agreed to pay the balance in the account to the depositor or to credit the balance to another account of the depositor which is not a time deposit on an annual or more frequent basis.

(3) Time deposits having a fixed-term maturity of not more than 90 days.

(g) For the purposes of this section, time deposit includes an account which consists of funds deposited to the credit of one or more natural persons or an association, organization, partnership, or corporation operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes, and does not include accounts which consist of funds deposited to the credit of an association, organization, partnership, or corporation operated for profit.

SEC. 121. Section 1231 of the Financial Code is amended to read:

1231. No loan shall be made by any commercial bank upon the securities of one or more corporations, the payment of which loan is undertaken, in whole or in part, severally, but not jointly, by two or more persons in any of the following circumstances:

(a) If the borrowers or underwriters are obligated absolutely or contingently to purchase the securities, or any of them, collateral to the loan, unless the borrowers or underwriters have paid on account of the purchase of the securities an amount in cash, or its equivalent, equal to at least 25 percent of the several amounts for which they remain obligated in completing the purchase of the securities.

(b) If the commercial bank making the loan is liable, directly or indirectly, or contingently, for the repayment of the loan or any part thereof.

(c) If its term, including any renewal thereof by agreement, express or implied, exceeds the period of one year.

(d) Or to an amount under any circumstances in excess of 25 percent of the sum of the commercial bank's shareholders' equity, capital notes, and debentures.

SEC. 122. Section 1237 of the Financial Code is amended to read:

1237. (a) Notwithstanding anything provided to the contrary in this division, the superintendent is empowered to prescribe such rules and regulations as will permit a bank, upon the security of residential property, to make loans and advance credit thereon, upon the execution by the borrower of mortgage payment instruments not authorized under the existing law, provided such instruments have prior approval of the superintendent, and the aggregate at any one time of the outstanding loans by a bank evidenced by such mortgage payment instruments, does not exceed 10 percent of the bank's assets.

(b) The rules and regulations of the superintendent shall be designed to permit limited experimentation to furnish valuable experience and information to the superintendent, the banking industry, and to the public relating to the substance of any permanent regulations or laws which may be forthcoming and to permit banks to operate selected pilot projects on a limited basis. The pilot projects and effective period of the regulations shall not exceed five years from the date of the issuance of the regulations and shall place a high priority on protection for the consumer and encouraging integration and home ownership of those persons who have previously been excluded from or failed to avail themselves of home ownership. The regulations, among other things, shall contain provisions relating to the various types of instruments for experimentation, including, but not limited to, forms of graduated payment mortgages, reverse annuity mortgages, flexible payment and flexible rate mortgages and combinations of such mortgages, with the further provision that alternative mortgage instruments shall be limited in number, simple and comprehensible, and provide adequate opportunities and protections to those persons and classes of persons who have previously not been able to participate in home ownership. The regulations shall also contain a provision requiring that full disclosure be made to potential applicants, of, among other things, the nature and effect of the alternative mortgage payment instrument, the payment due each month of the payment term, and all costs or savings attributed to the alternative mortgage instrument.

(c) A bank offering any loan authorized by this section shall also offer any borrower who qualifies for its standard mortgage loan a choice of a standard mortgage loan at current market terms. A standard mortgage loan means a standard fixed-rate, level-payment mortgage loan.

(d) A report shall be submitted by the superintendent to the Legislature annually on the 15th day of February of each year commencing the second year following the effective date of this legislation, and the report shall include the numbers and types of such mortgage instruments, and the impact of such instruments on minorities, women, young families, persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, and elderly persons.

(e) This section shall remain in effect until January 1, 1984, and on such date is repealed.

SEC. 123. Section 2071 of the Financial Code is amended to read:

2071. Any agreement for the merger of two or more banks or trust companies and any certificate of ownership executed pursuant to Section 1110 of the Corporations Code pertaining to such a merger shall have the approval of the superintendent endorsed thereon before it is filed with the Secretary of State. An application for the approval shall be in a form and contain any information which the superintendent may require, and shall be accompanied by a fee of one thousand dollars ($1,000).

SEC. 124. Section 3522 of the Financial Code is amended to read:

3522. On or before the first day of February in each year, each corporation and every foreign corporation licensed by the superintendent to transact the business of such a corporation in this state, shall make a written report to the superintendent which shall contain a statement of its condition on the morning of the first day of January in that year and shall be in the form and contain the matters prescribed by the superintendent. The superintendent may, however, in his discretion, accept from a corporation, which has branches in a foreign country or countries, a report containing a statement of its condition as of a date not later than the first day of January and not earlier than the first day of November in the preceding year. Every report shall be verified by the oaths of the two principal officers in charge of the affairs of the corporation or foreign corporation at the time of the verification, which shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it, and that the usual business of the corporation or foreign corporation has been transacted at the location required by this article and not elsewhere.

SEC. 125. Section 5067.5 of the Financial Code is amended to read:

5067.5. "Single-family dwelling" means a structure designed for residential use for one family or real property of the type described in subdivision (a), (b) or (c) of Section 7153.1.

SEC. 126. Section 6407 of the Financial Code is amended to read:

6407. Shares issued by any association issuing no investment certificates and which is an insured institution as defined by Title IV of the National Housing Act, are legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers and trustees of every kind and nature, insurance

companies, cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this state.

When, by law, it is provided that the money of any pension fund, retirement plan, trust fund, or the money of any fund whose investment is governed by law may or shall be invested in securities which are legal investments for savings banks, then that law shall be deemed to authorize the investment of the money in the shares.

SEC. 127. Section 6408 of the Financial Code is amended to read:

6408. Investment certificates issued by any association are legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers and trustees of every kind and nature, insurance companies, cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this state.

When, by law, it is provided that the money of any pension fund, retirement plan, trust fund, or the money of any fund whose investment is governed by law may or shall be invested in securities which are legal investments for savings banks, then that law shall be deemed to authorize the investment of the money in the investment certificates.

SEC. 128. Section 6450.4 of the Financial Code is amended to read:

6450.4. No issued and outstanding stock of an association shall be sold or offered for sale to the public, nor shall subscriptions be solicited or taken for those sales, until the association or the selling stockholders have applied for and secured from the commissioner a permit authorizing the sale of the guarantee stock.

This section shall not apply to an offering involving less than 10 percent of the issued and outstanding guarantee stock of an association and less than five hundred thousand dollars ($500,000), nor to an offering made under a registration statement filed under the Securities Act of 1933.

SEC. 129. Section 7153.9 of the Financial Code is amended to read:

7153.9. (a) Notwithstanding anything provided to the contrary in this division, the commissioner is empowered to prescribe such rules and regulations as will permit an association, upon the security of residential property, to make loans and advance credit thereon, upon the execution by the borrower of mortgage payment instruments not authorized under the existing law, provided such instruments have prior approval of the commissioner, and the aggregate at any one time of the outstanding loans by an association evidenced by such mortgage payment instruments, does not exceed 10 percent of the association's assets.

(b) The rules and regulations of the commissioner shall be designed to permit limited experimentation to furnish valuable experience and information to the commissioner, the savings and loan industry, and to the public relating to the substance of any

permanent regulations or laws which may be forthcoming and to permit savings and loan associations to operate selected pilot projects on a limited basis. The pilot projects and effective period of the regulations shall not exceed four years from the date of the issuance of the regulations and shall place a high priority on the protection of the consumer and encouraging integration and home ownership for those persons who have previously been excluded from or failed to avail themselves of home ownership. The regulations, among other things, shall contain provisions relating to the various types of instruments for experimentation, including, but not limited to, forms of graduated payment mortgages, reverse annuity mortgages, flexible payment and flexible rate mortgages and combinations of such mortgages, with the further provision that alternative mortgage instruments shall be limited in number, simple and comprehensible, and provide adequate opportunities and protections to those persons and classes of persons who have previously not been able to participate in home ownership. The regulations shall also contain a provision requiring that full disclosure be made to potential applicants, of, among other things, the nature and effect of the alternative mortgage payment instrument, the payment due each month of the payment term, and all costs or savings attributed to the alternative mortgage instrument.

(c) A report shall be submitted by the commissioner to the Legislature annually on the 15th day of March of each year commencing the second year following the effective date of this legislation, and the report shall include the numbers and types of such mortgage instruments, and the impact of such instruments on minorities, women, young families, persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, and elderly persons.

(d) This section shall remain in effect until January 1, 1983, and on such date is repealed.

SEC. 130. Section 7153.11 of the Financial Code is amended to read:

7153.11. (a) An association may make amortized loans upon the security of residential real property to finance the purchase and installation of material or equipment designed to promote energy conservation or the efficient use of energy in the residential real property securing the loan, if all of the following conditions are met:

(1) The residential real property securing the loan consists of not more than four dwelling units.

(2) The loan is made in connection with a concurrent loan authorized under Section 7153.

(3) The loan is in an amount not to exceed 10 percent of the loan made under the authority of Section 7153.

(b) An association may make additional advances, or additional loans, to an existing borrower in order to finance the purchase and installation of material and equipment designed to promote energy conservation or the efficient use of energy in the residential real

property securing the loan, if all of the following conditions are met:

(1) The residential real property securing the loan consists of not more than four dwelling units.

(2) The aggregate of the additional loan or advance and the unpaid balance of the existing loan will not exceed 80 percent of the appraised value of the residential real property securing the loan immediately after the purchase and installation of the material and equipment.

SEC. 131. 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 Corporation Law of this state unless restricted by this division.

SEC. 132. Section 14410 of the Financial Code is amended to read:

14410. No member of the board of directors, supervisory committee, or credit committee shall receive any compensation for his or her services as such, but he or she may be provided with reasonable health, accident and similar insurance under such terms and conditions as specified by the commissioner in the credit union regulations, provided that insurance protection shall exclude life insurance, shall be limited to areas of risk, including accidental death and dismemberment, to which the official is exposed by virtue of carrying out the duties or responsibilities of his or her credit union position and shall cease immediately when the insured person leaves office without providing residual benefits other than from pending claims, if any. A director or committee member may be reimbursed for actual expenses incurred in the performance of his or her duties.

SEC. 133. 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. However, 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 Corporations Code.

SEC. 134. Section 18300 of the Financial Code is amended to read:

18300. (a) As used in this article, "open-end loan" means a loan or loans made by an industrial loan company pursuant to a loan agreement which expressly states that it is made pursuant to this section and pursuant to which:

(1) The industrial loan company may permit the borrower to obtain advances of money from the industrial loan company from

time to time or the industrial loan company may advance money on behalf of the borrower from time to time as directed by the borrower.

(2) The amount of each advance and the charges and other permitted costs are debited to an account.

(3) The charges are computed from time to time on the unpaid balances of the borrower's account, excluding from the computation any unpaid charges other than permitted fees, costs and expenses.

(4) The borrower has the privilege of paying the account in full at any time or in monthly installments.

(b) Subject to the written approval of the commissioner of the industrial loan company's plan of business for making open-end loans as not being misleading or deceptive and subject to regulations the commissioner may promulgate with respect to open-end loans under Section 18347, an industrial loan company may make open-end loans pursuant to this section and may contract for and receive thereon charges as set forth in Section 18212. Such charges may be calculated on an amount not exceeding the greater of:

(1) The actual daily unpaid balances of the open-end account in the billing cycle for which the charge is made, in which case one-thirtieth of the monthly rate may be charged for each day the unpaid balance is outstanding.

(2) The average daily unpaid balance of the open-end account in the billing cycle for which the charge is made, which is the sum of the amount unpaid each day during that cycle divided by the number of days in that cycle. The amount unpaid on a day is determined by adding to the balance unpaid as of the beginning of that day all advances and other debits and deducting all payments and other credits made or received as of that day.

The billing cycle shall be monthly. A billing cycle is monthly if the closing date of that cycle is the same date each month or does not vary by more than four days from the regular date.

(c) No industrial loan company shall enter into any agreement for an open-end loan that provides for a minimum payment that would result in the full repayment of principal over more than the maximum periods set forth below opposite the respective size of loans.

Principal amount of loan	Maximum period
Less than $1,500	24 months and 15 days
$1,500 but less than $2,500	36 months and 15 days
$2,500 but less than $4,000	48 months and 15 days
$4,000 but less than $6,000	60 months and 15 days
$6,000 but less than $10,000	84 months and 15 days

The minimum payment shall be determined by the amount of the initial loan advance and shall continue at that amount until a subsequent loan advance is made, at which time the minimum payment shall be determined by the amount of the unpaid balance

of the loan after the advance and including the advance. Minimum payments after each advance shall be determined in the same manner.

(d) On open-end loans the industrial loan company may contract for and receive the fees, costs and expenses permitted on other loans, including those permitted by Sections 18215, 18218, 18290, 18294, and 18412, subject to all of the conditions and restrictions set forth in those sections with the following variations:

(1) The charge for credit life insurance shall be on a monthly basis. No credit life insurance written in connection with an open-end loan shall be cancelled by the lender because of delinquency of the borrower in the making of the minimum payments thereon unless one or more of such payments is past due for a period of 90 days or more, and the lender shall advance to the insurer the amounts required to keep the insurance in force during such period, which amounts may be debited to the borrower's account.

(e) An industrial loan company shall not make an open-end loan in excess of ten thousand dollars ($10,000) principal amount.

(f) The loan contract shall provide for payment of minimum payments complying with subdivision (c). All loans made pursuant to this section shall be repayable by equal or substantially equal monthly payments during the term of the loan.

(g) In lieu of applying the provisions of Section 18290, the provisions contained herein shall apply to open-end loans.

An industrial loan company may provide insurance on the life of one or more borrowers with the borrower's consent. The form of the insurance shall be approved by the Insurance Commissioner and shall be in an amount not in excess of the indebtedness. The amount charged to the borrower for such insurance shall not exceed the amount provided in paragraph (1) or (2) following, whichever is less:

(1) The premium rate filed with the Insurance Commissioner for the coverage provided pursuant to Article 5.9 (commencing with Section 799.1) of Chapter 1 of Part 2 of Division 1 of the Insurance Code and which has not been disapproved by the Insurance Commissioner.

(2) Fifty cents ($0.50) per year per one hundred dollars ($100) of indebtedness (and in the same proportion for longer or shorter maturities and larger or smaller amounts) or such different maximum as is fixed by the Commissioner of Insurance by a valid and effective regulation hereafter adopted.

Notwithstanding Section 18291, any such life insurance shall be in force as soon as the loan is made or coverage is agreed upon, whichever is later.

(h) The open-end loan agreement shall contain the name and address of the industrial loan company and shall disclose the nature of the security taken, if any, the method of determining the minimum payments which will be required to repay the initial

advance, and any subsequent advances on the loan, and the agreed rate of charge.

(i) At the time the open-end loan agreement is made the industrial loan company shall obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan. If such statement discloses a broker or other person has participated, the company shall obtain a full statement of all sums paid or payable to the broker or other person. The open-end loan agreement and the statement required by this subdivision shall be kept for a period of two years after the date the loan has been paid in full, or has matured according to its terms, or has been charged off.

(j) Except in the case of an account which the industrial loan company deems to be uncollectible, or with respect to which delinquency collection procedures have been instituted, the company shall deliver or cause to be delivered to the borrower, or any one thereof, for each billing cycle at the end of which there is an outstanding balance in the account or with respect to which a finance charge is imposed, a statement setting forth the outstanding balance in the account at the beginning of the billing cycle, the date and amount of any subsequent loan advance during the period, the amounts and dates of crediting to the account during the billing cycle for payments, the amount of any finance charge debited to the account during the billing cycle, the annual percentage rate of finance charged determined under Regulation Z promulgated by the Board of Governors of the Federal Reserve System under the Federal Consumer Credit Protection Act, the balance on which the finance charge was computed, the closing date of the billing cycle, the outstanding balance on that date, and the minimum monthly payment required in the absence of any additional advance. If there has been any change in the nature of the security for the loan since the next preceding advance, the statement shall contain or be accompanied by a statement of the nature of the security for the loan after such change.

(k) An industrial loan company shall not take any instrument in connection with an open-end loan in which blanks are left to be filled in after execution.

(*l*) Subdivision (a) of Section 18205, and Sections 18206, 18214, 18222, 18231, and 18235 shall not apply to open-end loans.

(m) An industrial loan company shall not make an open-end loan secured by real property in whole or in part.

(n) An industrial loan company shall not charge for, offer or provide credit disability insurance in connection with an open-end loan.

(o) This section shall not apply to loans other than open-end loans.

SEC. 135. Section 18455 of the Financial Code is amended to read:

18455. An industrial loan company shall not, directly or indirectly, make any loan to, or purchase a contract or chose in action

from, hold a lease obligation of, or purchase a lease contract from:

(a) A person who is an officer or director of the industrial loan company or of its holding or affiliated company.

(b) A person who is a holder of record or beneficiary of the shares of the industrial loan company or of any holding or affiliated company.

(c) A person in which an officer or director of the industrial loan company or of any holding or affiliated company directly or indirectly is financially interested, directly or indirectly.

(d) A person in which the holder of record or beneficiary of the shares of the industrial loan company or of any holding or affiliated company directly or indirectly is financially interested, directly or indirectly.

(e) A person who acquired such contracts directly or indirectly or through intervening assignments from a person described in subdivision (a), (b), (c), or (d).

Any officer, director or shareholder of an industrial loan company who directly or indirectly makes or procures or participates in making or procuring a loan or contract in violation of this section or knowingly approves the same is personally liable for any loss resulting to an industrial loan company from such loan or contract, in addition to any other penalties provided by law.

The prohibition contained in this section shall not apply to the purchase by an industrial loan company of a contract or chose in action from a personal property broker, provided written authorization for such purchase is obtained from the commissioner.

SEC. 136. Section 18643 of the Financial Code, as added by Chapter 984 of the Statutes of 1979, is amended and renumbered to read:

18643.1. Notwithstanding any other provision of law not within this article, with respect to precomputed loans, premium finance agencies derive authority only from this article.

SEC. 137. Section 24454 of the Financial Code is amended to read:

24454. No amount in excess of that expressly permitted by this article shall be directly or indirectly charged, contracted for, or received, by any person, and the total charges including interest, of the lender, the broker, and any other person, in the aggregate, shall not exceed the amount permitted by this article on any one loan for the negotiating, making, collecting, and enforcing of the loan.

SEC. 138. Section 31020 of the Financial Code is amended to read:

31020. The Legislature finds all of the following:

(a) That it is necessary to increase job opportunities in this state.

(b) That promoting the establishment, growth, and expansion of business firms in this state is an efficient way to increase job opportunities in this state.

(c) That it is appropriate to provide for the licensing and regulation of business and industrial development corporations

which will provide financing assistance and management assistance to business firms in this state.

(d) That the federal government, through the Small Business Administration and other federal agencies, offers programs for providing, through such intermediaries as business and industrial development corporations, financing assistance and management assistance to business firms in this state.

(e) That, in order that this state may obtain the full benefits of such programs, it is necessary that this state provide for the licensing and regulation of business and industrial development corporations.

(f) That only California corporations should be licensed to transact business as business and industrial development corporations because, compared with other types of persons, California corporations can be more effectively regulated and supervised, have greater permanency of existence, and can give better assurance of uninterrupted service.

SEC. 139. Section 31114 of the Financial Code is amended to read:

31114. Whenever any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this division or by any regulation or order issued under this division, whether or not he has filed a consent to service of process under Section 31113, and if personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the superintendent and his successor from time to time in office to be his attorney to receive service of any lawful process in any noncriminal judicial or administrative proceeding against him or her, or his or her successor, executor, or administrator, which grows out of that conduct and which is brought under this division or under any regulation or order issued under this division, with the same force and validity as if served on him or her personally. Service may be made by leaving a copy of the process in any office of the superintendent, but the service is not effective unless (a) the party making the service, who may be the superintendent, forthwith sends notice of the service and a copy of the process by registered or certified mail to the party served at his or her last known address or takes other steps which are reasonably calculated to give actual notice, and (b) an affidavit of compliance with this section by the party making service is filed in the case on or before the return date, if any, or within such further time as the court, in the case of a judicial proceeding, or the administrative agency, in the case of an administrative proceeding, allows.

SEC. 140. Section 33521 of the Financial Code is amended to read:

33521. (a) No licensee shall, nor shall any licensee cause or permit any of its California agents to, sell in this state any payment instrument issued by such licensee unless such payment instrument shall have first been approved as to form by the superintendent.

(b) If the superintendent finds, with respect to an application by

a licensee for approval as to form of a payment instrument to be issued by such licensee, all of the following:

(1) That the payment instrument clearly identifies the licensee as the issuer of the payment instrument.

(2) That the payment instrument is not misleading in any material respect.

(3) That the payment instrument complies with all applicable laws.

The superintendent shall approve the application and shall, after all conditions precedent to the approval of the payment instrument as to form have been fulfilled, approve the payment instrument as to form. If, after notice and a hearing, the superintendent finds otherwise, the superintendent shall deny the application.

SEC. 141. Section 4700 of the Fish and Game Code is amended to read:

4700. Fully protected mammals or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected mammals or parts thereof may be possessed under a permit issued by the department.

The following are fully protected mammals:

(a) Morro Bay kangaroo rat (Dipodomys heermanni morroensis)

(b) Bighorn sheep (Ovis canadensis)

(c) Northern elephant seal (Mirounga angustirostris)

(d) Guadalupe fur seal (Arctocephalus townsendi)

(e) Ring-tailed cat (Genus bassariscus)

(f) Pacific right whale (Eubalaena sieboldi)

(g) Salt-marsh harvest mouse (Reithrodontomys raviventris)

(h) Southern sea otter (Enhydra lutris nereis)

(i) Wolverine (Gulo luscus).

SEC. 142. Section 8231 of the Fish and Game Code is amended to read:

8231. Salmon may not be taken for commercial purposes except under a nontransferable, revocable permit issued by the department to a qualified individual otherwise authorized to engage in commercial fishing. Such permit shall be valid from date of issuance through December 31, 1981.

SEC. 143. Section 8234 of the Fish and Game Code is amended to read:

8234. A permit holder may have any person serve in his or her place and engage in commercial salmon fishing under his or her 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 the substitution shall be obtained from the director and shall be given only on his or her finding that the

permit holder will not be available to engage in that activity and that the substitution will not adversely affect the resource. Application for the 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 the substitution may be appealed to the appeals board.

SEC. 145. Section 8680 of the Fish and Game Code, as added by Chapter 886 of the Statutes of 1980, is repealed. The repeal made by this section shall not affect the existence or validity of Section 8680 of the Fish and Game Code, as added by Chapter 961 of the Statutes of 1980.

SEC. 146. Section 8681 of the Fish and Game Code, as added by Chapter 886 of the Statutes of 1980, is repealed. The repeal made by this section shall not affect the existence or validity of Section 8681 of the Fish and Game Code, as added by Chapter 961 of the Statutes of 1980.

SEC. 147. Section 8682 of the Fish and Game Code, as added by Chapter 886 of the Statutes of 1980, is repealed. The repeal made by this section shall not affect the existence or validity of Section 8682 of the Fish and Game Code, as added by Chapter 961 of the Statutes of 1980.

SEC. 148. Section 8683 of the Fish and Game Code, as added by Chapter 886 of the Statutes of 1980, is repealed. The repeal made by this section shall not affect the existence or validity of Section 8683 of the Fish and Game Code, as added by Chapter 961 of the Statutes of 1980.

SEC. 149. Section 10740 of the Fish and Game Code is amended to read:

10740. It is unlawful for any person other than a legally constituted peace officer or officer or employee of the Forest Service of the United States Department of Agriculture, the department, or of the Department of Forestry, or county fish and game wardens or their duly authorized representatives, to travel by motor boat, automobile, motorcycle, or other type of motorized vehicle, or, except for emergencies and for rescue and aerial search for rescue purposes, to land an airplane, helicopter, or similar equipment, within the boundaries of a primitive, wilderness, or wild area closed to the above modes of travel as established by a duly authorized officer of the Forest Service or the Department of Agriculture and recorded in the office of the Regional Headquarters of the Pacific-Southwest Region of the United States Forest Service, Department of Agriculture, and with the department.

SEC. 150. Section 10770 of the Fish and Game Code is amended to read:

10770. The districts described in the following sections are fish and game refuges.

SEC. 151. Section 11512 of the Food and Agricultural Code, as amended by Section 1 of Chapter 660 of the Statutes of 1979, is amended to read:

11512. Except as provided in Section 11512.5, the proceedings for all hearings pursuant to this division 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 shall have all of the powers which are granted in that chapter.

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. 152. The heading of Chapter 5 (commencing with Section 43801) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 153. The heading of Chapter 20.5 (commencing with Section 47501) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 154. Division 23 (commencing with Section 67500) of the Food and Agricultural Code is repealed.

SEC. 155. Section 68081 of the Food and Agricultural Code is amended to read:

68081. The powers and duties of the commission, subject to Sections 68052 and 68053, shall include, but are not limited to, all of the following:

(a) To adopt, and from time to time, alter, rescind, modify, and amend all proper and necessary bylaws, rules, regulations, and orders for carrying out the provisions of this chapter, including appeals from any bylaw, rule, regulation, or order of the commission.

(b) To administer and enforce this chapter, and to do and perform all acts and exercise all powers incidental to, or in connection with or deemed reasonably necessary for, proper or advisable effectuation of the purposes of this chapter.

(c) To appoint its own officers, including a chairman, one or more vice chairmen, and such other officers as it deems necessary. The officers shall have the powers and duties delegated to them by the commission.

(d) To employ, with the concurrence of the director, a manager to serve, at the pleasure of the commission and the director, as president and chief executive officer of the commission and other personnel, including legal counsel, as necessary to carry out the provisions of this chapter. The commission may retain a management firm or any staff from any board, commission, or committee of the state to perform the functions prescribed by this subdivision under the control of the commission.

(e) To fix the compensation for all employees of the commission.

(f) To appoint committees composed of both members and nonmembers of the commission to advise the commission in carrying out the provisions of this chapter.

(g) To establish offices and incur expense, and to enter into any and all contracts and agreements, and to create such liabilities and borrow such funds in advance of receipt of assessments as may be necessary, in the opinion of the commission, for the proper administration and enforcement of this chapter and the performance

of its duties.

(h) To keep accurate books, records and accounts of all of its dealings, which books, records and accounts shall be subject to an annual audit by an auditing firm selected by the commission with the concurrence of the director. The audit shall be made a part of an annual report to all producers and handlers of kiwifruit, copies of which shall also be submitted to the Legislature and the Department of Food and Agriculture. In addition, the director may, as he determines necessary, conduct, or cause to be conducted, a fiscal and compliance audit of the commission. The Department of Finance may audit books, records, and accounts of the commission at any time.

(i) To promote the sale of kiwifruit by advertising and other promotional means, including cost-sharing advertising, for the purpose of maintaining and expanding present markets and creating new and larger intrastate, interstate, and foreign markets for kiwifruit and to educate and instruct the public with respect to kiwifruit and the uses and time to use the several varieties and the healthful properties and nutritional value of kiwifruit.

(j) To educate and instruct the wholesale and retail trade with respect to proper methods of handling and selling kiwifruit; to arrange for the performance of dealer service work providing display and other promotional materials; to make market surveys and analyses; to present facts to, and negotiate with, state, federal, and foreign agencies on matters which affect the marketing of kiwifruit.

(k) To make, in the name of the commission, contracts to render service in formulating and conducting plans and programs, and such other contracts or agreements as the commission may deem necessary for the promotion of the sale of kiwifruit.

(*l*) To conduct and contract with others to conduct scientific research, including the study, analysis, dissemination, and accumulation of information obtained from such research or elsewhere respecting cultural and production practices, marketing, and distribution of kiwifruit. In connection with such research, the commission shall have the power to accept contributions of, or to match, private, state, or federal funds that may be available for such purposes, and to employ or make contributions of funds to other persons or state or federal agencies conducting such research.

(m) To publish and distribute, without charge, a bulletin or other communication for dissemination of information relating to the kiwifruit industry to producers and handlers.

(n) To establish an assessment rate to defray operating costs of the commission.

(o) To establish an annual budget according to acceptable accounting practices. The budget shall be concurred in by the director prior to disbursement of funds, except for disbursements made pursuant to subdivision (e).

(p) To submit a statement of contemplated annual activities authorized under this chapter, including advertising, promotion,

marketing research, and production research, which shall be concurred in by the director.

SEC. 156. Division 23 (commencing with Section 70500) is added to the Food and Agricultural Code, to read:

DIVISION 23. CALIFORNIA DESERT NATIVE PLANTS

CHAPTER 1. GENERAL PROVISIONS

70500. This division shall be known and may be cited as the California Desert Native Plants Act.

70501. It is the intent of the Legislature, in this division, to protect California desert native plants from unlawful harvesting on both public and privately owned lands. It is also the intent of the Legislature to provide the people of this state with the information necessary to legally harvest native plants so as to ultimately transplant those plants with the greatest possible chance of survival. It is the further intent of the Legislature to encourage public participation in implementing the safeguards established by this division and in evaluating the effectiveness and desirability of the safeguards.

70502. The provisions of this division shall be applicable only within the boundaries of the Counties of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego. The director may thereafter revise the boundaries of the areas of the state which shall be subject to this division after a public hearing required to be held pursuant to Section 70633 and upon receipt of a resolution approving the change of boundaries by the board of supervisors of the affected county.

70503. Persons engaged in the production, storage, sale, delivery, or transportation of nursery stock pursuant to Part 3 (commencing with Section 6701) of Division 4 shall not be required to obtain a permit pursuant to this division unless those activities involve the harvesting of native plants growing in a wild, uncultivated state.

70504. Persons engaged in the production, storage, sale, delivery, or transportation of nursery stock pursuant to Part 3 (commencing with Section 6701) of Division 4 shall not receive any harvested native plants, unless each plant has securely and properly attached thereto a valid native plant tag and seal.

70505. Persons engaged in the sale of nursery stock pursuant to Part 3 (commencing with Section 6701) of Division 4 shall maintain records of their receipts or purchases for sale or resale of any native plant. The records shall include the name and address of the person selling or delivering the plants and shall be subject to inspection by the commissioner or the director.

CHAPTER 2. DEFINITIONS

70600. Unless the context otherwise requires, the definitions of this chapter govern the construction of this division.

70601. "Landowner" includes the public agency administering any public lands within the areas subject to this division.

70602. "Harvest" means to remove or cut and remove from the place where grown.

70603. "Harvester" means a person who harvests a native plant.

70604. "Director" means the Director of Food and Agriculture.

70605. "Department" means the Department of Food and Agriculture.

70606. "Tag" means a paper or cloth label that can be attached to a native plant or a commercial load by means of a string and a seal, which tag specifies among other things a serial number, type of plant, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use, including, but not limited to, commercial processing or landscaping.

70607. "Seal" means a metal, tamperproof clamp used to permanently affix the tag to a native plant.

70608. "Resale" means native plants harvested, possessed, or transported with the intent to sell the plants for the ultimate purpose of landscaping or decoration or both.

70609. "Resale load" means native plants harvested, possessed, or transported for resale purposes.

70610. "Native plant" means any tree, shrub, bulb, or plant or part thereof, except its fruit, named in this division as being subject to this division or added by the director pursuant to Section 70633, which is growing wild. "Native plant" includes any part of any tree of the following species, whether living or dead:

(a) Olneya tesota (desert ironwood).

(b) All species of the genus Prosopis (mesquites).

(c) All species of the genus Cercidium (palos verdes).

70611. "Commercial harvesting" means harvesting native plants for an ultimate use other than as landscaping or decorative material and with the plants' tops or branches, or both, boughs, or limbs removed.

70612. "Permit" means an application form to harvest native plants that has been filled out by the applicant and approved and officially endorsed by the agricultural commissioner or sheriff of the county wherein the native plants covered by the application are located.

70613. "Wood receipt" means a receipt that is to accompany one or more cords of wood harvested under the provisions of this division. The wood receipt shall contain information which specifies, among other things, a serial number, species of wood, fee required, location of origin, date of removal, witnessing authority, applicant, destination, and proposed use, including, but not limited to, commercial processing landscaping.

CHAPTER 3. REGULATED NATIVE PLANTS

70630. The botanical names of the plants referred to in this chapter shall, in all cases, govern in the interpretation of this division.

70631. The following native plants may not be harvested except for scientific or educational purposes under a permit issued by the commissioner of the county in which the native plants are growing: all species of Burseraceae family (elephant tree), Carnegiea gigantea (sahuaro cactus), Castela emoryi (crucifixion thorn), Dudleya saxosa (Panamint dudleya), Pinus longaeva (bristlecone pine), and Washingtonia filifera (fan palm).

70632. The following native plants may be harvested under a permit issued by the agricultural commissioner or the sheriff of the county in which the native plants are growing: all species of the family Agavaceae (century plants, nolinas, yuccas), all species of the family Cactaceae (cacti), except the species Carnegiea gigantea (sahuaro cactus), all species of the family Fouquieriaceae (ocotillo, candlewood), all species of the genus Prosopis (mesquites), all species of the genus Cercidium (palos verdes), and the following species: Acacia greggii (catclaw), Atriplex hymenelytra (desert-holly), Dalea spinosa (smoke tree), Olneya tesota (desert ironwood), or any part thereof, except the fruit. For purposes of this division, Olneya tesota (desert ironwood) includes both dead and live desert ironwood.

The commissioner may establish limits on the quantity of desert ironwood which may be taken under any permit and on the number of permits for the taking of desert ironwood which may be issued. The county agricultural commissioner may adopt such rules and regulations as may be necessary for the protection of the ironwood resource.

Notwithstanding the foregoing provisions of this section, the director may add desert ironwood to, or remove it from, the jurisdiction of this division pursuant to Section 70633.

70633. After consultation with the Secretary of the Resources Agency and after a public hearing, the director may add to, or remove from, the jurisdiction of this division a native plant. A public hearing on native plants shall be held at least once every 24 months in a county subject to this division and in a location that is convenient to a large segment of the public.

In deciding whether to call a public hearing, the director may consider a request from a public or private group, including concerned citizens, and the director shall convene such a hearing when requested by resolution of any county board of supervisors. The director may consider at such a hearing which plants are in need of protection and whether the boundaries of the area to be protected should be changed pursuant to Section 70502.

70634. Any native plant that is declared to be a rare, endangered, or threatened species by federal or state law or regulations, including, but not limited to, the Fish and Game Code, is exempt

from the provisions of this division.

CHAPTER 4. ENFORCEMENT POWERS AND ADMINISTRATIVE RESPONSIBILITIES

70650. (a) The commissioner or the sheriff of a county subject to this division shall issue, in accordance with this division, permits, wood receipts, tags, and seals for a fee as prescribed by the board of supervisors of the county where the native plants are located. The fee shall not be less than one dollar ($1) per plant for all native plants, except Yucca brevifolia (Joshua tree), and not less than two dollars ($2) per plant for each Yucca brevifolia (Joshua tree), except that in the case of trees, live or dead, mesquite, palo verde, or ironwood species of trees cut or removed for wood, as provided in Section 70652, the fee shall not be less than one dollar ($1) per cord, or in the case of Yucca Schidigera used for commercial harvesting the fee shall not be less than three dollars ($3) per ton. The fees shall cover the cost of issuing a permit and may cover other related costs including but not limited to, administration, enforcement, and research costs. The permit shall specify, among other things, the species of native plants which may be harvested, the area from which plants may be harvested, and the manner in which plants may be harvested. No person, except as provided in this division, shall harvest, transport, offer for sale, or have in his or her possession any native plant unless at the time of harvesting he or she has a valid permit or valid wood receipt therefor on his or her person, and he or she attaches the required tags and seals to the native plants, and unless he or she exhibits the permit, wood receipt, and tags and seals upon request for inspection by any duly authorized agent of the county agricultural commissioner or any peace officer as provided in this division. No wood receipt or tag and seal is valid unless it is issued with a valid permit and the permit bears the tag number or wood receipt number on its face.

(b) Native plants which have been tagged and sealed, as provided in this section, may be transported under a California nursery stock certificate or a shipping permit.

70651. (a) Each permit authorizing the harvesting, transporting, or possessing of native plants, except trees cut or removed for wood as provided in Section 70652, shall be accompanied by a sufficient number of tags and seals The permittee or his or her agent shall attach tags and seals to the native plants at the time of harvesting and before transporting in such manner as prescribed by the commissioner of the county in which the native plants are located. After any native plant has been legally harvested and tagged or sealed as provided in this division, it shall be unlawful to remove the tag or seal until the plant has been transplanted into its ultimate site for landscaping or decoration. The tag or seal may be removed from the plant only by the commissioner or the ultimate owner of the plant, who shall retain the tag or seal as proof of ownership.

(b) No permit or tag or seal is transferable by the permittee or his agent, nor shall it be used by anyone except that person to whom the permit or tag or seal was issued, and no refunds shall be made for the purchase thereof.

(c) Every permittee shall be responsible for the acts of any other person or persons acting under any authority, express or implied, of the permittee.

70652. (a) Each permit authorizing the harvesting, transporting, or possessing of live or dead mesquite, palo verde, or ironwood species of trees which are harvested for wood, shall be accompanied by a wood receipt. Any required wood receipt shall be in the possession of the person harvesting, transporting, or possessing the wood.

(b) No permit or wood receipt is transferable by the permittee or his agent, nor shall it be used by anyone other than the person to whom the permit or wood receipt was issued or his or her agent or employee, except that the wood receipt shall be transferred by the permittee or his or her agent or employee to the purchaser of the wood covered by the receipt as proof of ownership.

70653. Any person in possession of a valid permit for the removal of dead plants or wood issued by the United States Forest Service, the National Park Service, or the Bureau of Land Management, or any person in compliance with appropriate federal regulations and policies allowing the removal of dead plants or wood from lands administered by the Bureau of Land Management, shall not be required to obtain a permit pursuant to this division for the removal or possession of those dead plants or wood.

70654. The director may make necessary rules and regulations not in conflict with this division for the enforcement of its provisions.

70655. The director or any of his duly authorized agents, any commissioner, or any peace officer is authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within or entering the state, which is suspected of containing or having present therein or thereon native plants in violation of this division, in order to examine permits and wood receipts and observe tags and seals.

70656. When any power or authority is given by any provision of this division to any person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. Any person in whom the enforcement of any provision of this division is vested has the power of a peace officer as to that enforcement, which shall include state or federal agencies with which cooperative agreements have been made by the department to enforce any provision of this division.

70657. Any county may adopt ordinances not in conflict with this division for the preservation of native plants specified in Sections 70631 and 70632.

CHAPTER 5. HARVESTING OF NATIVE PLANTS

70680. (a) Except as provided in this division, it is unlawful for any person to destroy, dig up, mutilate, or harvest any living native plant, or the living or dead parts of any native plant, except its fruit, without obtaining written permission from the landowner and a permit and any required wood receipts or tags and seals.

(b) It shall be unlawful for any person to falsify any paper or document issued to give permission for any person to harvest a native plant specified in Section 70632, or to fail to comply with all conditions or stipulations of the permit.

70681. The commissioner of the county wherein the plants are located may issue a permit to a scientific or educational institution to harvest a definite number of plants listed in Section 70631 for scientific or educational purposes, if permission is obtained from the landowner on whose property the plants are located.

70682. Permits issued for the removal of native plants shall be valid only for a stated period of time to allow the permittee to remove the specific amount of plants or wood stated in the permit, or the period of time stated by the landowner as part of the landowner's permission, whichever is shorter, but in no case for more than one year.

It is the intent of the Legislature that each permit or wood receipt shall be valid for the least period of time possible in which to accomplish the authorized purpose.

70683. No person shall knowingly make any false statement on any application for permits, wood receipts, or tags and seals. The application shall contain the following information:

(a) The name, address, and telephone number of the applicant.

(b) The amount and species of native plants to be transported.

(c) The name of the county from which the native plants are to be removed.

(d) A description sufficient to identify the real property from which the native plants are to be removed, and such other information or documents as the issuing agency may require to identify the general boundaries of the property.

(e) The name, address, and telephone number of each landowner from whose property the native plants are to be removed.

(f) The applicant's timber operator permit number, if the harvesting of the native plants is subject to the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code).

(g) The proposed date or dates of the transportation.

(h) The location of the office of the peace officer who will validate the tag or tags.

(i) The destination of the native plants.

(j) The ultimate use of the native plants, such as for use as landscaping or decorative material, or for use as a raw material in the manufacture or processing of a product.

(k) Make, model, and license number of the transportation vehicle.

(*l*) Such other information as may be required by the agency issuing the permit.

Every applicant shall, at the time of making the application, show his or her proof of ownership of the native plants. The application forms, tags, seals, and wood receipts shall be produced by the Department of Justice, and distributed to the sheriff and the agricultural commissioner of each county subject to Section 70502.

70684. Any permit issued pursuant to Section 70680, 70681, 70682 or 70683 shall expire when the tags and seals issued therewith have been attached to the plants covered by the permit and such plants are no longer in the possession of the permittee.

70685. The director or agricultural commissioner may establish specific cutting, harvesting, and plant care criteria which shall include the most favorable and practical horticultural methods and seasons to assure the survivability of the plants and to assure compliance with existing local, state, and federal regulations.

70686. No provision of this division shall prevent any of the following:

(a) The clearing of land for agricultural purposes, fire control measures, or required mining assessment work pursuant to federal or state mining laws.

(b) The holding of a recreational event sanctioned by the Bureau of Land Management.

(c) The clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his or her agent, if the native plants are not to be transported from the land or offered for sale and if the commissioner is given at least 10 days' notice of any such activity.

The provisions of this division are not applicable to a public agency or to a publicly or privately owned public utility when acting in the performance of its obligation to provide service to the public. This section does not prevent the landowner or his agent from complying with any other federal, state, or local laws or regulations.

The commissioner may exempt the use of dead and down wood for camping or branding fires from the requirements of this division.

70687. Except as provided in Section 70631, no provision of this division prohibits any person from harvesting or possessing, for purposes other than resale, five or fewer native plants or from cutting, removing, harvesting, transporting, or possessing, for purposes other than resale, any dead mesquite or palo verde in amounts less than one cord, from land owned by the person, or from land leased by the person when the landowner's written permission to harvest has been obtained and is exhibited, or from land not owned by the person when the person exhibits written permission to harvest from the landowner. The written permission shall not be valid unless it includes a description of the land satisfying the requirements of Section 70683 and the address and telephone

number of the landowner.

Persons harvesting five or fewer native plants, for purposes other than resale, and persons cutting, removing, harvesting, transporting, or possessing any dead mesquite or palo verde, for purposes other than resale, in amounts less than one cord shall not be required to obtain and exhibit any permits, tags and seals, or wood receipts.

Persons possessing six or more harvested native plants shall obtain and exhibit a tag and seal for the sixth native plant and for each additional native plant in his possession.

70688. Each county may enact ordinances not inconsistent with this division to control commercial harvesting in that county.

70689. The issuing agency shall collect fees for the issuance of permits, tags and seals and wood receipts under this division, except from a landowner moving native plants from one of his or her properties to another, if the plants are not to be offered for sale.

70690. Any harvested native plant listed in Section 70631 or 70632, or added by the director pursuant to Section 70633, which is not exempt from the permit requirements of this division pursuant to Section 70687, found without a tag and seal securely and properly affixed thereto or for which the owner does not exhibit a tag and seal, or any mesquite or palo verde wood in the amount of one cord or more found in the possession of a person without a wood receipt, may be confiscated as evidence of a violation.

CHAPTER 6. SHIPMENT OF PLANTS

70700. No person or common carrier shall transport, or receive or possess for transportation, any native plant or any wood, or part thereof, except its fruit or manufactured wood articles, that requires a permit, wood receipt, or tag and seal, unless the person offering the plant for shipment furnishes to the person or common carrier a valid permit therefor, and any required wood receipts, and has securely and properly attached thereto any required tag and seal. If for transportation outside of the state, the plant shall also bear a certificate of inspection by the department.

70701. All native plant species or varieties subject to this division, when not grown in California and imported into this state, shall be declared at a California agricultural inspection station or an office of the department, and proceed to destination under quarantine orders issued by agents of the department employed at the station or office. Any person transporting any plant species or varieties subject to this division from outside the state into California shall have in his or her possession a valid bill of sale for those native plants, and such permits and tags as may be required by the state of origin, and shall produce the bill of sale as well as any permits and tags for inspection by any duly authorized person as described in this division or any peace officer of the State of California as a requirement for entry into the state of the native plants.

CHAPTER 7. ENFORCEMENT

70720. A peace officer may, in the enforcement of this division, make arrests without warrant for a violation of this division which he or she may witness, and may confiscate native plants, or parts thereof when unlawfully harvested, transported, possessed, sold, or otherwise obtained in violation of this division.

70721. A person violating any provision of this division is guilty of a misdemeanor punishable by a fine of not less than three hundred dollars ($300), nor more than one thousand dollars ($1,000), for each violation or by imprisonment in the county jail not to exceed one year, or both, and each violation constitutes a separate offense.

70722. Upon conviction of a violation of this division, all permits issued to the person convicted shall be revoked and the permittee shall be required to surrender any unused tags and seals or wood receipts to the issuing agency and no new or additional permits shall be issued to the permittee for a period of one year from the date of conviction.

70723. A second conviction may be considered as a misdemeanor or a felony. If a misdemeanor, it shall be punishable by a fine of not less than three hundred dollars ($300), nor more than one thousand dollars ($1,000), for each violation or by imprisonment in the county jail not to exceed one year, or both, and each violation constitutes a separate offense. If a felony, it shall be punishable by a fine of not less than one thousand dollars ($1,000), nor more than five thousand dollars ($5,000), for each violation or by imprisonment in the state prison not to exceed five years, or both, and each violation constitutes a separate offense.

Upon the second conviction, all permits issued to the person convicted shall be revoked and the permittee shall be required to surrender any unused tags and seals or wood receipts to the issuing agency and no new or additional permits shall be issued to the permittee at any time in the future from the date of conviction.

70724. The issuing agency may revoke any permit, tags, or seals issued for the purpose of harvesting for ultimate replanting if the permittee willfully fails to comply with all conditions or stipulations of the permit.

CHAPTER 8. FINANCIAL PROVISIONS

70740. All fees or moneys collected under this division shall be paid into the general fund of the county in which the permits, tags and seals, and wood receipts were issued.

SEC. 157. Section 24 of the Government Code, as added by Chapter 1208 of the Statutes of 1980, is amended and renumbered to read:

25. (a) For purposes of this code, "assessed value" means 25 percent of full value to, and including, the 1980–81 fiscal year, and 100 percent of full value for the 1981–82 fiscal year and fiscal years

thereafter; and, tax rates shall be expressed in dollars, or fractions thereof, on each one hundred dollars ($100) of assessed value to, and including, the 1980–81 fiscal year and as a percentage of full value for the 1981–82 fiscal year and fiscal years thereafter.

(b) Whenever this code requires comparison of assessed values, tax rates, or property tax revenues for different years, the assessment ratios and tax rates shall be adjusted as necessary so that the comparisons are made on the same basis, and the same amount of tax revenues would be produced, or the same relative value of an exemption or subvention will be realized regardless of the method of expressing tax rates or the assessment ratio utilized.

(c) For purposes of expressing tax rates on the same basis, a tax rate based on a 25 percent assessment ratio and expressed in dollars, or fractions thereof, for each one hundred dollars ($100) of assessed value may be multiplied by a conversion factor of twenty-five hundredths of 1 percent to determine a rate comparable to a rate expressed as a percentage of full value; and, a rate expressed as a percentage of full value may be multiplied by a factor of 400 to determine a rate comparable to a rate expressed in dollars, or fractions thereof, for each one hundred dollars ($100) of assessed value and based on a 25 percent assessment ratio.

SEC. 158. Section 850.8 of the Government Code is amended to read:

850.8. Any member of an organized fire department, fire protection district, or other firefighting unit of either the state or any political subdivision, any employee of the Department of Forestry, or any other public employee when acting in the scope of his or her employment, may transport or arrange for the transportation of any person injured by a fire, or by a fire protection operation, to a physician and surgeon or hospital if the injured person does not object to the transportation.

Neither a public entity nor a public employee is liable for any injury sustained by the injured person as a result of or in connection with that transportation or for any medical, ambulance or hospital bills incurred by or in behalf of the injured person or for any other damages, but a public employee is liable for injury proximately caused by his willful misconduct in transporting the injured person or arranging for the transportation.

SEC. 159. The heading of Chapter 11 (commencing with Section 4540) of Division 5 of Title 1 of the Government Code is amended and renumbered to read:

CHAPTER 12. CHILD CARE FACILITIES FOR STATE EMPLOYEES

SEC. 160. Section 4540 of the Government Code is amended and renumbered to read:

4560. The Legislature finds and declares that there is a substantial need to provide adequate child care facilities for state employees.

When the state constructs, acquires, or receives as a gift any office

building which can accommodate 700 or more state employees, or when additions, alterations, or repairs are made to existing state-owned office buildings which can accommodate 700 or more state employees, and the additions, alterations, or repairs both change and affect the use of 25 percent of the net square feet area of the building and include the addition to, alteration of, or repair of the first floor, adequate space shall be designated within the building to meet the child care needs of those employees, if a review of those employees slated to occupy the new or renovated building shows sufficient need for child care services for 30 or more children. The review shall be conducted by the Department of General Services and the Governor's Advisory Committee on Child Development Programs established pursuant to Section 8254 of the Education Code. The Director of the Department of General Services may secure space in any adequate facility for the same purposes only in the event that all other physical requirements controlling the development of such child care facilities within the office building cannot be utilized, provided that funds for the off-site facilities are made available.

It is the intent of the Legislature that existing state office buildings, at the discretion of the Director of General Services, may be retrofitted to accommodate a child care facility. State funds required for the retrofitting will be subject to regular budgetary procedures and approvals.

Space designed within a state-owned office building for the child care facility shall comply with the prevailing local and state safety building codes for child care facilities.

The indoor area shall not exceed 2,100 square feet, nor be less than that required to accommodate 30 children, excluding space for restrooms, kitchen facilities, storage areas, and teacher offices. Outdoor play area space shall correspond with the indoor play area as set forth in Title 22 of the California Administrative Code.

Utilization of the space shall be subject to terms and conditions as set forth by the Director of General Services. The terms shall include payment of rent, proof of financial responsibility, and maintenance of space. The space shall be made available to the employees who wish to establish child care facilities at a rate to be established by the Director of the Department of General Services that is consistent with rental rates charged to state agencies occupying comparable state-owned space. Rent for non-state-owned space will be based upon the actual cost to the state.

The employee-occupants shall be notified in writing by the department or departments occupying the building, of the availability of space to be used for a child care facility no earlier than 180 days prior to the projected date of occupancy of a new building or space provided as the result of additions, alterations, or repairs to an existing state-owned building, and such additions, alterations, or repairs that both change and affect the use of 25 percent of the net square feet area of the building and include the addition to,

alteration of, or repair of the first floor. If, within 30 days after full occupancy of a new office building or 30 days after the completion of additions, alterations, or repairs to an existing state-owned office building, the employee-occupants so desiring have not filed an application with the Secretary of State as a nonprofit corporation for the purpose of organizing a child care center, deposited two months' rent in a commercial or savings account, and entered into a contract with the Department of General Services, the space may be used for any other purpose, as long as no permanent alteration of the space occurs. Other purposes may include, but are not limited to, conference rooms, storage areas, or offices. The space for child care shall be held for the employee-occupants' nonprofit corporation only as long as they pay the monthly rent and meet the terms set forth in the contract. Payment of rent shall commence 30 days after full occupancy of a new office building or 30 days after completion of additions, alterations, or repairs, as specified in this section.

If at a later date, the employee-occupants so desiring (a) file an application with the Secretary of State as a nonprofit corporation for the purpose of organizing a child care facility, (b) deposit two month's rent in a commercial or savings account, and (c) notify the Director of the Department of General Services of those actions, then the space shall be reconverted for child care purposes within 180 days of such notice.

Only children of whom at least one parent or guardian is a state employee may be served in the child care facility.

When a child care center has been operative for five years, the Director of the Department of General Services shall assess the child care needs of the state employees using the center and the office space needs of the building within which the center is located. If the assessment demonstrates a greater need for office space than for child care, the Director of the Department of General Services may close the child care center. Ninety days' written notice shall be given to the director or head teacher of the center of the closure.

This section shall not be construed to apply to those buildings which provide care or 24-hour residential care for patients, inmates, or wards of the state, such as state hospitals and correctional facilities.

SEC. 161. Section 4541 of the Government Code is amended and renumbered to read:

4561. Child care facilities for the employees of the California State University and Colleges and the University of California shall be incorporated into the campus master plans and constructed subject to the provision of state funding appropriations by the Legislature. Determination of the need for, eligibility for use, and utilization of those facilities, shall be subject to terms and conditions of the trustees and the regents.

For the purposes of this chapter, only this section shall apply to the California State University and Colleges system and the University of California.

SEC. 162. Section 4542 of the Government Code is amended and

renumbered to read:

4562. This chapter shall not apply to the design of new state office buildings, additions, alterations, or repairs of existing state-owned office buildings, where the Public Works Board has approved, prior to the effective date of this chapter, the commencement of the working drawing phase of the new state office building.

SEC. 163. Section 6901 of the Government Code is amended to read:

6901. Notwithstanding any other provision of the law, every state agency owning common stock shall, when returning proxies to a corporation, vote each proxy that is returned to the corporation. Nothing in this section shall prohibit a state agency owning common stock from abstaining on a corporate or shareholder proposal and notifying the corporation in writing of the state agency's desire to abstain on a corporate or shareholder proposal.

As used in this section "state agency" includes the state, the University of California, and any office, department, division, bureau, board, commission, agency, or pension or retirement system thereof.

SEC. 164. The heading of Chapter 24 (commencing with Section 7540) of Division 7 of Title 1 of the Government Code is amended and renumbered to read:

CHAPTER 25. FEDERAL FUNDING

SEC. 165. Section 7540 of the Government code is amended and renumbered to read:

7560. It is the intent of the Legislature to assure receipt of federal funding by the State of California. It is also the intent of the Legislature to assure that if lack of interagency agreement or lack of coordination between state agencies jeopardizes state receipt of federal funds, including, but not limited to, funds available for services to handicapped children, an expeditious process shall exist for resolving such interagency matters.

SEC. 166. Section 7541 of the Government Code is amended and renumbered to read:

7561. It is further the intent of the Legislature that there shall be a single line of responsibility with regard to the education of all handicapped children as required by Public Law 94-142. The Superintendent of Public Instruction shall be responsible for supervising education and related services for handicapped children specifically required pursuant to the federal requirements under the Education for All Handicapped Children Act of 1975, Public Law 94-142. Nothing in this chapter shall be construed to relieve another state agency from an otherwise valid obligation to provide or pay for services to a handicapped child. Furthermore, nothing in this chapter shall be interpreted so as to allow the Superintendent of Public Instruction to prescribe health care services.

SEC. 167. Section 7542 of the Government Code is amended and

renumbered to read:

7562. If any state agency applies for federal funds to meet a mandatory responsibility under federal or state law and such application is not approved, the state agency shall submit to the Department of Finance, the Office of Planning and Research and the Joint Legislative Budget Committee within 15 calendar days of its receipt of notification of the lack of approval of its application all of the following:

(a) An identification of the federal program for which the application was not approved and the federal administering agency.

(b) An estimate of the amount of funds affected by the lack of approval of the state agency application.

(c) An indication of the reason or reasons the application was not approved.

(d) A description of any issues pertaining to responsibilities or actions of other state or local agencies which have affected the lack of approval.

SEC. 168. Section 7543 of the Government Code is amended and renumbered to read:

7563. The Joint Legislative Budget Committee shall submit to each member of the appropriate legislative policy committees and to each member of the legislative fiscal committees, within 10 calendar days of receipt of notification of a lack of approval of an application for federal funds reported to it pursuant to Section 7542, a summary of the information specified in subdivisions (a) through (d) of Section 7542.

SEC. 169. Section 7544 of the Government Code is amended and renumbered to read:

7564. Any state agency which has not received federal agency approval of an application for funds as described in Section 7542 shall submit to the Department of Finance, the Office of Planning and Research and the Joint Legislative Budget Committee within 30 calendar days of receipt of notification of such lack of approval a plan that includes, but is not limited to, any of the following:

(a) Fostering expeditious receipt of the affected federal funds.

(b) Resolving any disagreement or lack of coordination among state agencies or among local agencies which has interfered with federal agency approval of the application for federal funds.

SEC. 170. Section 8574.3 of the Government Code is amended to read:

8574.3. State agencies granted authority to implement a plan adopted under this article may use volunteer workers. The volunteers shall be deemed employees of the state for the purpose of workers' compensation under Article 2 (commencing with Section 3350) of Chapter 2 of Part 1 of Division 4 of the Labor Code. Any payments for workers' compensation under this section shall be made from the account specified in Section 8574.4.

SEC. 171. Section 8580 of the Government Code is amended to read:

8580. The Emergency Council shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The Emergency Council shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the payment of workers' compensation.

SEC. 172. Section 8597 of the Government Code is amended to read:

8597. Whenever a state of emergency is proclaimed to exist within any region or area, or whenever a state of war emergency exists, the following classes of state employees who are within the region or area proclaimed or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of those officers for all purposes as provided by Section 830.1 of the Penal Code, and shall perform such duties and exercise any powers which are appropriate or which may be directed by their superior officers:

(a) All members of the California Highway Patrol.

(b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.

(c) The Director of Forestry and the classes of the Department of Forestry who are designated by the Director of Forestry as having the powers of peace officers pursuant to Section 4156 of the Public Resources Code.

(d) All members of the California State Police Division.

(e) Peace officers who are state employees within the provisions of Section 830.5 of the Penal Code.

SEC. 173. Section 8897.1 of the Government Code is amended to read:

8897.1. To implement the foregoing responsibilities, the commission may do any of the following:

(a) Review state budgets and review grant proposals, other than those grant proposals submitted by institutions of postsecondary education to the federal government, for earthquake related activities and to advise the Governor and Legislature thereon.

(b) Review legislative proposals, related to earthquake safety to advise the Governor and Legislature concerning the proposals, and to propose needed legislation.

(c) Recommend the addition, deletion, or changing of state agency standards when, in the commission's view, the existing situation creates undue hazards or when new developments would promote earthquake hazard mitigation, and conduct public hearings as deemed necessary on the subjects.

(d) In the conduct of any hearing, investigation, inquiry, or study which is ordered or undertaken in any part of the state, administer oaths and issue subpoenas for the attendance of witnesses and the production of papers, records, reports, books, maps, accounts,

documents, and testimony.

(e) In addition, the commission may perform any of the functions contained in subdivisions (a) to (d), inclusive, in relation to other disasters, as defined in subdivision (c) of Section 8897, in connection with issues or items reported or discussed with the Office of Emergency Services at any commission meeting.

SEC. 174. Section 11011.1 of the Government Code is amended to read:

11011.1. (a) Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies. Except as authorized in subdivisions (b), (c), (d), and (e), transfers of surplus land to local governmental agencies pursuant to this section shall be at fair market value.

(b) Where the land is to be used for park and recreation purposes and operated for those purposes by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may, notwithstanding any provision in Section 11011, transfer the land to local governmental agencies at less than the fair market value of the land, if the transfer is in the public interest, under the following conditions:

(1) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(2) The land shall be developed according to plan within a time period determined by the state but not to exceed 10 years. The deed or other instrument of transfer shall provide that the land shall revert to the state if the land is not developed within the time period so determined by the state.

(3) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

(c) Where the land is to be used for open-space purposes, as defined herein, and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at fair market value of the land or at any lesser value of the land under any of the following conditions:

(1) The local public agency has submitted a plan for the use of the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which plan has been approved by the Director of Parks and Recreation.

(2) The land shall be used according to plan within a time period determined by the state but not to exceed 10 years.

(3) The deed or other instrument of transfer shall provide that the

land would revert to the state if the use changed to a use not consistent with open-space purposes during the period of 25 years following the sale.

(4) For the purpose of this subdivision, "open-space purpose" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

(d) Where the land is suitable to be used for the purpose of providing housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, the Director of General Services, with the approval of the State Public Works Board, may offer the land to local agencies within whose jurisdiction the land is located. Provided, however, if the state has held title to the land for seven years or less and the land is not used for the purposes for which it was acquired, and the land is declared surplus land and is not needed by any other state agency pursuant to the provisions of Section 11011, the state, prior to offering the land to local agencies, shall extend to the individual from whom the land was acquired an offer to purchase the land at current fair market value. The offer shall extend for 60 days and if not exercised within such period shall be irrevocably terminated. The land may be transferred to local agencies at a reasonable cost which will enable the provision of housing for persons and families of low or moderate income. The cost may be less than fair market value. The Department of Housing and Community Development shall recommend to the Department of General Services a cost which will enable the provision of housing for persons and families of low or moderate income. All transfers of land pursuant to this subdivision shall be subject to the following conditions:

(1) The local agency has made all of the following findings:

(A) There is a need for the housing in the community.

(B) The land is suitable for development of the housing.

(2) The local agency develops a plan for the housing in accordance with criteria established by the Department of Housing and Community Development, which shall include, but not be limited to, criteria respecting the financial condition of the developer, if the housing is to be developed by a private sponsor, and the cost of the project. The plan shall be approved by the Department of Housing and Community Development.

(3) After transfer of the property from the state to the local agency, the property shall be developed as housing for persons and families of low or moderate income. The local agency may lease or sell the property to any nonprofit corporation, housing corporation, limited dividend housing corporation, or private developer if the local agency determines a private entity is best suited to develop housing for persons and families of low or moderate income. In authorizing the private development, the local agency shall impose reasonable terms and conditions as will further the purposes of this subdivision, which shall include, but not be limited to, continued use of the property for housing for persons and families of low or

moderate income for not less than 40 nor more than 55 years. A lessee or purchaser of land pursuant to this subdivision shall agree to limitations on profit in the operation of the property which will benefit the public and assure that the housing provided thereon is within the means of persons and families of low or moderate income. The agreement shall be binding upon successors in interest of the original lessee or purchaser and shall inure to the benefit of, and be enforceable by, the state.

(4) The local agency shall assure that the land will be used for the purpose of providing low- or moderate-income housing and shall not permit the use of the dwelling accommodations of the project for any other purpose for not less than 40 nor more than 55 years, except as provided in this section.

In the event a local agency does not comply with the land use requirements prescribed in this section, as determined by the Department of General Services, the Department of General Services may require that the local agency pay the state the difference between the actual price paid by the local agency for the property and the fair market value of the property, at the time of the department's determination of noncompliance, plus 6 percent interest on that amount for the period of time the land has been held by the local agency.

If the local agency, with the approval of the Department of General Services, and in consultation with the Department of Housing and Community Development, determines that there is no longer a need for low- or moderate-income housing within the jurisdiction of the local agency and another valid public purpose could be achieved by utilizing the land in an alternative manner, the local agency shall not be required to make any payment to the state for the difference between purchase price and fair market value or interest charges for the period of time the land has been held by the local agency.

(5) Failure to comply with the provisions of this section shall not invalidate the transfer, sale, or conveyance of the real property to a bona fide purchaser or encumbrancer for value.

(6) The project shall be commenced within 24 months of the original transfer to the local agency. However, the Department of General Services, in consultation with the Department of Housing and Community Development, may for justifiable cause extend the time for commencement of development for an additional 36 months. The aggregate time for commencing development shall not exceed 60 months. The deed or other instrument of conveyance shall specify that, if development has not commenced within that time, the land shall revert to the Department of General Services for disposal pursuant to this section or as otherwise authorized by law.

(7) As used in this subdivision, "local agency" means and includes any county, city, city and county, redevelopment agency organized pursuant to Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, or housing authority organized

pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code, public district or other political subdivision of the state and any instrumentality thereof, which is authorized to engage in or assist in the development or operation of housing for persons and families of low or moderate income and also includes two or more of those agencies acting jointly pursuant to Part 1 (commencing with Section 6500) of Division 7 of this code.

(8) Up to 40 percent of the housing developed on land purchased at below market value pursuant to this subdivision may be housing which is not regulated as to price, rent, or eligibility of occupants only if the purchaser of the land demonstrates that the proceeds from the sale or rental of such housing, in an amount equal to the difference between the fair market value and the actual price paid for the land, is used to reduce prices or rents on other housing units which are made available exclusively to persons and families of low and moderate income.

(e) Where the land is suitable to be used for the purpose of providing housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, and provided no local agency has acquired or is in the process of acquiring the land pursuant to subdivision (d), the Director of General Services, with the approval of the State Public Works Board, may lease or sell the land to a housing sponsor. The land may be sold or leased at a reasonable cost which may be less than fair market value. The Department of Housing and Community Development shall recommend to the Director of General Services a cost which will enable the provision of housing for persons and families of low or moderate income. All transfers of land pursuant to this subdivision shall be subject to all of the following conditions:

(1) The housing sponsor has submitted a plan for the development of such housing pursuant to criteria established by the Department of Housing and Community Development. The criteria shall include, but need not be limited to, standards with respect to the cost of the housing development and the proportion of the housing development to be occupied by persons and families of low and moderate income. Insofar as is practical, the plan shall provide for a mix of housing for all income groups.

(2) The housing development shall normally be developed or be under development within 24 months from the time of transfer or lease of the land to the housing sponsor. However, the Department of General Services, in consultation with the Department of Housing and Community Development, may, upon finding justifiable cause, extend the time for commencement of development for an additional period of 36 months. The aggregate of all extensions for commencement of development shall not exceed 60 months. The deed or other instrument of conveyance shall specify that if development has not commenced within such time, the land shall revert to the Department of General Services for disposal pursuant to this section or as otherwise authorized by law.

(3) Transfer of title to the land or lease of the land to a housing sponsor shall be conditioned upon continued use of the property as housing for persons and families of low and moderate income for not less than 40 nor more than 55 years. In accordance with regulations which shall be adopted by the Department of Housing and Community Development pursuant to the Administrative Procedure Act, the Director of General Services shall require that any housing sponsor purchasing or leasing land pursuant to this subdivision enter into an agreement which (A) provides for limitations on profit in the operation of such property which benefit the public and which assure that the housing is affordable to persons and families of low and moderate income, and (B) does not permit the use of the property for purposes other than the provision of housing for persons and families of low and moderate income except as provided in this subdivision. Upon recordation of the agreement in the office of county recorder in the county in which the real property subject to the agreement is located, the agreement shall be binding for a period of not less than 40 nor more than 55 years upon successors in interest to the original housing sponsor and shall inure to the benefit of, and be enforceable by, the state.

For the purposes of this subdivision, "housing sponsor" means a nonprofit corporation incorporated pursuant to Part 1 (commencing with Section 9000) of Division 2 of Title 1 of the Corporations Code; a cooperative housing corporation which is a stock cooperative, as defined by Section 11003.2 of the Business and Professions Code; a limited-dividend housing corporation or a private housing developer who agrees to the conditions set forth in this subdivision.

(4) Up to 40 percent of the housing developed on land purchased at below market value pursuant to this subdivision may be housing which is not regulated as to price, rent, or eligibility of occupants only if the purchaser of the land demonstrates that the proceeds from the sale or rental of such housing, in an amount equal to the difference between the fair market value and the actual price paid for the land, is used to reduce prices or rents on other housing units which are made available exclusively to persons and families of low and moderate income.

(f) The Department of Housing and Community Development, in consultation with the Department of General Services and the Office of Planning and Research, shall make a report to the Legislature on or before January 1, 1981, with respect to effectiveness of the program and shall recommend any necessary legislative changes to the provisions of subdivision (d).

(g) Where the land is to be used for public purposes other than specifically set forth in this section, is to be operated by the local agency at no expense to the state, and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public

Works Board, may transfer the land to local governmental agencies at a sales price not less than 50 percent of fair market value. The transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions which he or she determines to be in the best interest of the state.

(h) If there is more than one appropriate use and more than one offer for the use of a parcel of surplus land, the Department of General Services, in consultation with the Department of Housing and Community Development, the Department of Parks and Recreation, and the Office of Planning and Research, shall determine the most appropriate use for the parcel and the Department of General Services shall offer the land accordingly.

(i) Land that has been declared surplus by the Legislature, pursuant to Section 11011, is not needed by any state agency, is suitable for development for housing purposes, and is not in the process of being acquired pursuant to other provisions of this section, may upon the request of the Department of Housing and Community Development be retained by the Director of General Services for a period not exceeding five years, during which the Director of General Services shall continue to offer the lands for housing pursuant to subdivision (d).

(j) Transfer of state surplus lands under subdivision (d) shall be at a cost which will enable provision of economically feasible housing for persons and families of low or moderate income.

SEC. 175. Section 11121.9 of the Government Code is amended to read:

11121.9. A copy of this article shall be provided to each member of any state agency upon his or her appointment to membership or assumption of office.

SEC. 176. Section 11370 of the Government Code is amended to read:

11370 Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), and Chapter 5 (commencing with Section 11500) constitute, and may be cited as, the Administrative Procedure Act.

SEC. 177. Section 11550 of the Government Code is amended to read:

11550. An annual salary of thirty-five thousand dollars ($35,000) shall be paid to each of the following:

(a) Director of Finance.
(b) Secretary of Business and Transportation Agency.
(c) Secretary of Resources Agency.
(d) Secretary of Health and Welfare Agency.
(e) Secretary of State and Consumer Services Agency.
(f) Director of Industrial Relations.
(g) Commissioner, California Highway Patrol.

SEC. 178. Section 11554 of the Government Code is amended to

read:

11554. An annual salary of twenty-seven thousand five hundred dollars ($27,500) shall be paid to each of the following:

(a) Director of Conservation.

(b) Director of Fish and Game.

(c) Director of Parks and Recreation.

(d) Director of Rehabilitation.

(e) Director of Veterans Affairs.

(f) Director of Consumer Affairs.

(g) Members of the Unemployment Insurance Appeals Board.

(h) State Architect.

(i) Director of Forestry.

(j) Director of Fair Employment and Housing.

SEC. 179. Section 12032 of the Government Code is amended and renumbered to read:

12023. The Governor shall annually issue a report to the public on the expenditures for support of his or her office on December 31. The report shall include, but not be limited to, a listing of total expenditures for the Governor in the following categories:

(a) Travel and living expense reimbursement.

(b) Automotive and charter or lease airplane expenses.

(c) Rent.

(d) Telephone.

(e) Postage.

(f) Printing.

(g) Office supplies.

SEC. 180. Section 25211.3 of the Government Code, as added by Chapter 31 of the Statutes of 1977, is amended and renumbered to read:

25211.33. The Revenue Bond Law of 1941 provided for in Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 is applicable to county service areas for the purpose of providing funds for the acquisition, construction, improving or financing of any public improvement authorized by this chapter which is not inconsistent with the provisions of Section 54310. The board may also issue revenue bonds under the Revenue Bond Law of 1941 on behalf of any improvement area created pursuant to this article and any election for the issuance of the revenue bonds shall be limited to the area of the improvement area. If revenue bonds are so issued on behalf of an improvement area:

(a) No proceeds of the revenue bonds shall be used to finance public improvements to provide service outside the area of the improvement area; and

(b) Only revenues which are derived from rates or charges for the providing of service within the area of the improvement area shall be pledged to or used to pay the revenue bonds.

SEC. 181. Section 35012.5 of the Government Code is amended to read:

35012.5. (a) Notwithstanding the provisions of Section 35033,

unincorporated territory consisting of property abutting on a street, highway, or road, and the street, highway, or road, to the extent that it abuts that property, together with the road strip may be annexed to a city pursuant to this part under the following conditions:

(1) The 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 the following 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 the street, highway, or road to the extent it abuts the property.

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

SEC. 182. Section 38507 of the Government Code is amended to read:

38507. The legislative body may employ any legal or other assistants that it deems necessary to sell the land for the best advantage of the city, and may fix and pay their compensation.

SEC. 183. Section 43073 of the Government Code is amended to read:

43073. (a) The legislative body of any city which is encompassed entirely within the territory of a special district may elect to pay the district an amount equal to the amount the district would derive from its share of property tax allocations applicable to all property within the incorporated limits of the city.

(b) If a legislative body makes an election pursuant to subdivision (a), the county auditor shall reallocate property taxes due to the special district within the incorporated limits of the city to the city.

The county auditor shall report to the State Controller the amount

of property taxes reallocated to a city pursuant to this subdivision, as well as the total amount of property taxes allocated to the city pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code. No reallocation made pursuant to this subdivision shall affect any allocations of property tax revenues to the city or special district in subsequent fiscal years pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(c) If a city legislative body makes an election pursuant to subdivision (a), and upon apportionment of taxes by the county, the reallocated amounts shall be paid by the city or transferred by the county auditor to the district.

(d) If the legislative body of a city makes an election pursuant to subdivision (a), the legislative body shall notify the county auditor by no later than the first day of September of the fiscal year in which the election becomes effective.

(e) For purposes of this section, "special district" means any special district where the county board of supervisors act as, or has appointed, the governing body of the districts providing fire or library services to one or more cities or any county library service established under Chapter 2 (commencing with Section 27151) of Division 20 of the Education Code provided for one or more cities, if all property within the city is taxed to support the service.

(f) This section does not apply in any case in which a city is making the payments described in this section to a district on the effective date of this section.

(g) If any additional costs are incurred by a county as a result of an election under this act by a city, the county may collect the costs from the city.

(h) This section applies only to cities which are in counties which have a population of 6,000,000 or more.

SEC. 184. 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 of 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.

Those expenditures are charges against the funds. If the employer pays any portion of the premiums, dues, or other charges for the health and welfare benefits, any dividends paid or premiums refunded or other rebates or refunds under any of those health and welfare benefits up to the aggregate expenditures of the employer for the benefits are the employer's property. The excess, if any, shall be applied by the employer for the benefit of the employees or their dependents generally.

SEC. 185. Section 53215 of the Government Code, as added by Chapter 835 of the Statutes of 1979, is amended and renumbered to

read:

53214.5. A county or city and county which pays the salaries, either in whole or in part, of judges of the superior and municipal courts and the officers and attachés of those courts may allow the judges, officers, and attachés to participate in any deferred compensation plan established pursuant to this article. Any county or city and county is hereby authorized to enter into a written agreement with the judges, officers, and attachés providing for deferral of a portion of their wages. The judges, officers, and attachés may authorize deductions to be made from their wages for the purpose of participating in the deferred compensation plan.

SEC. 186. Section 55606 of the Government Code is amended to read:

55606. The board of supervisors may contract with the state, through the Department of Forestry, for the performance by the Director of Forestry, his deputies, and assistants of functions for the prevention or suppression of fires within the county.

SEC. 187. Section 55607 of the Government Code is amended to read:

55607. The Department of Forestry may contract with the county for the performance by the county firewarden, his deputies, and assistants of functions for the prevention or suppression of fires within the county.

SEC. 188. Section 55608 of the Government Code is amended to read:

55608. When a contract has been made, the Director of Forestry or the county firewarden may exercise the same powers and duties within the county for the prevention and suppression of fires which by state or local law is conferred upon those officers.

SEC. 189. Section 55640 of the Government Code is amended to read:

55640. The board of supervisors of a county may provide rescue and resuscitator services throughout the county, and to this end the board may contract with the state, through the Department of Forestry, for the providing of those rescue and resuscitator services within the county by the Director of Forestry, his deputies, and assistants, including volunteer firefighters.

SEC. 190. Section 55641 of the Government Code is amended to read:

55641. When a contract has been made, the Director of Forestry may exercise the same powers and duties within the county for the providing of rescue and resuscitator services which by state or local law are conferred upon officers of the county.

SEC. 191. Section 60400 of the Government Code is amended to read:

60400. As used in this chapter, "district" means any of the following:

(a) Any flood control district, including any special district having flood control powers under whatever name those powers are

designated, and any improvement district therein established for those flood control purposes, which district is authorized under its principal act to levy, or to have levied on its behalf, an ad valorem assessment or ad valorem tax within the district or any zone, subzone, drainage area, maintenance area, or improvement district thereof.

(b) Any maintenance area formed pursuant to Chapter 4.5 (commencing with Section 12878) of Part 6 of Division 6 of the Water Code.

(c) The Collinsville Levee District formed pursuant to Chapter 310 of the Statutes of 1905, and Levee District No. 1 of Sutter County formed pursuant to Chapter 349 of the Statutes of 1873–74. For the purposes of this chapter, "board of supervisors" includes the trustees of the Collinsville Levee District.

As used in this chapter, "board of supervisors" includes the governing body of any district not governed by a board of supervisors. Any such governing body may act by resolution where a board of supervisors is required to act by ordinance.

SEC. 192. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include all of the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled, or

conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover any of the following:

(1) The reclamation of land and waters.

(2) Flood control.

(3) Prevention and control of the pollution of streams and other waters.

(4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(6) Protection of watersheds.

(7) The location, quantity, and quality of the rock, sand, and gravel resources.

The conservation element shall be prepared and adopted no later than December 31, 1973.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

The seismic safety element shall also include an appraisal of mudslides, landslides, and slope stability as necessary geologic hazards that must be considered simultaneously with other hazards such as possible surface ruptures from faulting, ground shaking, ground failure, and seismically induced waves.

To the extent that a county's seismic safety element is sufficiently detailed containing appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's seismic safety element that pertains to the city planning area within the county's jurisdiction, in satisfaction of this subdivision.

In adopting a county seismic safety element, a city shall follow all requirements regarding the content and adoption of general plan elements as set forth in this article and Article 6 (commencing with Section 65350).

Each county and city shall submit to the Division of Mines and Geology of the Department of Conservation one copy of the seismic safety element and any technical studies used for developing the seismic safety element.

(g) A noise element, which shall recognize guidelines adopted by the Office of Noise Control pursuant to Section 46050.1 of the Health and Safety Code, and which quantifies the community noise environment in terms of noise exposure contours for both near- and long-term levels of growth and traffic activity. The noise exposure information shall become a guideline for use in development of the land use element to achieve noise compatible land use and also to provide baseline levels and noise source identification for local noise ordinance enforcement.

The sources of environmental noise considered in this analysis shall include, but are not limited to, all of the following:

(1) Highways and freeways.

(2) Primary arterials and major local streets.

(3) Passenger and freight on-line railroad operations and ground rapid transit systems.

(4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(5) Local industrial plants, including, but not limited to, railroad classification yards.

(6) Other ground stationary noise sources identified by local agencies as contributing to the community noise environment.

The noise exposure information shall be presented in terms of noise contours expressed in community noise equivalent level (CNEL) or day-night average level (L_{dn}). CNEL means the average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7 p.m. to 10 p.m. and after addition of 10 decibels to sound levels in the night before 7 a.m. and after 10 p.m. L_{dn} means the average equivalent A-weighted sound level during a 24-hour day, obtained after addition of 10 decibels to sound levels in the night before 7 a.m. and after 10 p.m.

The contours shall be shown in minimum increments of 5db and shall continue down to 60db. For areas deemed noise sensitive, including, but not limited to, areas containing schools, hospitals, rest homes, long-term medical or mental care facilities, or any other land-use areas deemed noise sensitive by the local jurisdiction, the noise exposure shall be determined by monitoring.

A part of the noise element shall also include the preparation of a community noise exposure inventory, current and projected, which identifies the number of persons exposed to various levels of noise throughout the community.

The noise element shall also recommend mitigating measures and possible solutions to existing and foreseeable noise problems.

The state, local, or private agency responsible for the construction, maintenance, or operation of those transportation, industrial, or other commercial facilities specified in paragraph (2) shall provide to the local agency producing the general plan, specific data relating to current and projected levels of activity and a detailed methodology for the development of noise contours given this supplied data, or they shall provide noise contours as specified in the foregoing statements.

The local agency preparing the general plan shall specify the manner in which the noise element will be integrated into the city or county's zoning plan and tied to the land use and circulation elements and to the local noise ordinance. The noise element, once adopted, shall also become the guideline for determining compliance

with the state's noise insulation standards, as contained in Section 1092 of Title 25 of the California Administrative Code.

(h) A scenic highway element for the development, establishment, and protection of scenic highways pursuant to the provisions of Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

(i) A safety element for the protection of the community from fires and geologic hazards including features necessary for that protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, and geologic hazard mapping in areas of known geologic hazards.

The elements of the general plan may, at the discretion of the county or city, be combined if the county or city complies with all requirements regarding the content and adoption of general plan elements of this article and Article 6 (commencing with Section 65350).

The requirements of this section shall apply to charter cities.

SEC. 193. 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 effect 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. 194. Section 66427.4 of the Government Code, as added by Chapter 879 of the Statutes of 1980, is repealed. The repeal made by this section shall not affect the existence or validity of Section 66427.4 of the Government Code, as added by Chapter 1065 of the Statutes of 1980.

SEC. 195. Section 66452.5 of the Government Code is amended to read:

66452.5. (a) The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

The appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 15 days after the action of the advisory agency from which the appeal is being taken.

Upon the filing of an appeal, the appeal board or legislative body

shall set the matter for hearing. The hearing shall be held within 30 days after the date of filing the appeal. Within 10 days following the conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

(b) The subdivider, any tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, or the advisory agency may appeal from the action of the appeal board to the legislative body. The appeal shall be filed with the clerk of the legislative body within 15 days after the action of the appeal board from which the appeal is being taken.

Upon the filing of an appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 30 days after the date of filing the appeal. Within 10 days following the conclusion of the hearing, the legislative body shall render its decision on the appeal. The decision shall comply with the provisions of Sections 66473, 66473.5, and 66474, and shall include any findings required by those sections.

(c) If there is an appeal board and it fails to act upon an appeal within the time limit specified in this chapter, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the legislative body as provided in subdivision (b). If no further appeal is taken, the tentative map, insofar as it complies with applicable requirements of this division and local ordinances, shall be deemed approved or conditionally approved as last approved or conditionally approved by the advisory agency, and it is the duty of the clerk of the legislative body to certify the approval, or if the advisory agency is one which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, the advisory agency shall submit its report to the legislative body as if no appeal had been taken.

If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this division and local ordinance, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall be the duty of the clerk of the legislative body to certify the approval.

(d) Where a local ordinance so provides, any interested person adversely affected by a decision of the advisory agency or appeal board may file a complaint with the governing body concerning any decision of the advisory agency or appeal board. The complaint shall be filed with the clerk of the governing body within 15 days after the action of the advisory agency or appeal board which is the subject of the complaint. Upon the filing of the complaint, the governing body may set the matter for hearing. The hearing shall be held within 30 days after the filing of the complaint. The hearing may be a public hearing for which notice shall be given in the time and manner provided.

Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. It may sustain, modify, reject, or overrule any recommendations or rulings of the advisory board or the appeal board and may make any findings which are not inconsistent with the provisions of this chapter or local ordinances adopted pursuant to this chapter.

(e) Notice of each hearing provided for in this section shall be sent by United States mail to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to the hearing. The notice requirement of this subdivision shall be deemed satisfied if the notice complies with the legal requirements for service by mail. Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

SEC. 196. Section 66770.5 of the Government Code is amended to read:

66770.5. (a) The State Solid Waste Management Board shall adopt, not later than January 1, 1981, performance standards as an alternative to state minimum standards requiring periodic cover.

(b) In order to protect the public health and the environment, the performance standards, referred to in subdivision (a), shall, at a minimum, address the control of vectors, odor, fire, litter, and moisture infiltration at solid waste disposal sites.

(c) The local enforcement agency may elect to apply either the state minimum standard requiring periodic cover or the performance standards, described in subdivision (b), to solid waste disposal sites within its jurisdiction. Not later than 30 days prior to implementation of either performance standards or state minimum standards requiring periodic cover, the local enforcement agency shall notify the board of the election.

(d) If the board fails to adopt the performance standards by January 1, 1981, the daily coverage requirements for the active face of a disposal site may, at the discretion of the local enforcement agency, be determined solely by the local enforcement agency. For any determination of daily coverage requirements for the active face of a disposal site made pursuant to this section which are less stringent than those standards established by the State Solid Waste Management Board pursuant to Sections 66770 and 66771, the local enforcement agency shall make a finding that the daily coverage requirements are adequate to effectively prevent propagation or attraction of flies, rodents, or other vectors, to control landfill fires and litter, and to prevent the creation of nuisances.

(e) No collection vehicle shall be required to travel on the active face of a disposal site.

(f) This section does not prohibit the State Solid Waste Management Board from taking any enforcement action for which

it is granted authority under Title 7.3 (commencing with Section 66700).

(g) 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. 197. Section 69894.4 of the Government Code, as amended by Chapter 746 of the Statutes of 1980, is amended and renumbered to read:

69894.6. Notwithstanding the provisions of Section 69894.1, in the County of Los Angeles a majority of the judges of the superior court may appoint 263 court reporters, each of whom shall receive a salary equivalent to the schedule designation 59J in the salary ordinance of the county. Court reporters shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

Reduction of the schedule applicable to court reporters by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbent court reporters. The court may regulate by rule the status of employees so affected.

SEC. 198. Section 71603.2 of the Government Code, as added by Chapter 444 of the Statutes of 1980, is amended and renumbered to read:

71603.3 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.

SEC. 199. Section 75095.1 of the Government Code is amended to read:

75095.1. Notwithstanding the provisions of Section 75095 any person who is a judge or a retired judge on January 1, 1974, may elect to come within the provisions of this article on or before April 1, 1974. Any person so electing who was previously eligible to come within this article and did not do so, shall pay all of the contributions he would have made pursuant to Section 75097 had he been covered by this article as soon as eligible therefor.

SEC. 200. Section 91531 of the Government Code is amended to read:

91531. (a) Upon certification to an authority of the approval, the secretary or an assistant secretary of the authority shall transmit to the state office the fee required by the state office and information required by the state office which is provided by a company in the approved application.

(b) The state office shall review the information and shall, by express findings on the basis of the information, determine compliance with the following criteria:

(1) Public benefits, determined in accordance with the policy stated in Section 91502.1, from the use of the facilities likely will substantially exceed any public detriment from issuance of bonds in

the maximum principal amount proposed in the application.

(2) Neither the completion of the project nor the operation of the facility will have the proximate effect of relocation of any substantial operations of the company from one area of the state to another or in the abandonment of any substantial operations of the company within other areas of the state, or, if the completion or operation will have either of the effects, then the completion or operation is reasonably necessary to prevent the relocation of any substantial operations of the company from an area within the state to an area outside the state.

(3) The proposed issuance of bonds qualifies for issuance under the provisions of Article 5 (commencing with Section 91570).

(c) Written notification of the determinations of the state office shall be given the authority.

(d) Upon failure of the state office to make determinations as to compliance with the criteria within 60 days of the receipt of the information, unless the time is extended by written consent of the authority, the state office shall lose jurisdiction to make the determinations, and the authority shall determine compliance with the criteria.

(e) Determinations of the state office or of an authority as provided in Section 91530 and this section shall be final and conclusive.

(f) The authority shall not issue bonds for the project until this section has been complied with.

SEC. 201. Section 91560 of the Government Code is amended and renumbered to read:

91570. (a) The commission established by Article 3 (commencing with Section 91550) shall review each issue of bonds and shall determine whether the issue is qualified for issuance under the provisions of this article.

(b) No bonds shall be delivered by an authority in return for the purchase price unless the bond issue has been qualified under this article and no notification of the suspension or revocation of that qualification has been received by the authority which has not been vacated or modified so that the bonds qualify for issuance.

SEC. 202. Section 91561 of the Government Code is amended and renumbered to read:

91571. (a) All issues of bonds may be qualified for issuance under this section.

(b) The commission may refuse to qualify an issue unless it finds that the proposed issuance is fair, just, and equitable to a purchaser of the bonds, and that the bonds proposed to be issued and the methods to be used by an authority in issuing them are not such as, in its opinion, will work a fraud upon the purchaser thereof.

(c) The commission may impose as a condition of qualification conditions imposing a legend condition restricting the transferability thereof, impounding the proceeds from the sale thereof, or any other condition, if the commission finds that without the condition the

issuance will be unfair, unjust, or inequitable to a purchaser of the bonds. The commission may in its discretion modify or remove any of the conditions when, in its opinion, they are no longer necessary or appropriate.

(d) The commission may refuse to qualify an issue of bonds proposed to be issued in exchange for one or more outstanding bonds, or bonds and claims, or partly in the exchange and partly for cash or property, unless it approves the terms and conditions of the issuance and exchange and the fairness of the terms and conditions, and may hold a hearing upon the fairness of the terms and conditions, at which all persons to whom it is proposed to issue bonds or to deliver any other consideration in the exchange have the right to appear.

(e) The commission may refuse to qualify an issue unless it finds that the bonds issued in connection with the project by the authority will be adequately secured and the revenues and other funds applicable to the payments of the bonds are, or upon the acquisition, construction, or improvement of the project which the bonds finance, will be sufficient to pay the principal of and the interest on the bonds.

SEC. 203. Section 91562 of the Government Code is amended and renumbered to read:

91572 (a) Prior to the delivery by an authority of any bonds of an issue in return for the purchase price, the commission may summarily suspend any qualification of the issue pending final determination of any proceeding under this section. Upon the taking of that action, the commission shall promptly notify each person specified in subdivision (b) of the action and of the reasons therefor and that upon the receipt of a written request of the authority the matter will be set for hearing to commence within 20 business days after that receipt unless the authority consents to a later date. If no hearing is requested within 35 business days of notification to the authority of the taking of that action, and none is ordered by the commission, the commission may summarily revoke the qualification, pending which the suspension shall remain in effect. If a hearing is requested or ordered, the commission, after notice and hearing in accordance with subdivision (b), may modify or vacate the suspension or extend it until final determination.

(b) The authority, the company, and the underwriter and the proposed purchaser, if any, shall be notified of the taking of action pursuant to subdivision (a) and of the opportunity of the authority for a hearing thereon before the commission.

(c) Prior to the delivery by an authority of any bonds of an issue in return for the purchase price, the commission may revoke any qualification if it finds that the proposed issuance is not fair, just, or equitable to a purchaser of the bonds, or that the bonds proposed to be issued or the method to be used by an authority in issuing them will tend to work a fraud upon the purchaser thereof.

(d) The commission may vacate or modify a suspension or

revocation of qualification if it finds that the reasons for the suspension or revocation do not or no longer exist or that the reasons which do exist are not those which support a conclusion that the proposed issuance is not fair, just, or equitable to a purchaser of the bonds, or that the bonds proposed to be issued or the method to be used by an authority in issuing them will tend to work a fraud upon the purchaser thereof.

SEC. 204. Section 91563 of the Government Code is amended and renumbered to read:

91573. (a) The aggregate amount of bonds qualified pursuant to this title shall not exceed two hundred million dollars ($200,000,000).

(b) Each authority shall file with the commission reports at those times which are required by the commission, setting forth the bonds of an issue qualified by the commission or exempt from qualification or not required to be so qualified.

(c) The commission shall determine when the limitation of subdivision (a) has been reached and shall notify all authorities that no further bonds shall be qualified pursuant to this title.

SEC. 205. Section 91564 of the Government Code is amended and renumbered to read:

91574. (a) Neither (1) the fact that an application for qualification has been filed nor (2) the fact that an issue of bonds has been qualified constitutes a finding by the commission that any document filed in connection with the qualification is true, complete, or not misleading. Neither that fact nor the fact that an exemption is available means that the commission has passed in any way upon the merits or qualifications of, or recommended or given approval to any issue of bonds except as provided in subdivision (d) of Section 91561.

(b) It is unlawful to make or cause to be made to any purchaser any representation inconsistent with subdivision (a).

(c) Every notification of qualification issued by the commission shall recite that the qualification is permissive only, and does not constitute a recommendation or endorsement of the bonds so qualified.

SEC. 206. The heading of Chapter 1 (commencing with Section 240) of Division 2 of the Harbors and Navigation Code is amended to read:

CHAPTER 1. SCOPE OF DIVISION

SEC. 207. Section 775.5 of the Harbors and Navigation Code is amended to read:

775.5. As used in this chapter, unless the context clearly requires a different meaning, the following definitions shall govern the construction of this chapter:

(a) "Department" means the Department of Boating and Waterways.

(b) "Marine terminal" means any private or public shoreside

installation, including marinas and ocean terminals, providing mooring, docking, berthing, and other facilities for the use of vessels, including vessels engaged in interstate and foreign commerce, except that, for the purposes of this chapter, "marine terminal" does not include boat launching ramps or facilities for the temporary mooring of vessels for less than one day or dockage adjacent to and serving private residences in areas where pumpout facilities are available or any other facilities which may be designated by the State Water Resources Control Board with the advice and consent of the department.

(c) "Marine sanitation device" means any equipment on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat the sewage.

(d) "Promulgation date" means the date upon which the initial standards and regulations for marine sanitation devices are promulgated by an appropriate federal agency in accordance with the provisions of Section 312 of the Federal Water Pollution Control Act, as amended (33 U.S.C., Section 1251 et seq.).

(e) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(f) "Vessel" means every watercraft or other contrivance used or capable of being used as a means of transportation on the waters of the state, excepting foreign and domestic vessels engaged in interstate or foreign commerce upon the waters of the state.

(g) "State board" means the State Water Resources Control Board.

(h) "Regional board" means a California regional water quality control board.

(i) "Waters of this state" shall mean all waters of the state except waters beyond three nautical miles of any shore of the state.

SEC. 208. Section 6309.4 of the Harbors and Navigation Code is amended to read:

6309.4. Every person who violates any of the provisions of a district ordinance adopted pursuant to Sections 6309 and 6309.2 is guilty of an infraction and shall be subject to a fine not to exceed fifty dollars ($50).

SEC. 209. Section 7157 of the Harbors and Navigation Code is amended to read:

7157. All construction authorized to be done under this part exceeding in cost the sum of two thousand five hundred dollars ($2,500) shall be awarded upon competitive bidding. Notice of the proposed letting of such a contract shall be published as provided in Section 6066 of the Government Code in a newspaper of general circulation in the district or, if there is none, of general circulation in the county, the first publication to be at least two weeks prior to the opening of bids. The notice inviting bids shall set a date for the opening of bids. The contract shall be awarded to the lowest responsible bidder. In its discretion, the board may reject any bids

presented and readvertise. If two or more bids are the same and the lowest, the board may accept the one it chooses. If no bids are received, the board may have the work done directly by purchasing the materials and hiring the labor.

If all bids are rejected, the board may adopt a resolution, by four-fifths vote, declaring that the work can be performed more economically by hiring day labor, or the materials or supplies furnished at a lower price in the open market and may have the work done in the manner stated in the resolution in order to take advantage of this lower cost.

If there is a present or anticipated great public calamity, such as an extraordinary fire, flood, storm, enemy attack, or other disaster the board may by four-fifths vote adopt a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property and expend any sum required in the emergency without submitting the expenditure to the bidding procedure set forth.

The board may negotiate with the Government of the United States or any department or agency thereof, the state or any department or agency thereof, any county, city and county, city, district or other public corporation for the purpose of assisting the district in the performance of any of the work authorized by this part and, without advertising for bids, may cause the district to contribute to the United States or any of the foregoing public bodies 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 or any of the foregoing public bodies.

SEC. 210. The heading of Article 3.4 (commencing with Section 320) of Chapter 2 of Division 1 of the Health and Safety Code is amended to read:

Article 3.4. Child Health and Disability Prevention Program

SEC. 211. The heading of Article 1 (commencing with Section 446) of Part 1.95 of Division 1 of the Health and Safety Code is repealed.

SEC. 212. Article 2 (commencing with Section 447) of Part 1.95 of Division 1 of the Health and Safety Code is repealed.

SEC. 213. Section 1250 of the Health and Safety Code is amended to read:

1250. As used in this chapter, "health facility" means any facility, place or building which is organized, maintained and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which such persons are admitted for a 24-hour stay or longer, and includes the following types:

(a) "General acute care hospital" means a health facility having

a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.

(b) "Acute psychiatric hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care for mentally disordered, incompetent, or other patients referred to in Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code, including the following basic services: medical, nursing, rehabilitative, pharmacy, and dietary services.

(c) "Skilled nursing facility" means a health facility which provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

(d) "Intermediate care facility" means a health facility which provides the following basic services: inpatient care to ambulatory or semiambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability of continuous skilled nursing care.

(e) "Small intermediate care facility/developmentally disabled habilitative" means a facility which provides 24-hour personal care, habilitation, developmental, and supportive health services to 15 or fewer developmentally disabled persons who have intermittent recurring needs for nursing services, but have been certified by a physician as not requiring availability of continuous skilled nursing care.

(f) "Special hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical or dental staff which provides inpatient or outpatient care in dentistry or maternity.

(g) "General acute care/rehabilitation hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, laboratory, radiology, pharmacy, dietary, occupational therapy, physical therapy, rehabilitation, audiology, speech pathology; surgical and anesthesia services are provided through a contract with another facility having such services.

(h) "Psychiatric health facility" means a health facility which provides 24-hour inpatient care for mentally disordered, incompetent, or other persons described in Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code. The care shall include, but not be

limited to, the following basic services: psychiatry, clinical psychology, psychiatric nursing, social work, rehabilitation, drug administration, and appropriate food services for those persons whose physical health needs can be met in an affiliated hospital or in outpatient settings.

It is the intent of the Legislature that the psychiatric health facility shall provide a distinct type of service to psychiatric patients in a non-hospital setting. The State Department of Mental Health shall require regular utilization reviews of admission and discharge criteria and lengths of stays in order to assure that such patients are moved to less restrictive levels of care as soon as appropriate.

SEC. 214. Section 1250.2 of the Health and Safety Code is repealed.

SEC. 215. Section 1285 of the Health and Safety Code is amended to read:

1285. (a) No patient shall be detained in a health facility solely for the nonpayment of a bill.

(b) For the purposes of this section, "detained" means the intentional confinement of a patient in a health facility without authorization of the patient or any other person who may be authorized to provide consent to care on behalf of the patient.

(c) Any person who is detained in a health facility solely for the nonpayment of a bill has a cause of action against the health facility for the detention, which may be brought by that person or that person's parent, guardian, conservator, or other legal representative.

The cause of action may be brought against the health facility, proprietor, lessee or their agents, or against any person, corporation, association, or directors thereof. Any person who has been detained in a health facility, solely for the nonpayment of a bill, who has brought an action for the detention, may recover general and punitive damages, court costs, and reasonable attorney's fees actually incurred and any other relief which the court in its discretion may allow.

(d) Violation of subdivision (a) is a misdemeanor punishable as prescribed in Section 1290.

SEC. 216. Section 1343 of the Health and Safety Code is amended to read:

1343. (a) The commissioner may by the adoption of any rules deemed necessary and appropriate, either unconditionally or upon specified terms and conditions or for specified periods, exempt from the provisions of this chapter any class of persons or plan contracts if the commissioner finds such action to be in the public interest and not detrimental to the protection of subscribers, enrollees, or persons regulated under this chapter, and that the regulation of those persons or plan contracts is not essential to the purposes of this chapter.

(b) The commissioner, upon request of the State Director of Health Services, may exempt from the provisions of this chapter any pilot program contracting with the State Department of Health

Services pursuant to Article 7 (commencing with Section 14490) of Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions Code. The exemption may be subject to those conditions the commissioner deems appropriate.

(c) This chapter does not apply to:

(1) A person organized and operating pursuant to a certificate issued by the Insurance Commissioner unless the entity is directly providing the health care service through the entity-owned or contracting health facilities and providers, in which case the provisions of this chapter shall apply to the insurer's plan and to the insurer.

(2) A plan directly operated by a bona fide public or private institution of higher learning which directly provides health care services only to its students, faculty, staff, administration, and their respective dependents.

(3) A nonprofit corporation formed under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code.

SEC. 217. Section 1367.8 of the Health and Safety Code, as added by Chapter 776 of the Statutes of 1980, is amended and renumbered to read:

1367.9. No health care service plan contract which covers hospital, medical, or surgical expenses shall be issued, amended, delivered, or renewed in this state on or after January 1, 1981, if it contains any exclusion, reduction, or other limitations, as to coverage, deductibles, or coinsurance or copayment provisions applicable solely to conditions attributable to diethylstilbestrol or exposure to diethylstilbestrol.

Any provision in any contract issued, amended, delivered, or renewed in this state on or after January 1, 1981, which is in conflict with this section shall be of no force or effect.

SEC. 218. Section 1732 of the Health and Safety Code is amended to read:

1732. Upon filing of the application for a license provided for in, and upon full compliance with, the provisions of this chapter and the rules and regulations promulgated under this chapter by the state department, the state department shall issue to the applicant the license applied for. However, any hospital, as defined in Section 1401 which is licensed under the provisions of Chapter 2.3 (commencing with Section 1400) is not required to obtain a license. In order for a hospital to establish, conduct, or maintain a home health agency, it shall comply with all the provisions of this chapter and be approved by the state department. The approval shall be deemed to be licensure and shall not extend past midnight on the 31st day of December of each calendar year. The fee set forth in Section 1729 shall be paid before approval is granted. Approval may be denied or withdrawn by the state department on the same grounds as provided for denial, suspension, or revocation of a home health agency license. The state department may take the same action against any

approved hospital home health agency as it may against any licensed home health agency under this chapter.

SEC. 220. Section 3703 of the Health and Safety Code is amended to read:

3703. (a) The state department and all health officers of counties, cities, and health districts shall enforce the provisions of this chapter.

(b) Pursuant to their enforcement of this chapter, those officers shall also enforce the provisions of Section 2441 of the Labor Code. This section shall not be construed to abridge or limit in any manner the jurisdiction of the Division of Occupational Safety and Health of the Department of Industrial Relations pursuant to Division 5 (commencing with Section 6300) of the Labor Code.

SEC. 221. Section 5472 of the Health and Safety Code, as amended by Chapter 862 of the Statutes of 1953, is amended and renumbered to read:

5472.5. The rates may be collected with the rates for any other utility service furnished by a department or agency of that entity over which the legislative body thereof does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of that department or agency or public utility owner, which agreement shall establish the terms and conditions upon which the collections shall be made. The agreement, in the discretion of the department or agency or public utility owner making the collections, also may provide that those rates shall be itemized, billed upon the same bill, and collected as one item, together with, and not separately from, the other utility service charge.

SEC. 222. Section 11361.5 of the Health and Safety Code is amended to read:

11361.5. (a) Records of any court of this state, any public or private agency that provides services upon referral under Section 1000.2 of the Penal Code, or of any state agency or local public agency pertaining to the arrest or conviction of any person for a violation of subdivision (b) or (c) of Section 11357 or subdivision (b) of Section 11360, shall not be kept beyond two years from the date of the conviction, or from the date of the arrest if there was no conviction. Any court or agency having custody of the records shall provide for the timely destruction of the records in accordance with subdivision (c). The requirements of this subdivision do not apply to records of any conviction occurring prior to January 1, 1976, or records of any arrest not followed by a conviction occurring prior to that date.

(b) This subdivision applies only to records of convictions and arrests not followed by conviction occurring prior to January 1, 1976, for any of the following offenses:

(1) Any violation of Section 11357 or a statutory predecessor thereof.

(2) Unlawful possession of a device, contrivance, instrument, or paraphernalia used for unlawfully smoking marijuana, in violation of

Section 11364, as it existed prior to January 1, 1976, or a statutory predecessor thereof.

(3) Unlawful visitation or presence in a room or place in which marijuana is being unlawfully smoked or used, in violation of Section 11365, as it existed prior to January 1, 1976, or a statutory predecessor thereof.

(4) Unlawfully using or being under the influence of marijuana, in violation of Section 11550, as it existed prior to January 1, 1976, or a statutory predecessor thereof.

Any person subject to an arrest or conviction for those offenses may apply to the Department of Justice for destruction of records pertaining to the arrest or conviction if two or more years have elapsed since the date of the conviction, or since the date of the arrest if not followed by a conviction. The application shall be submitted upon a form supplied by the Department of Justice and shall be accompanied by a fee, which shall be established by the department in an amount which will defray the cost of administering this subdivision and costs incurred by the state under subdivision (c), but which shall not exceed thirty-seven dollars and fifty cents ($37.50). The application form shall be made available at every local police or sheriff's department and from the Department of Justice and may require that information which the department determines is necessary for purposes of identification.

The department may request, but not require, the applicant to include a self-administered fingerprint upon the application. If the department is unable to sufficiently identify the applicant for purposes of this subdivision without the fingerprint or without additional fingerprints, it shall so notify the applicant and shall request the applicant to submit any fingerprints which may be required to effect identification, including a complete set if necessary, or, alternatively, to abandon the application and request a refund of all or a portion of the fee submitted with the application, as provided in this section. If the applicant fails or refuses to submit fingerprints in accordance with the department's request within a reasonable time which shall be established by the department, or if the applicant requests a refund of the fee, the department shall promptly mail a refund to the applicant at the address specified in the application or at any other address which may be specified by the applicant. However, if the department has notified the applicant that election to abandon the application will result in forfeiture of a specified amount which is a portion of the fee, the department may retain a portion of the fee which the department determines will defray the actual costs of processing the application, provided the amount of the portion retained shall not exceed ten dollars ($10).

Upon receipt of a sufficient application, the Department of Justice shall destroy records of the department, if any, pertaining to the arrest or conviction in the manner prescribed by subdivision (c) and shall notify the Federal Bureau of Investigation, the law enforcement agency which arrested the applicant, and, if the applicant was

convicted, the probation department which investigated the applicant and the Department of Motor Vehicles, of the application. Each state or local agency receiving a notice from the Department of Justice shall destroy records of the agency, if any, pertaining to the arrest or conviction specified in the notice, in the manner prescribed by subdivision (c). The application form and the notices from the department to the agencies specified in this subdivision shall be destroyed by the department or agency, as the case may be, at the time the other records of the arrest or conviction are destroyed.

(c) Destruction of records of arrest or conviction pursuant to subdivision (a) or (b) shall be accomplished by permanent obliteration of all entries or notations upon the records pertaining to the arrest or conviction, and the record shall be prepared again so that it appears that the arrest or conviction never occurred. However, where (1) the only entries upon the record pertain to the arrest or conviction and (2) the record can be destroyed without necessarily effecting the destruction of other records, then the document constituting the record shall be physically destroyed.

(d) Notwithstanding subdivision (a) or (b), written transcriptions of oral testimony in court proceedings and published judicial appellate reports are not subject to this section. Additionally, no records shall be destroyed pursuant to subdivision (a) if the defendant or a codefendant has filed a civil action against the peace officers or law enforcement jurisdiction which made the arrest or instituted the prosecution and if the agency which is the custodian of those records has received a certified copy of the complaint in the civil action, until the civil action has finally been resolved. Immediately following the final resolution of the civil action, records subject to subdivision (a) shall be destroyed pursuant to subdivision (c) if more than two years have elapsed from the date of the conviction or arrest without conviction.

(e) Costs incurred by local agencies in complying with the provisions of subdivision (c) shall be reimbursed as provided in Section 2231 of the Revenue and Taxation Code.

SEC. 223. Section 11977 of the Health and Safety Code, as added by Chapter 935 of the Statutes of 1978, is amended and renumbered to read:

11978. (a) Except as otherwise provided in this subdivision or in subdivision (b), records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with performance of any narcotic and drug abuse program shall be confidential and shall be disclosed only for the purposes and under the circumstances expressly authorized by this section. The content of any record referred to in this section may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, or:

(1) To licensed medical personnel to the extent necessary to meet a bona fide medical emergency.

(2) To qualified personnel for the purpose of conducting scientific

research, management audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(3) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services program. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(b) The provisions of subdivision (a) shall not apply to the records of any person involuntarily committed to any narcotic or drug abuse program conducted by the State Department of Corrections.

SEC. 224. Section 12003 of the Health and Safety Code is amended to read:

12003. "Chief" means the Director of Forestry and his or her authorized representatives, the chief of a fire department or fire protection agency maintained by a city, county, or city and county, or fire protection district and his authorized representatives, or the authorized representative of the United States Forest Service. In any area of the state in which there exists no organized fire protection agency responsible for the protection of the area, "chief," for the purpose of this part only, shall mean the county sheriff and his authorized representatives.

On any property that is owned by the state the "chief," for the purpose of this part, shall be the official of the fire protection agency responsible for the suppression of fires in the area. On any state property where there is no fire protection agency responsible for the suppression of fires, the "chief," for the purpose of this part, shall be the State Fire Marshal.

Upon request of the Director of Forestry, the chief of a fire department or fire protection agency, or upon request of the county sheriff the governing body of the area under the jurisdiction of the requesting chief or sheriff may designate any person as "chief" for the purposes of this part.

SEC. 225. Section 12006 of the Health and Safety Code is amended to read:

12006. The provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part do not apply when the use, handling, possession, storage and transportation is subject to the requirements of the Division of Occupational Safety and Health, Department of Industrial Relations, except as the provisions of this part and the regulations adopted by the State Fire Marshal may extend beyond the scope or authority of the Division of Occupational Safety and Health, Department of Industrial Relations.

SEC. 226 Section 13002 of the Health and Safety Code is

amended to read:

13002. (a) Every person is guilty of a misdemeanor who throws or discharges any lighted or nonlighted cigarette, cigar, match, or any flaming or glowing substances, or any substance or thing which may cause a fire upon any highway, including any portion of the right-of-way thereof, sidewalk or upon any public or private property. No portion of this subdivision shall be construed to restrict a private owner in the use of his or her own private property, except that the placing, depositing, or dumping of the waste matter on the property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or fire district, or the Department of Forestry in which case the provisions of this section shall apply.

(b) Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) 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, 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. 227. Section 13009.5 of the Health and Safety Code is amended to read:

13009.5. Where the Department of Forestry utilizes inmate labor for fighting fires, the charge for their use, for the purpose of Section 13009, shall be set by the Director of Forestry. In determining the charges, he or she may consider, in addition to costs incurred by the department, the per capita cost to the state of maintaining the inmates.

SEC. 228. Section 13053 of the Health and Safety Code is amended to read:

13053. Whenever a fire occurs in any county or within the boundaries of any national forest which is of such proportions that it can not be adequately handled by the forestry department or fire warden of the county or the facilities of the Department of Forestry or of the United States Forest Service, the personnel, equipment, and fire fighting facilities of any county may be authorized by the state forest ranger within the county or the county forester or fire warden of the county to assist in its extinguishment and control.

SEC. 229. Section 13054 of the Health and Safety Code is amended to read:

13054. Where the personnel, equipment, and facilities of any county are utilized in the extinguishment or control of any fire

outside its boundaries, the county furnishing its personnel, equipment, and facilities shall be reimbursed by the county in which the fire occurs in an amount in accordance with a predetermined schedule of repayments agreed upon by the boards of supervisors of the counties, or between the board of supervisors of the county and the Department of Forestry or the United States Forest Service, as the case may be.

SEC. 230. Section 13055 of the Health and Safety Code is amended to read:

13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.

SEC. 231. Section 13100 of the Health and Safety Code is amended to read:

13100. There is in the state government, in the State and Consumer Services Agency, the office of the State Fire Marshal.

SEC. 232. Section 13104.5 of the Health and Safety Code is amended to read:

13104.5. Except on property which has been deeded to the State for taxes, the State Fire Marshal may abate fire hazards existing on property owned, controlled, or held in trust by the State, in areas not under the jurisdiction of the Director of Forestry, upon the request of the legislative body of the city, county, or city and county within which the property is situated. The cost of the abatement shall be paid out of any money in the State Treasury appropriated for that purpose.

SEC. 233. Section 13140.5 of the Health and Safety Code is amended to read:

13140.5. The board shall be composed of the following voting members: the State Fire Marshal, the Director of Forestry, the Supervisor of the California Fire Service Training Program, the Chief of the Fire and Rescue Division, Office of Emergency Services, a representative of the insurance industry, four fire chiefs, four fire service labor representatives, one representative from city government, and one representative from county government.

The following members shall be appointed by the Governor: a representative of the insurance industry, four fire chiefs, four fire service labor representatives, one representative from city government, and one representative from county government. Each member appointed shall be a resident of this state. Three of the fire chiefs appointed to the board shall be selected from a list of names recommended by the Board of Directors of the California Fire Chiefs' Association, Inc. and one fire chief shall be selected from a list of names submitted by the California Metropolitan Fire Chiefs. The four fire service labor representatives shall be selected from a list of names recommended by employee organizations representing fire service employees with organization memberships exceeding

12,000, but not more than one fire service labor representative shall be selected from among persons recommended by any one of the employee organizations, unless each organization is represented on the membership of the board. The city government representative shall be selected from elected or appointed city chief administrative officers. The county government representative shall be selected from elected or appointed county chief administrative officers. The appointed members, except those first appointed, shall be appointed for a term of four years. Of the members first appointed seven shall be appointed for a term of two years and four shall be appointed for a term of four years. Any member chosen by the Governor to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member he or she is to succeed.

SEC. 234. Section 13821 of the Health and Safety Code is amended to read:

13821. Any incorporated or unincorporated territory, or any combination thereof, which does not include any timbered, brush, or grass-covered lands declared to be the responsibility of the state for fire protection by Article 3 (commencing with Section 4125) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, except as provided in this section, may be organized as a district pursuant to this part.

Upon the adoption of a resolution or upon receipt of a petition for the formation of or the annexation to a district, if the proposed formation or annexation contains an area declared by Article 3 (commencing with Section 4125) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code to be the fire protection responsibility of the state, the board of supervisors, in the case of formation, or the district board, in the case of annexation, shall file with the Director of Forestry a notice of the proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including those lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the state. The district shall have the fire protection responsibility for structures in the area. Commercial forest lands which are timbered lands declared to be the responsibility of the state for fire protection by Article 3 (commencing with Section 4125) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code shall not, however, be included within a district, except in counties of the 18th class, as specified by Section 28039 of the Government Code.

This section applies to districts formed after September 14, 1961, and to annexations to districts in existence on such date.

SEC. 235. Section 13991 of the Health and Safety Code is amended to read:

13991. The district board may on its own motion, or upon the filing of a petition with the district board signed by 51 percent of the taxpayers, or the owners of 51 percent of the property, in each case within the territory proposed to be formed into a zone or to be

annexed to, or detached from, a zone, based on assessed valuation, in a specific area, the district board shall, by resolution, initiate proceedings for the creation of a special fire protection zone in the district or for the annexation of territory to, or the detachment of territory from, an established special fire protection zone in the district, for any one or more of the following purposes:

(a) Paying for the installation of capital improvements such as fire mains, fireplugs, or any other similar improvement, which is of sole benefit to the territory in a zone.

(b) Paying for water and related costs or specific charges to the district which are of sole benefit to the territory in a zone.

(c) Purchase of equipment or employment of personnel over and above the equipment and personnel which the district can afford to furnish to a zone out of its general district tax.

(d) Payment by the taxpayers of a zone which has been annexed to a city of the costs of fire protection services provided by the Department of Forestry, pursuant to contract with the city, for grass-, brush-, and forest-covered lands in that zone.

SEC. 236. Section 17922.5 of the Health and Safety Code is amended to read:

17922.5. Any state or local agency which issues building permits shall require, as a condition of issuing any building permit where the working conditions of the construction would require an employer to obtain a permit from the Division of Occupational Safety and Health pursuant to Chapter 6 (commencing with Section 6500) of Part 1 of Division 5 of the Labor Code, that proof be submitted showing that the employer has received such a permit from the Division of Occupational Safety and Health.

SEC. 237. Section 17925 of the Health and Safety Code is amended to read:

17925. Except as provided in Section 17922.6, any person, firm, corporation, or governmental agency that opposes the application of any applicable building standard published in the State Building Standards Code or any other rule or regulation adopted by the commission within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the building standard, rule, or regulation to be applied in the local area, the building standard, rule, or regulation shall have no application within that local area. A copy of the determination of the local appeals board, together with a report of the local conditions upon which the determination is based, shall be filed with the department pursuant to Section 17958.7.

SEC. 238. Section 25810 of the Health and Safety Code is amended to read:

25810. The department is designated as the agency responsible for the issuance of licenses. In carrying out its duties under this section, the department shall enter into an agreement with the

Division of Occupational Safety and Health and may enter into agreements with other state and local agencies to conduct technical evaluations of license applications prior to issuance of licenses. The agreements shall also include provisions for conducting inspections in accordance with Section 25820.

SEC. 239. Section 25811 of the Health and Safety Code is amended to read:

25811. The department shall, for the protection of public health and safety do all of the following:

(a) Develop programs for evaluation of hazards associated with use of sources of ionizing radiation.

(b) Develop programs, with due regard for compatibility with federal programs, for licensing and regulation of byproduct, source, and special nuclear materials, and other radioactive materials.

(c) Except as provided in Section 18930, adopt and promulgate rules and regulations relating to control of other sources of ionizing radiation.

(d) Issue any rules and regulations which may be necessary in connection with proceedings under Article 4 (commencing with Section 25815).

(e) Collect and disseminate information relating to control of sources of ionizing radiation, including all of the following:

(1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.

(2) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(3) Disseminate information regarding the evaluation of hazards associated with the use of sources of ionizing radiation.

Nothing in this chapter shall be construed as precluding the Division of Occupational Safety and Health from adopting and enforcing rules and regulations relating to matters within its jurisdiction consistent with, in furtherance of, and designed to implement the provisions of this chapter and the rules and regulations adopted thereunder.

SEC. 240. Section 33436 of the Health and Safety Code is amended to read:

33436. Express provisions shall be included in all deeds, leases and contracts which the agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any land in a redevelopment project in substantially the following form:

(a) In deeds the following language shall appear—"The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry

in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

(b) In leases the following language shall appear—"The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, marital status, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

(c) In contracts entered into by the agency relating to the sale, transfer, or leasing of land or any interest therein acquired by the agency within any survey area or redevelopment project the foregoing provisions in substantially the forms set forth shall be included and the contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

SEC. 241. Section 34354.5 of the Health and Safety Code is amended to read:

34354.5. Notwithstanding Section 34354 or any other provision of law, the rate of interest on any indebtedness or obligation of a housing authority which is payable to the federal government or any agency or instrumentality thereof or on any indebtedness or obligation of a housing authority which is guaranteed by the federal government or any instrumentality thereof may be at a rate higher than the limitation established in Section 34354, or any other law, if the rate is the rate established by the federal government or any instrumentality thereof. Any such indebtedness or obligation shall be in any form and denomination, have any maturity and be subject to any conditions which may be prescribed by the federal government or agency or instrumentality thereof.

SEC. 242. Section 37850 of the Health and Safety Code is amended to read:

37850. "Area housing plan" means a plan meeting the legal requirements for a local housing element, required by Section 65302 of the Government Code, and which is adopted by an area housing

council.

SEC. 243. Section 41809 of the Health and Safety Code is amended to read:

41809. Notwithstanding Sections 41508 and 41800, open outdoor fires may be used to dispose of Russian thistle (Salsola kali) when authorized by a chief of a fire department of fire protection agency of a city, county, or fire protection district, the Director of Forestry or his duly authorized representative, or a county agricultural commissioner, or an air pollution control officer.

SEC. 244. Section 41813 of the Health and Safety Code is amended to read:

41813. Notwithstanding any other provision of this division, in the San Bernardino County Air Pollution Control District, Group 2 solid waste, as defined in Section 2521 of Title 23 of the California Administrative Code, for a period not to exceed six months from the effective date of this section, may be disposed of by means of an air curtain destructor. The authority provided by this section applies only to an existing solid waste disposal site in the upper desert area which receives less than 50 tons of solid waste for disposal per day. The use of the air curtain destructor shall be monitored by the San Bernardino County Air Pollution Control District and the state board. Within nine months after the effective date of this section, the district shall file a report with the County of San Bernardino and the state board regarding the extent to which the air curtain destructor meets the emission rules, regulations, and orders of the district and the state board.

At the end of the six-month experimental period, the air curtain destructor may continue to be used if the state board makes a finding that the public health and safety will not be adversely affected by continued use. The state board, in cooperation with San Bernardino County, shall establish a list of toxic materials that will be removed from the solid waste prior to use of the air curtain destructor.

There shall be no liability on the part of the state board for any injury occurring as a result of the use of the air curtain destructor under the provisions of this section.

SEC. 245. Section 41957 of the Health and Safety Code is amended to read:

41957. The Division of Occupational Safety and Health of the Department of Industrial Relations is the only agency responsible for determining whether any gasoline vapor control system, or component thereof, creates a safety hazard other than a fire hazard.

If the division determines that a system, or component thereof, creates a safety hazard other than a fire hazard, that system or component may not be used until the division has certified that the system or component, as the case may be, does not create that hazard.

The division, in consultation with the state board, shall adopt the necessary rules and regulations for the certification if the certification is required.

SEC. 246. Section 41958 of the Health and Safety Code is amended to read:

41958. To the maximum extent practicable, the rules and regulations adopted pursuant to Sections 41956 and 41957 shall allow flexibility in the design of gasoline vapor control systems and their components. The rules and regulations shall set forth the performance standards as to safety and measurement accuracy and the minimum procedures to be followed in testing the system or component for compliance with the performance standards.

The State Fire Marshal, the Division of Occupational Safety and Health, and the Division of Measurement Standards shall certify any system or component which complies with their adopted rules and regulations. Any one of the state agencies may certify a system or component on the basis of results of tests performed by any entity retained by the manufacturer of the system or component or by the state agency. The requirements for the certification of a system or component shall not require that it be tested, approved, or listed by any private entity.

SEC. 247. Section 41959 of the Health and Safety Code is amended to read:

41959. Certification testing of gasoline vapor control systems and their components by the state board, the State Fire Marshal, the Division of Measurement Standards, and the Division of Occupational Safety and Health may be conducted simultaneously.

SEC. 248. Section 41960 of the Health and Safety Code is amended to read:

41960. Certification of a gasoline vapor recovery system for safety and measurement accuracy by the State Fire Marshal and the Division of Measurement Standards and, if necessary, by the Division of Occupational Safety and Health shall permit its installation wherever required in the state, if the system is also certified by the state board.

Except as otherwise provided in subdivision (f) of Section 41954, no local or regional authority shall prohibit the installation of a certified system without obtaining concurrence from the state agency responsible for the aspects of the system which the local or regional authority disapproves.

SEC. 249. Section 41961 of the Health and Safety Code is amended to read:

41961. The State Fire Marshal, the Division of Measurement Standards, and the Division of Occupational Safety and Health may charge a reasonable fee for certification of a gasoline vapor control system or a component thereof, not to exceed their respective estimated costs therefor. Payment of the fee may be made a condition of certification.

SEC. 253. Chapter 9 (commencing with Section 50735) of Part 2 of Division 31 of the Health and Safety Code, as added by Chapter 1042 of the Statutes of 1979, is repealed. The repeal made by this section shall not affect the existence or validity of Chapter 9

(commencing with Section 50735) of Part 2 of Division 31 of the Health and Safety Code, as added by Chapter 1043 of the Statutes of 1979.

SEC. 254. Chapter 10 (commencing with Section 50775) of Part 2 of Division 31 of the Health and Safety Code, as added by Chapter 1042 of the Statutes of 1979, is repealed. The repeal made by this section shall not affect the existence or validity of Chapter 10 (commencing with Section 50775) of Part 2 of Division 31 of the Health and Safety Code, as added by Chapter 1043 of the Statutes of 1979.

SEC. 255. Section 50902 of the Health and Safety Code is amended to read:

50902. Appointed members of the board shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in order to achieve that diversity. The Governor shall select four of his or her six appointees from among the following categories: (1) an elected official of a city or county engaged in the planning or implementation of a housing, housing-assistance, or housing rehabilitation program; (2) a person experienced in residential real estate in the savings and loan, mortgage banking, or commercial banking industry; (3) a person experienced as a builder of residential housing; (4) a person experienced in organized labor in the residential construction industry; (5) a person experienced in the management of rental or cooperative housing occupied by lower income households; (6) a person experienced in manufactured housing finance and development; and (7) a person representing the public. Not more than one person from each category may serve on the board at any one time, except that two members may be appointed to represent the general public. The Governor shall also appoint two members who are residents of rental or cooperative housing financed by the agency or who are persons experienced in counseling, assisting, or representing tenants; provided, that only one appointment may be made during the term of any member appointed by the Senate Rules Committee prior to January 1, 1981. At least one of the members appointed by the Governor shall be a resident of a rural or nonmetropolitan area. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a person representing the general public. The terms of the members initially appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly shall be as follows:

(a) An elected official of a city or county engaged in the planning or implementation of a housing, housing-assistance, or housing rehabilitation program—two years appointed by the Governor.

(b) Member experienced in residential real estate in the savings and loan mortgage banking or commercial banking industry—four years appointed by the Governor.

(c) Member who is experienced as a builder of residential

housing—six years appointed by the Governor.

(d) Member experienced in organized labor in the residential construction industry—two years appointed by the Governor

(e) Member experienced in the management of rental or cooperative housing occupied by lower income households—four years appointed by the Governor.

(f) Member experienced in manufactured housing finance and development—two years appointed by the Governor.

(g) Members appointed by the Governor who are residents of rental or cooperative housing financed by the agency or are experienced in counseling, assisting, or representing tenants—six years and two years, respectively.

(h) Member appointed by the Speaker of the Assembly who represents the general public—four years.

(i) Member appointed by the Senate Rules Committee who represents the general public—six years.

The term of any member of the board appointed to serve subsequent to the expiration of an initial term shall be six years. Any person appointed to fill a vacancy on the board shall serve only for the remainder of the unexpired term. Members of the board shall, subject to continued qualification, be eligible for reappointment. If a member of the board ceases to meet the qualifications specified in this section, the membership of that person on the board shall be terminated.

SEC. 256. Section 51350.5 of the Health of Safety Code, as added by Chapter 1042 of the Statutes of 1979, is repealed. The repeal made by this section shall not affect the existence or validity of Section 51350.5 of the Health and Safety Code as added by Chapter 1043 of the Statutes of 1979.

SEC. 257. Section 51351 of the Health and Safety Code is amended to read:

51351. Notwithstanding any other provisions of this part, only the following types of housing developments and other residential structures are eligible for mortgage loans made with the proceeds of bonds:

(a) Housing developments and other residential structures financed with bonds of the agency guaranteed under Section 802 of Title VIII of the Federal Housing and Community Development Act of 1974.

(b) Housing developments and other residential structures financed with bonds of the agency that are guaranteed, or the time payment of principal and interest of which is insured, by an agency of the state or by a private insuring entity authorized to engage in that business.

(c) Housing developments and other residential structures, the mortgage loans on which presently are or are expected to be insured under a program utilizing federal coinsurance as authorized under Section 244 of Title III of the Federal Housing and Community Development Act of 1974 (P.L. 93-383).

(d) Housing developments and other residential structures, the bonds or mortgage loans on which are presently or are expected to be insured or guaranteed in whole or in part by an agency of the state, including the California Housing Finance Agency, a political subdivision of the state, or by a private insuring entity authorized to engage in that business, or by any combination thereof, in percentages determined by the agency.

(e) Housing developments and other residential structures, the mortgage loans on which are presently or are expected to be insured in whole or in part by the Federal Housing Administration or guaranteed in whole or in part by the United States Veterans Administration or by the Farmers Home Administration of the United States Department of Agriculture in percentages determined by the agency.

(f) Housing developments and other residential structures financed by a loan made by the agency to a qualified mortgage lender, if both of the following conditions are met:

(1) The loan to the qualified mortgage lender is a general obligation of the mortgage lender.

(2) The qualified mortgage lender is a member of, or a subsidiary of a member of, the Federal Deposit Insurance Corporation or of the Federal Savings and Loan Insurance Corporation.

(g) Housing developments and other residential structures financed by tax-exempt bonds for which a bond reserve fund is created which at least equals either the average annual debt service or the maximum annual interest on the bonds issued.

SEC. 258. Section 51858 of the Health and Safety Code is amended to read:

51858. The agency may initiate programs of coinsurance or reinsurance with, and may procure reinsurance from, any local agency or agency of the United States or private mortgage insurer in order to accomplish more effectively the purpose of this part. The agency may coinsure loans made or originated by approved lending institutions which are otherwise insurable under the provisions of this part.

SEC. 260. Section 779.8 of the Insurance Code is amended to read·

779.8. All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders delivered or issued for delivery in this state and the schedules of premium rates pertaining thereto shall be filed with the commissioner.

SEC. 261. Section 922.4 of the Insurance Code is amended to read:

922.4. Credit in accounting and financial statements on account of reinsurance ceded to a nonadmitted reinsurer other than an alien reinsurer shall be allowed only·

(a) Where it is demonstrated by the ceding insurer to the satisfaction of the commissioner that such reinsurer maintains the

standards and meets the financial requirements applicable to an admitted insurer, or

(b) To the extent of deposits by, or funds withheld from, such reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes in a bank which is a member of the Federal Reserve System if withdrawals from the trust cannot be made without the consent of the ceding insurer. With respect to credit life insurance and credit disability insurance, such deposits or funds shall be deposited in a bank located in California, notwithstanding the fact that the deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer.

(c) To the extent that the amount of a clean and irrevocable letter of credit issued for a term of one year conforming to the requirements set forth below, is a substitute for advances for claims and unearned premium obligations to be made by a foreign reinsurer in connection with its liability under a specific reinsurance agreement. The requirements are that such a clean and irrevocable letter of credit shall be issued under arrangements satisfactory to the commissioner as constituting security to the ceding insurer substantially equal to that of a deposit under subdivision (b), and that it shall be issued by a banking institution which is a member of the Federal Reserve System and of financial standing satisfactory to the commissioner.

As used in this section, the terms "deposits" and "funds" include securities authorized as general investments by Article 3 (commencing with Section 1170) of Chapter 2, but not to exceed current market value.

SEC. 262. Section 922.5 of the Insurance Code is amended to read:

922.5. Credit in accounting and financial statement permitted by this code on account of reinsurance ceded to an alien reinsurer other than one which complies with Article 2 (commencing with Section 1580) of Chapter 4 and includes in the statements required by that article all reserves and liabilities arising out of such reinsurance shall be allowed only:

(a) To the extent of the amount of deposits by, and funds withheld from, such alien reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if the deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes in a bank which is a member of the Federal Reserve System, if withdrawals from the trust cannot be made without the consent of the ceding insurer, or

(b) Where such alien reinsurer maintains sufficient assets in the United States for the protection of policyholders in the United States and operates its business in such manner as to satisfy the

commissioner that it maintains standard and financial condition reasonably comparable to those required of admitted insurers and that it is able to pay losses in the United States.

(c) To the extent that the amount of a clean and irrevocable letter of credit issued for a term of one year conforming to the requirements set forth below, is a substitute for advances for claims and unearned premium obligations to be made by an alien reinsurer in connection with its liability under a specific reinsurance agreement. The requirements are that such a clean and irrevocable letter of credit shall be issued under arrangements satisfactory to the commissioner as constituting security to the ceding insurer substantially equal to that of a deposit under subdivision (a), and that it shall be issued by a banking institution which is a member of the Federal Reserve System and of financial standing satisfactory to the commissioner.

SEC. 263. Section 1033 of the Insurance Code is amended to read:

1033. (a) Claims allowed in a proceeding under this article shall be given preference in the following order:

(1) Expense of administration.

(2) Unpaid charges due under the provisions of Section 736.

(3) Taxes due to the State of California.

(4) Claims having preference by the laws of the United States and by laws of this state.

(5) All claims of the California Insurance Guarantee Association and associations or entities performing a similar function in other states, together with claims for refund of unearned premiums and all claims of policyholders of an insolvent insurer that are not covered claims.

Claims excluded by paragraphs (3) (except claims for refund of unearned premiums), (4), (5), (7), and (8) of subdivision (c) of Section 1063.1 and subdivisions (g) and (h) of Section 1063.2 shall be excluded from this priority.

(6) All other claims.

(b) Upon the issuance of an order appointing a conservator or liquidator for any person under the provisions of either Section 1011 or 1016 or both such sections, the lien of taxes due to the State of California imposed by Article 4 (commencing with Section 12491) of Chapter 4 of Part 7 of Division 2 of the Revenue and Taxation Code shall become subordinate to the reasonable administrative expenses of the proceeding under the order.

SEC. 264. Section 1035.5 of the Insurance Code is amended to read:

1035.5. Notwithstanding the provisions of Article 14 (commencing with Section 1010), with regard only to those insurers subject to this article·

(a) Within 120 days of the issuance of an order directing the winding up and liquidation of the business of an insolvent insurer under Section 1016, the commissioner shall make application to the court for approval of a proposal to disburse the insurer's assets, from

time to time as such assets become available, to the California Insurance Guarantee Association and to any entity or person performing a similar function in another state.

(b) The proposal shall at least include the following provisions for:

(1) Reserving amounts for the payment of expenses of administration and the payment of claims of secured creditors (to the extent of the value of the security held) and claims falling within the priorities established in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 1033.

(2) Disbursement of the assets marshaled to date and subsequent disbursements of assets as they become available.

(3) Equitable allocation of disbursements to each of the associations entitled thereto.

(4) The securing by the commissioner from each of the associations entitled to disbursements pursuant to this section of an agreement to return to the commissioner such assets previously disbursed as may be required to pay claims of secured creditors and claims falling within the priorities established in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 1033 in accordance with the priorities. No bond shall be required of any association.

(5) A full report to be made by the association to the commissioner accounting for all assets so disbursed to the association, all disbursements made therefrom, any interest earned by the association on the assets, and any other matter as the court may direct.

(c) The commissioner's proposal shall provide for disbursements to the associations in amounts estimated at least equal to the claim payments made or to be made by the associations for which such associations could assert a claim against the commissioner, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of the claim payments made or to be made by the associations, then disbursements shall be in the amount of available assets. The reserves of the insolvent insurer on the date of the order of liquidation shall be used for purposes of determining the pro rata allocation of funds among eligible associations.

(d) Notice of such application shall be given to the associations in and to the commissioners of insurance of each of the states. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first-class postage prepaid, at least 30 days prior to submission of such application to the court. Action on the application may be taken by the court provided the above required notice has been given and provided further that the commissioner's proposal complies with paragraphs (1) and (4) of subdivision (b).

SEC. 265. Section 1597 of the Insurance Code is amended to read:

1597. In respect of the appointment or substitution of a trustee in another state in which an admitted alien insurer is authorized to

transact insurance, in respect of withdrawal of trusteed assets held in the other state (except withdrawals as provided in Section 1596), and in respect of the amendment of such deed of trust not affecting the interests or security of the beneficiaries thereof, written approval under any provision in the deed of trust which requires such written approval by the official of such other state, supervising insurance therein, shall be deemed compliance with any applicable approval requirements of Sections 1595 and 1596. Where an alien insurer organized under the laws of the Dominion of Canada or of any province thereof maintains trusteed assets in another state and under the deed of trust written approval is required by an official supervising insurance in any state in which such insurer is authorized to transact insurance and in which it heretofore maintained and hereafter continues to maintain a general state deposit at least equal in amount to the deposit required by Section 1582, written approval by such official in respect of the appointment or substitution of a trustee thereunder, in respect of withdrawal of such trusteed assets (except withdrawals as provided in Section 1596), and in respect of the amendment of such deed of trust not affecting the interests or security of the beneficiaries thereof, shall also be deemed compliance with any applicable approval requirements of Sections 1595 and 1596. The alien insurer shall furnish proof of approvals authorized by this section to and notify the commissioner in writing of such appointment or substitution, of the nature and extent of such withdrawal, and of the text of such amendment.

SEC. 266. Section 1599 of the Insurance Code is amended to read:

1599. The commissioner shall require the payment of ten dollars ($10) in lawful money of the United States, in advance, as a fee for filing each certificate of a trustee required to be filed by Section 1592.

SEC. 267. Section 1751 of the Insurance Code is amended to read:

1751. The commissioner shall require in advance a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

(1) Insurance agent, twenty-four dollars ($24).

(2) Insurance broker, thirty-five dollars ($35).

(3) Life agent, resident, twenty-four dollars ($24).

(4) Life agent, nonresident, twenty-eight dollars ($28).

(b) Application for endorsement removing from any life agent's, insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, five dollars ($5)

(c) First amendment to an application, five dollars ($5); a second and each subsequent amendment to an application, ten dollars ($10).

(d) Original application to be given the qualifying examination for a license of a fire and casualty licensee, seventeen dollars and fifty cents ($17.50) for each person to be examined.

(e) Original application to be given the qualifying examination for a license of a life licensee, or a license as a variable contract agent,

seventeen dollars and fifty cents ($17.50) for each person to be examined.

(f) Application for reexamination for any of the licenses mentioned in this section, seventeen dollars and fifty cents ($17.50) for each person to be reexamined.

(g) Application which includes a request for a certificate of convenience pursuant to Article 8 (commencing with Section 1685), twelve dollars and fifty cents ($12.50) in addition to, and not in lieu of, fees otherwise required.

(h) Application or request for approval of true or fictitious name pursuant to Section 1724.5 twenty dollars ($20), except that there shall be no fee when such name is contained in an original application.

(i) "A ratification of appointments of agents" whereby the surviving insurer in a merger or consolidation assumes responsibility for all agents then lawfully appointed for one of the constituent insurers and makes each its agent, sixty-five dollars ($65).

(j) An application or request for approval of:

(1) A training course pursuant to Section 1691, except when filed by a degree-conferring college or university, a public educational institution, or by a private nonprofit educational institution, sixty-five dollars ($65).

(2) An arrangement whereby an insurer may qualify certificate of convenience holders pursuant to Section 1691 by means of an approved course given on the insurer's behalf by a school or organization other than itself, thirty-five dollars ($35).

(k) A bond, pursuant to Article 5 (commencing with Section 1662) or Section 1760.5 or 1765, except when such bond constitutes part of an original application filing, ten dollars ($10).

(*l*) An application or request for a copy of, or a duplicate license, issued pursuant to Chapter 5 (commencing with Section 1621), 6 (commencing with Section 1760), 7 (commencing with Section 1800), or 8 (commencing with Section 1831) or Sections 12280 and 12280.2, ten dollars ($10).

(m) An application or request for clearance and cancellation notice of a current licensee of record, ten dollars ($10).

(n) An amended action notice pursuant to subdivision (e) of Section 1704, two dollars and fifty cents ($2.50).

SEC. 268. 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 medical 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.

SEC. 269 Section 11512.18 of the Insurance Code, as added by Chapter 352 of the Statutes of 1980, is amended and renumbered to read:

11512.19. 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.

SEC. 270. Section 11512.18 of the Insurance Code, as added by Chapter 776 of the Statutes of 1980, is amended and renumbered to read·

11512.195. No hospital service contract or nonprofit hospital service plan that covers hospital, medical, or surgical expenses on a group or individual basis shall be issued, amended, delivered, or renewed in this state on or after January 1, 1981, if it contains any exclusion, reduction, or other limitation as to coverage, deductibles, or coinsurance provisions applicable solely to conditions attributable to diethylstilbestrol or exposure to diethylstilbestrol.

All contracts or plans subject to this section and issued, amended, delivered, or renewed in this state on or after January 1, 1981, shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

SEC. 271. Section 11512.21 of the Insurance Code, as added by Chapter 90 of the Statutes of 1980, is amended and renumbered to read:

11512.22. 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 that individual is otherwise entitled to benefits under the 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 the plan or group contract contains any provision terminating benefits under the plan upon an individual's confinement in a city or county jail or juvenile detention facility.

SEC. 272. Section 11551 of the Insurance Code is amended to read:

11551. As used in this article, the term "compensation" means workers' compensation insurance.

SEC. 273. Section 11558 of the Insurance Code is amended to read:

11558. The minimum reserve requirements prescribed by the commissioner in regulations promulgated pursuant to Section 923.5 for outstanding losses and loss expenses for each of the most recent three years for coverages included in the lines of business described in the annual statement as workers' compensation, liability other than automobile bodily injury, and automobile liability bodily injury shall be not less than the following:

(a) For workers' compensation, 65 percent of earned premiums during each year less the amount already paid for losses and expenses

incidental thereto incurred during each such year.

(b) For liability other than automobile bodily injury, and for automobile liability bodily injury, 60 percent of earned premiums during each year less the amount already paid for losses and expenses incidental thereto incurred during each such year.

The commissioner may prescribe the manner and form of reporting pertinent information concerning the reserves provided for in this section.

SEC. 274. 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 limits specified in subdivision (m) and in no case less than the financial responsibility requirements specified in Section 16056 of the Vehicle Code insuring the insured, his or her heirs or his or her legal representative for all sums within such limits which he, she, 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 completely, or, with respect to a natural person or persons designated by name when operating a motor vehicle, agree to provide such coverage in an amount less than that required by subdivision (m) but not less than the financial responsibility requirements specified in Section 16056 of the Vehicle Code. Any such agreements by any named insured or agreement for the amount of coverage 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 or agree to provide such coverage in an amount less than that required by subdivision (m) of Section 11580.2 of the Insurance Code, but not less than the financial responsibility requirements. Uninsured motorists coverage insures the insured, his or her heirs, or legal representatives for all sums within the limits established by law, which such person or persons are legally entitled to recover as damages for bodily injury, including any resulting sickness, disease, or death, to him or her 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 subdivision (a), "bodily injury" includes sickness or disease, including death, resulting therefrom; "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 subdivision (a); as used in subdivision (a), "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 or she is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; "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 or her 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 or her spouse if a resident of the same household, but "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. As used in this section, "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the

accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his or her 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 or her 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, "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 or her 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 or her 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 or her, the damages which he or she 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 or her insurer, his or her legal representative, or his or her 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 the article 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 the article, 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 proper court to which application is first made by either the insured or the insurer under the provisions of the article 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 the article with respect to the same accident, subject, however, to the right of the 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 or she 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 or her, his or her 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 one of the following occurs:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction.

(2) Agreement as to the amount due under the policy has been concluded.

(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 social service transportation as defined in subdivision (f) of Section 11580.1. This subdivision shall apply only to policies of insurance issued, amended, or renewed on or after January 1, 1976.

(m) Coverage provided under an uninsured motorist endorsement or coverage shall be offered with coverage limits equal to the limits of liability for bodily injury in the underlying policy of insurance, but shall not be required to be offered with limits in excess of the following amounts:

(1) A limit of thirty thousand dollars ($30,000) because of bodily injury to or death of one person in any one accident.

(2) Subject to the limit for one person set forth in paragraph (1), a limit of sixty thousand dollars ($60,000) because of bodily injury to or death of two or more persons in any one accident.

SEC. 275. Section 11600 of the Insurance Code is amended to read:

11600. An incorporated insurer issuing policies of liability, workers' compensation, or common carrier liability insurance, shall be governed by the paid-in capital and surplus requirements of Sections 700.01 to 700.05, inclusive.

SEC. 276. Section 11602 of the Insurance Code is amended to read:

11602. Any such insurer which on July 26, 1919, was authorized by its charter to transact liability insurance may transact workers' compensation and common carrier liability insurance as though expressly permitted by its charter to do so.

SEC. 277. Section 11656.9 of the Insurance Code is amended to read:

11656.9. To encourage and facilitate the participation of agencies, entities or institutions, public or private, in economic opportunity programs authorized under Public Law 88-452, insurers may insure the workers' compensation liability to enrollees of sponsoring agencies pursuant to Chapter 9 (commencing with Section 4201) of Part 1 of Division 4 of the Labor Code under a master policy, subject to the approval of the Insurance Commissioner.

SEC. 278. Section 11657 of the Insurance Code is amended to read:

11657. Subject to the provisions of Sections 11658, 11659, and 11660, limited workers' compensation policies may be issued insuring either the whole or any part of the liability of any employer for compensation. Subject to those provisions, any such policy may restrict or limit such insurance in any manner whatsoever.

SEC. 279. Section 11663 of the Insurance Code is amended to read:

11663. As between insurers of general and special employers, one which insures the liability of the general employer is liable for the entire cost of compensation payable on account of injury occurring in the course of and arising out of general and special employments unless the special employer had the employee on his or her payroll at the time of injury, in which case the insurer of the special employer is solely liable. For the purposes of this section, a self-insured or lawfully uninsured employer is deemed and treated as an insurer of his or her workers' compensation liability.

SEC. 280. Section 11690 of the Insurance Code is amended to read:

11690. Except in the case of the State Compensation Insurance Fund or as provided by Section 11715, every insurer desiring admission for workers' compensation insurance shall, as a prerequisite to such admission, maintain on file in the office of the commissioner a bond in favor of the commissioner as trustee for the beneficiaries of awards of compensation against the insurer, or against any other insurer upon a policy reinsured by the insurer, to the extent of such reinsurance.

SEC. 281. Section 11699 of the Insurance Code is amended to read:

11699 The bond shall be in an amount:

(a) Not less than the sum of the following amounts computed, less credits and deductions allowable with respect to reinsurance in admitted insurers, as of the close of the last preceding December 31st in respect to workers' compensation insurance written subject to the workers' compensation laws of this state:

(1) The aggregate of the present values at 4 percent interest, of the determined and estimated future payments upon compensation claims not included in paragraph (2), including in such claims both benefits and loss expenses.

(2) The aggregate of the amounts computed as follows: For each of the preceding three years take 65 percent of the earned compensation premiums for that year and deduct all loss and loss expense payments made upon claims incurred in the corresponding year from such 65 percent; except that the amount for each such year shall not be less than the present value at 4 percent interest of the determined and the estimated unpaid claims incurred in each such year, including both benefits and loss expenses.

(b) Not less than one hundred thousand dollars ($100,000).

(c) If the aggregate amount computed under subdivision (a) exceeds fifty thousand dollars ($50,000), not more than double such aggregate amount.

SEC. 282. Section 11710 of the Insurance Code is amended to read:

11710. The liability of the sureties, under and to the limit and amount of the bonds required by this article, shall be the entire liability of the principals named therein for the payment of awards of compensation rendered or to be rendered against the principals

under workers' compensation laws. Such surety's liability shall exist without regard to the time when the injury, upon which an award is based, occurs but shall not include any other liability of the insurer. A payment made under any such bond by such a surety shall not be applied otherwise than in satisfaction of such awards.

SEC. 284. Section 11715 of the Insurance Code is amended to read:

11715. (a) Any workers' compensation insurer may, in lieu of and for the same purpose as the bond required by Section 11690, and upon payment of the fee prescribed in this article, deposit with the commissioner cash or approved interest-bearing securities or approved preferred stocks readily convertible into cash, or investment certificates or share accounts issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation. Such deposit shall be made from time to time as demanded by the commissioner and may be made with the commissioner, State Treasurer, or a bank or trust company pursuant to the approval of the commissioner under such rules and regulations as he or she shall promulgate. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars ($25,000), nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1 (commencing with Section 11550) of Chapter 1, relating to loss reserves on workers' compensation business of the insurer in this state, nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

(b) Any workers' compensation insurer electing to bring itself within the provisions of subdivision (a) by submitting securities, stock, investment certificates, or share deposits registered in a depositor's name, shall execute and deliver in duplicate to the commissioner a power of attorney in favor of the commissioner for the purposes specified in Section 11690, supported by a resolution of the depositor's board of directors. Such power of attorney and directors' resolution shall be on forms approved by the commissioner, shall provide that the power of attorney cannot be revoked or withdrawn without the consent of the commissioner, and shall be acknowledged as required by law.

SEC. 285. Section 11716 of the Insurance Code is amended to read:

11716. Such deposit shall be security for the payment of the insurer's obligations on workers' compensation insurance transacted in this state in the same manner as is provided in this article for the use of the bond. Such deposit shall not be withdrawn except upon the written order of the commissioner to use the proceeds thereof in payment of workers' compensation claims, but shall be forthwith payable by the State Treasurer or such bank or trust company approved by the commissioner to the commissioner upon such order. No deposit so placed with a bank or trust company shall be subject to any lien or claim asserted by it or be subject to any disposition or

claim other than as is permitted by the commissioner. Irrespective of any other provisions of this code, the deposit shall be physically retained by the State Treasurer or such bank or trust company approved by the commissioner and only released in accordance with the provisions of this article.

SEC. 286. Section 11716.01 of the Insurance Code is amended to read:

11716.01. If the commissioner has been named conservator or liquidator of such insurer pursuant to Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 and has determined that the insurer shall not continue to carry on its business as a workers' compensation insurer, the obligations of the surety on the bond and the proceeds of the deposit shall be used by the commissioner to pay or procure the payment of such obligations as set forth in this article. The obligations of the bond and the proceeds of the deposit shall in such event inure to the commissioner as a trust to be held separate and apart from all other assets of the insurer held by the commissioner. They shall be used only for the purposes set forth and in accordance with the procedures established in this article and shall only be subject to the orders of the court in which the conservation or liquidation proceedings are pending to the extent provided in this article.

SEC. 287. Section 11716.02 of the Insurance Code is amended to read:

11716.02. Where the commissioner is authorized to proceed under Section 11716.01 he or she may do either of the following:

(a) Subject to Sections 11716.6 to 11716.63, enter into reinsurance and assumption agreements with one or more admitted solvent workers' compensation insurers by the terms of which liability for all such obligations is reinsured and assumed by such insurer.

(b) Discharge such obligations himself or herself from the proceeds of such bond or deposit.

SEC. 288. Section 11716.61 of the Insurance Code is amended to read:

11716.61. (a) The reimbursement provision referred to in subdivision (c) of Section 11716.6 shall, in the event of a deposit, provide for the transfer of the securities in the deposit to the deposits of the reinsurers. Thereafter, except as provided in subdivision (b), the deposit of the reinsuring and assuming insurers shall be security for the payment of all of such obligations assumed by such agreement as well as such obligations on workers' compensation insurance transacted in this state by the reinsurer, provided, however, that in determining the amount which shall remain on deposit as security for such obligations which are reinsured and assumed the method prescribed by paragraph (1) of subdivision (a) of Section 11699 shall be used without any limitation as to time. In providing for the transfer of the securities the agreement may provide for their direct transfer to the deposit account of the reinsurers, or, if the securities deposited are in such denominations or units as to make the

equitable transfer to more than one reinsurer impossible, it may provide either for a formula under which such transfers may be made and differences in value reconciled by payments or credits among the reinsurers or for the sale of such securities by the commissioner and the reinvestment of the proceeds in other securities in amounts which can be so equitably transferred.

(b) If the obligations of one or more reinsurers are secured by a bond rather than by a deposit the agreement shall provide that any transfer shall be to a separate deposit to be maintained by such insurer in which event such separate deposit shall only be held as security for the obligations reinsured and assumed under the contract and not as security for such obligations on other workers' compensation insurance transacted in this state. The amount which shall remain in such separate deposit shall be determined as set forth in subdivision (a).

(c) The agreement shall provide that if it appears that the market value of the securities on deposit will exceed the obligations assumed by the reinsurers the commissioner may withhold the transfer of a portion of the deposit and may after a two-year period enter into a final settlement with the reinsurers with respect thereto at which time any excess in such deposit shall be transferred to the general assets of the insurer in liquidation or conservation.

SEC. 289. Section 11719 of the Insurance Code is amended to read:

11719. The commissioner may revoke the certificate of authority to transact workers' compensation insurance in this state of any insurer failing to comply with the requirements of this article.

SEC. 290. Section 11730 of the Insurance Code is amended to read:

11730. "Merit rating," as used in this article, means "schedule rating," in which the rate is varied according to physical conditions, and also means "experience rating," in which the California workers' compensation insurance experience of the particular insured is used as a factor in raising or lowering his rate.

Unless a different meaning is manifest, " workers' compensation insurance," as used in this article, also means employer's liability insurance incidental to and written in connection with workers' compensation insurance.

SEC. 291. Section 11732.1 of the Insurance Code is amended to read:

11732.1. The commissioner may, pursuant to all grants of authority contained in this article with respect to workers' compensation insurance and subject to all limitations therein, approve or issue as adequate for all admitted workers' compensation insurers a classification of risks and premium rates relating to employer's liability insurance incidental to and written in connection with workers' compensation insurance. Such classification and rates may be included in those for workers' compensation insurance or separate therefrom, and if issued or approved by the commissioner

shall be binding upon insurers to the same extent as are the classifications and rates issued or approved for workers' compensation insurance.

SEC. 292. Section 11732.3 of the Insurance Code is amended to read:

11732.3. No classification of risks and premium rates or system of merit rating shall permit a determination or modification of the premium or premium rate of a particular insured by reason of the combination of his or her California workers' compensation insurance premium or experience with his or her premiums or experience arising out of workers' compensation insurance written under the laws of any other jurisdiction.

SEC. 293. Section 11733 of the Insurance Code is amended to read:

11733. The commissioner shall not approve or issue any rating system or classification of risks and premium rates dealing with workers' compensation insurance covering mining or mining property unless such system or classification provides for separation of risks and rates as to types of mining employments having different hazards or loss experience in accordance with the hazard or loss experience involved. Such system or classification shall provide for separation at least of rates for office, surface and subsurface employment.

SEC. 294. Section 11738 of the Insurance Code is amended to read:

11738. Nothing in this article shall affect the right of any insurer to issue compensation participating policies. A refund by reason of a participating provision in a compensation policy shall not be made to policyholders by any insurer except from surplus accumulated from premiums on workers' compensation policies issued pursuant to laws of this state governing workers' compensation insurance.

SEC. 295. Section 11740 of the Insurance Code is amended to read:

11740. The commissioner may require every insurer issuing workers' compensation insurance under the law of this state to file with its annual statement a sworn report of its loss experience, in the detail and form as the commissioner prescribes.

SEC. 296. Section 11741 of the Insurance Code is amended to read:

11741. The commissioner may, after hearing, suspend or revoke any insurer's certificate of authority to write liability, workers' compensation and common carrier liability insurance for violating any of the provisions of this article.

SEC. 298. Section 11750 of the Insurance Code is amended to read:

11750. The purpose of this article is to promote the public welfare by regulating concert of action between insurers in collecting and tabulating rating information and other data that may be helpful in the making of adequate minimum rates for workers' compensation

insurance and for employers liability insurance incidental thereto and written in connection therewith for all admitted insurers and in submitting them to the commissioner for issuance or approval; to authorize and regulate the existence and cooperation of qualified rating organizations to one of which each workers' compensation insurer shall belong; to authorize and regulate cooperation between insurers, rating organizations and advisory organizations in rate making and other related matters to the end that the purposes of this chapter may be complied with and carried into effect.

SEC. 299. Section 11750.1 of the Insurance Code is amended to read:

11750.1. As used in this article, unless a different meaning is manifest, the term:

(a) "Insurer" means every insurer authorized to transact workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith in this state, including the State Compensation Insurance Fund;

(b) "Rating organization" means any organization which has as its primary object or purpose the collecting of rating information, the making of rates, rating plans and rating systems for workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith and presenting them to the commissioner for issuance or approval;

(c) "Insurance" means workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith;

(d) "Willful" or "willfully" in relation to an act or omission which constitutes a violation of this article means with actual knowledge or belief that such act or omission constitutes such violation and with specific intent to commit such violation.

(e) "Advisory organization" means every person, group or organization, other than an insurer, whether located within or without this state, which prepares policy forms or underwriting rules incidental to or in connection with workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith or which collects and furnishes to admitted insurers or rating organizations rating experience, loss or expense statistics or other statistical information and data relating to workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith and acts in an advisory capacity to such insurers or rating organizations as distinguished from a ratemaking capacity. No duly authorized attorney at law acting in the usual course of his profession shall be deemed to be an advisory organization.

SEC. 300. Section 11750.2 of the Insurance Code is amended to read:

11750.2. The provisions of this article shall apply to all workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith in this state,

except reinsurance.

SEC. 301. Section 11750.3 of the Insurance Code is amended to read:

11750.3. A rating organization may be organized pursuant to this article and maintained in this state for the following purposes:

(a) To provide reliable statistics and rating information in respect to workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith.

(b) To collect and tabulate information and statistics for the purpose of developing minimum adequate premium rates to be submitted to the commissioner for issuance or approval.

(c) To formulate rules and regulations in connection with issued or approved rates and the administration of classifications and rating systems and to present same to the commissioner for approval.

(d) To inspect risks for classification or rate purposes and to furnish to the insurer and upon request of the employer and after notice to the insurer, to furnish to the employer full information concerning the rates applicable to the employer's insurance.

(e) To examine policies, daily reports, endorsements or other evidences of insurance for the purpose of ascertaining whether they comply with the provisions of law and to make reasonable rules governing their submission.

(f) Within one year after expiration of any workers' compensation insurance policy, to initiate test audits of insured employer's payrolls and insurer's audits of such payrolls to check the accuracy and reliability thereof, and to examine all records relative thereto and premises of insured employers so that the classifications of such employers and the charging of premium at not less than the applicable approved minimum premium rates applied to such payroll segregated in accordance with the applicable approved Manual of Rules, Classifications and Basic Rates for Workmen's Compensation Insurance can be assured

(g) To exchange information and experience data with rating organizations, advisory organizations, and insurers in this and other states, in respect to ratemaking.

(h) To become a member or subscriber of any lawfully authorized ratemaking or advisory organization whenever membership in such organization is necessary or helpful to the rating organization.

(i) To perform all acts necessary, incidental or convenient to carry out the foregoing purposes or the provisions of this chapter relating to rating organizations.

SEC. 302. Section 11751.5 of the Insurance Code is amended to read:

11751.5. The commissioner, after notice and hearing, may promulgate reasonable rules and statistical plans, which may be modified from time to time and which shall be used thereafter in the recording and reporting by insurers of their loss and expense experience in order that the experiences of all insurers may be made available in such form and detail as may be necessary to aid the

commissioner in administering the provisions of Article 2 (commencing with Section 11730). The commissioner may designate any rating organization licensed under this article as his or her statistical agent to gather and compile such experience statistics and all licensed rating organizations shall report the experience of their members to such designated rating organization. Subject to reasonable rules approved by the commissioner, such designated rating organization shall make such experience statistics, when compiled, available to all licensed rating organizations and may make a reasonable charge to other rating organizations for the expense incurred by it in combining, tabulating and compiling the experience of all workers' compensation insurers.

SEC. 303. Section 11755 of the Insurance Code is amended to read:

11755. No person, insurer, rating or advisory organization shall willfully withhold information from, or knowingly give false or misleading information to, the commissioner or to any rating organization, which will affect the rates, rating systems or premiums for workers' compensation insurance and employer's liability insurance incidental thereto and written in connection therewith.

In the event of the refusal by any insured employer to permit an audit or an examination provided for in subdivision (f) of Section 11750.3, the commissioner shall, upon the verified petition of the rating organization concerned, take such action as the commissioner may be authorized to take pursuant to and subject to the provisions of this code and of the Government Code.

SEC. 304. Section 11770 of the Insurance Code is amended to read:

11770. The State Compensation Insurance Fund is continued in existence, to be administered by its board of directors for the purpose of transacting workers' compensation insurance, and insurance against the expense of defending any suit for serious and willful misconduct, against an employer or his agent, and insurance to employees and other persons of the compensation fixed by the workers' compensation laws for employees and their dependents. Any appropriation made therefrom or thereto before the effective date of this code shall continue to be available for the purposes for which it was made.

The board of directors of the State Compensation Insurance Fund is composed of the Director of Industrial Relations, who is chairman thereof, and four members who shall be appointed by the Governor. The term of office of the members of the board, other than that of the director, shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the first four members so appointed shall expire as follows: one on January 15, 1946; one each on January 15, 1947, January 15, 1948, and January 15, 1949. Each member shall receive his actual and necessary traveling expenses incurred in the performance of his duty as a member and, except the Director of Industrial Relations, twenty-five

dollars ($25) for each day of his actual attendance at meetings of the board. In order to qualify for membership on the board, each member other than the director shall have been a policyholder or the employee of a policyholder in the State Compensation Insurance Fund for one year prior to his appointment, and must continue in such status during the period of his membership.

SEC. 305. Section 11778 of the Insurance Code is amended to read:

11778. The fund may transact workers' compensation insurance required or authorized by law of this state to the same extent as any other insurer.

SEC. 306. Section 11780 of the Insurance Code is amended to read:

11780. The fund may also insure an employer against his or her liability for damages under the laws of the State of California arising out of bodily injury to or death of the employer's employees occurring within the State of California if the fund also issues workers' compensation insurance to the employer as to his or her employees.

SEC. 307. Section 11784 of the Insurance Code is amended to read:

11784. In conducting the business and affairs of the fund, the manager of the fund may:

(a) Enter into contracts of workers' compensation insurance.

(b) Sell annuities covering compensation benefits.

(c) Decline to insure any risk in which the minimum requirements of the industrial accident prevention authorities with regard to construction, equipment and operation are not complied with, or which is beyond the safe carrying of the fund. Otherwise he or she shall not refuse to insure any workers' compensation risk under state law, tendered with the premium therefor.

(d) Reinsure any risk or any part thereof.

(e) Cause to be inspected and audited the payrolls of employers applying to the fund for insurance.

(f) Make rules for the settlement of claims against the fund and determine to whom and through whom the payments of compensation are to be made.

(g) Contract with physicians, surgeons and hospitals for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from the fund.

SEC. 308. Section 11840 of the Insurance Code is amended to read:

11840. The insurance contracts or policies of the State Compensation Insurance Fund may be either limited or unlimited. The insurance contracts or policies may be issued for like periods as are allowed by law to other workers' compensation insurers or, in the form of stamps or tickets or otherwise, for one month, for any number of months less than one year, for one day, for any number of days less than one month or during the performance of any

particular work, job or contract. The rates charged shall be proportionately greater for a shorter than for a longer period and a minimum premium charge shall be fixed in accordance with a reasonable rate for insuring one person for one day.

SEC. 309. Section 11846 of the Insurance Code is amended to read:

11846. The policies may likewise be sold to self-employing persons and to casual employees. The insureds, for the purpose of the insurance, shall be deemed to be employees within the meaning of the workers' compensation laws.

SEC. 310. Section 11871 of the Insurance Code is amended to read:

11871. The State Compensation Insurance Fund may enter into a master agreement with the Department of General Services to render services in the adjustment and disposition of claims for workers' compensation to any state agencies, including any officer, department, division, bureau, commission, board or authority, not insured with the fund.

Such master agreement shall provide for rendition of such services at a uniform rate to all agencies, except that the rate for the California Highway Patrol may be fixed independently of the uniform rate.

The fund may, in accordance with the agreement, adjust and dispose of claims for workers' compensation made by an officer or employee of any state agency not insured with the fund.

The fund may make all expenditures, including payment to claimants for medical care or for adjustment or settlement of claims, necessary to the adjustment and final disposition of claims. The agreement shall provide that the state agency whose officer or employee is a claimant shall reimburse the fund for the expenditures and for the actual cost of services rendered.

The fund may in its own name, or in the name of the state agency for which the services are performed, do any and all things necessary to recover on behalf of the state agency for which it renders service any and all amounts which an employer might recover from third persons under Chapter 5 (commencing with Section 3850) of Part 1 of Division 4 of the Labor Code, or which an insurer might recover pursuant to Section 11662 including the right to commence and prosecute actions, to file, pursuant to Chapter 5 (commencing with Section 3850) of Part 1 of Division 4 of the Labor Code, liens for whatever sums would be recoverable by suit against a third person, to intervene in other court proceedings, and to compromise claims and actions before or after commencement of suit or after entry of judgment when in the opinion of the fund full collection cannot be enforced.

SEC. 311. Section 12401.3 of the Insurance Code is amended to read:

12401.3. The following standards shall apply to the making and use of rates pertaining to all the business of title insurance to which

the provisions of this article are applicable:

(a) Rates shall not be excessive or inadequate, as herein defined, nor shall they be unfairly discriminatory.

No rate shall be held excessive unless (1) the rate is unreasonably high for the insurance or other services provided, and (2) a reasonable degree of competition does not exist in the particular phase of the business of title insurance to which the rate is applicable.

No rate shall be held to be inadequate unless (1) the rate is unreasonably low for the insurance or other services provided and (2) the continued use of the rate endangers the solvency of the person or entity using it, or unless (3) the rate is unreasonably low for the insurance or other services provided and the use of the rate by the person or entity using it has, or if continued will have, the effect of destroying competition or creating a monopoly. However, no rate or rate classification shall be held to be inadequate for the reason that a rate within a rating classification is less than the cost of the risk and expense elements assigned to smaller insurances within that classification, and the excess of the costs may be charged against larger insurances within the classification without rendering the rate or rate classification unfairly discriminatory.

(b) Consideration shall be given, to the extent applicable, to past and prospective loss experience within and outside this state, to a reasonable margin for profit and contingencies, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other factors, including judgment factors, deemed relevant within and outside this state.

(c) The systems of expense provisions included in the rates for use by any title insurer, underwritten title company, or controlled escrow company may differ from those of other title insurers, underwritten title companies, or controlled escrow companies to reflect the operating methods of the person or entity with respect to any kind of insurance, or other service, or with respect to any combination thereof.

(d) For the establishment of rates, risks, and services in the business of title insurance may be grouped by classifications into the various types of title policies or services offered. The classifications may be further divided to produce rates for individual risks or services within a classification. Those classifications or further divisions thereof may be established based upon any one or more of the following: (1) the size of a transaction and its effect upon the continuing solvency of the person or entity using the rate in question if a loss should occur; (2) expense elements, including the management time that would ordinarily be expended in a typical transaction of a particular size; (3) the geographic location of a transaction, including variations in risk and expense elements attributable thereto; (4) the individual experience of the person or entity using the rate in question; and (5) any other reasonable considerations. Those classifications or further divisions thereof shall apply to all risks and services in the business of title insurance under

the same or under substantially the same circumstances or conditions.

SEC. 312. Section 12973.9 of the Insurance Code is amended to read:

12973.9. Whenever by the provisions of this code a form of policy or certificate and any endorsement, rider, application, amendment, fill-in material, classification of rates, certificate or premium to be used therewith, is required to be filed with, submitted to, or approved by the commissioner, fees as provided for by this section shall be paid to the commissioner to cover the expenses of processing and indexing the same and maintaining copies of the same.

The required fee shall be prescribed by the commissioner for each type document submitted, depending on its nature and the kind of processing required. The commissioner may prescribe different fees for different types of documents, and in the case of documents submitted for approval or authorization of use, shall prescribe a fee only for the final approval or authorization for use, if any. The commissioner shall determine the fee, or fees, by estimating in advance the commissioner's total costs of performing these services for all types of documents for a specified period of time, estimating the total number of documents of various kinds which will be submitted for processing during such time and equitably distributing the total cost on a per document basis. The commissioner shall, after notice and hearing, promulgate such reasonable rules and regulations as are necessary to establish the standard or standards by which the commissioner shall determine the original fee schedule or any amended fee schedule. Any rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code and shall be effective 90 days after adoption by the commissioner, except the first fee schedule adopted by the commissioner under such regulation may be retroactive to the effective date of this section.

All fees received by the commissioner under this section shall be remitted to the credit of the Insurance Fund pursuant to the provisions of Section 12975.7.

Without in any manner affecting the applicability of this section to any other provisions of this code, it is expressly provided herein that the provisions of this section apply to the forms required to be filed, submitted, or approved under the following sections of this code: 779.8, 795.5, 1320, 9080.1, 10205, 10225, 10270, 10270.1, 10270.5, 10270.57, 10270.9, 10270.93, 10290, 10292, 10506, 11027, 11029, 11066, 11069, 11513, 11522, 11658, 12250, and 12640.18.

SEC. 313. Section 98.1 of the Labor Code is amended to read:

98.1. (a) Within 15 days after the hearing is concluded, the Labor Commissioner shall file in the office of the division a copy of the order, decision, or award. The order, decision, or award shall include a summary of the hearing and the reasons for the decision. Upon filing of the order, decision, or award, the Labor Commissioner shall

serve a copy of the decision personally or by certified mail on the parties. The notice shall also advise the parties of their right to appeal the decision or award and further advise the parties that failure to do so within the period prescribed by this chapter shall result in the decision or award becoming final and enforceable as a judgment by the appropriate municipal or superior court, in accordance with the appropriate rules of jurisdiction.

(b) For the purpose of this section, an award shall include any sums found owing, damages proved, and any penalties awarded pursuant to the provisions of this code.

(c) All awards granted pursuant to a hearing under this chapter shall accrue interest on all due and unpaid sums at the same rate as judgments in civil actions, except that no interest shall accrue on those sums during the course of a court appeal. The interest will run from the date of notice of the award or decision.

SEC. 314. Section 1299 of the Labor Code is amended to read:

1299. Every person, or agent or officer thereof, employing, either directly or indirectly through third persons, minors shall keep on file all permits and certificates, either to work or to employ, issued under the provisions of this article or of Part 27 (commencing with Section 48000) of the Education Code. The files shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Standards Enforcement.

SEC. 315. Section 3093 of the Labor Code is amended to read:

3093. (a) This section applies only when voluntarily requested by the parties to a collective bargaining agreement or by an employer, his or her association, or a union, or its representative where there is no collective bargaining agreement.

(b) Nothing in this section may be construed in any way so as to compel, regulate, interfere with, or duplicate the provisions of any established training programs which are operated under the terms of any collective bargaining agreements or unilaterally by any employer or bona fide labor union.

(c) Services contemplated under this section may be provided only when voluntarily requested and shall be denied when it is found that existing prevailing conditions in the area and industry would in any way be lowered or adversely affected.

(d) The California Apprenticeship Council in cooperation with the Department of Education, the Employment Development Department, and the Board of Governors of the California Community Colleges may foster and promote on-the-job training programs other than apprenticeship as follows: (1) programs for journeymen in the apprenticeable occupations to keep them abreast of current techniques, methods, and materials and opportunities for advancement in their industries; (2) programs in other than apprenticeable occupations for workers entering the labor market for the first time or workers entering new occupations by reason of having been displaced from former occupations by reason of

economic, industrial, technological scientific changes, or developments; (3) the programs shall be in accord with and agreed to by the parties to any applicable collective bargaining agreements and where appropriate will include joint employer-employee cooperation in the programs.

(e) The Division of Apprenticeship Standards when requested may foster and promote voluntary on-the-job training programs in accordance with this section, and assist employers, employees and other interested persons and agencies in the development and carrying out of the programs. The Division of Apprenticeship Standards shall cooperate in these functions with the Department of Education, the Employment Development Department, and the Board of Governors of the California Community Colleges and other governmental agencies. The Division of Apprenticeship Standards may cooperate with the Department of Corrections and the Department of the Youth Authority in the development of training programs for inmates and releasees of correctional institutions.

(f) The programs, where appropriate, may include related and supplemental classroom instruction offered and administered by state and local boards responsible for vocational education.

(g) The activities and services of the Division of Apprenticeship Standards in training programs under this section shall be performed without curtailing or in any way interfering with the division's activities and services in apprenticeship.

(h) The Division of Apprenticeship Standards may contract with, and receive reimbursements from, appropriate federal, state, and other governmental agencies.

(i) The vocational education activities and services of the Department of Education, the Board of Governors of the California Community Colleges, and local public school districts shall not be abridged or abrogated through implementation of this section.

(j) "On-the-job training" as used in this section refers exclusively to training confined to the needs of a specific occupation and conducted at the jobsite for employed workers.

(k) "Journeyman," as used in this section, means a person who has either (1) completed an accredited apprenticeship in his craft, or (2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the apprenticeship standards for the craft which has workers classified as journeymen in an apprenticeable occupation.

(*l*) Nothing in this section shall be construed to require prior approval, ratification, or reference of any training program to the Division of Apprenticeship Standards or the Department of Industrial Relations.

SEC. 316. Section 3097 of the Labor Code is amended to read:

3097. The Department of Industrial Relations, Division of Apprenticeship Standards, shall provide services to the Employment Development Department, as requested by and contracted for, with that department. Those federal funds which are available to the

Department of Industrial Relations, Division of Apprenticeship Standards, for the purpose of developing and maintaining apprenticeship and on-the-job training programs for eligible persons described in Section 10500 of the Unemployment Insurance Code, shall be directed to the support of the Employment Development Department clients.

The Division of Apprenticeship Standards shall continue in the Department of Industrial Relations but shall exert maximum effort to persuade sponsors of its registered, nonfederally funded, voluntary apprenticeship and on-the-job training programs to accept to the maximum possible extent the eligible persons as described in Section 10500 of the Unemployment Insurance Code.

The Employment Development Department may request, within the limitations of the funds available to it for this purpose, assignment of at least one Division of Apprenticeship Standards consultant to each area designated by the Director of Employment Development. Such apprenticeship consultant services, when funded and requested, shall be provided to the area offices of the Employment Development Department.

SEC. 317. 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 or her employing agency, a service he or she would, in the course of his or her employment, have been required to perform if he or she were on duty, is performing a service growing out of and incidental to his or her employment and is acting within the course of his or her employment if, as a condition of his or her employment, he or she is required to be on call within the jurisdiction during off-duty hours.

(b) As used in subdivision (a), "peace officer" means those employees of the Department of Forestry named as peace officers for purposes of subdivision (c) of Section 830.3 of the Penal Code.

(c) This section does not apply to any off-duty peace officer while he or she is engaged, either as an employee or as an independent contractor, in any capacity other than as a peace officer.

SEC. 318. Section 4724 of the Labor Code is amended to read:

4724. The person or persons to whom the special death benefit is payable pursuant to Section 4722 shall file a claim therefor with the State Board of Control, which shall be processed pursuant to the provisions of Chapter 3 (commencing with Section 900) of Part 2 of Division 3.6 of Title 1 of the Government Code.

SEC. 319. Section 6305 of the Labor Code is amended to read:

6305. (a) "Occupational safety and health standards and orders" means standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1 and general orders heretofore adopted by the Industrial Safety Board or the Industrial Accident Commission.

(b) "Special order" means any order written by the chief or the chief's authorized representative to correct an unsafe condition,

device, or place of employment which poses a threat to the health or safety of an employee and which cannot be made safe under existing standards or orders of the standards board. These orders shall have the same effect as any other standard or order of the standards board, but shall apply only to the employment or place of employment described in the written order of the chief's authorized representative.

SEC. 320. Section 7804 of the Labor Code is repealed.

SEC. 321. Section 375 of the Penal Code is amended to read:

375. (a) It shall be unlawful to throw, drop, pour, deposit, release, discharge or expose, or to attempt to throw, drop, pour, deposit, release, discharge or expose in, upon or about any theater, restaurant, place of business, place of amusement or any place of public assemblage, any liquid, gaseous or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive to any of the senses.

(b) It shall be unlawful to manufacture or prepare, or to possess any liquid, gaseous, or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive, to any of the senses with intent to throw, drop, pour, deposit, release, discharge or expose the same in, upon or about any theater, restaurant, place of business, place of amusement, or any other place of public assemblage.

(c) Any person violating any of the provisions hereof shall be punished by imprisonment in the county jail for not less than three months and not more than one year, or by a fine of not less than five hundred dollars ($500) and not more than two thousand dollars ($2,000), or by both such fine and imprisonment.

(d) Any person who, in violating any of the provisions of subdivision (a), willfully employs or uses any liquid, gaseous or solid substance which may produce serious illness or permanent injury through being vaporized or otherwise dispersed in the air or who, in violating any of the provisions of subdivision (a), willfully employs or uses any tear gas, mustard gas or any of the combinations or compounds thereof, or willfully employs or uses acid or explosives, shall be guilty of a felony and shall be punished by imprisonment in the state prison.

SEC. 322. Section 384a of the Penal Code is amended to read:

384a. Every person who within the State of California willfully or negligently cuts, destroys, mutilates, or removes any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon state or county highway rights-of-way, or who removes leaf mold thereon; provided, however, that the provisions of this section shall not be construed to apply to any employee of the state or of any political subdivision thereof engaged in work upon any state, county, or public road or highway while performing work under the supervision of the state or of any political subdivision thereof, and

every person who willfully or negligently cuts, destroys, mutilates, or removes any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portions of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon public land or upon land not his or her own, or leaf mold on the surface of public land, or upon land not his or her own, without a written permit from the owner of the land signed by the owner or the owner's authorized agent, and every person who knowingly sells, offers, or exposes for sale, or transports for sale, any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or leaf mold, so cut or removed from state or county highway rights-of-way, or removed from public land or from land not owned by the person who cut or removed the same without the written permit from the owner of the land, signed by the owner or the owner's authorized agent, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in a county jail for not more than six months or by both fine and imprisonment.

The written permit required under this section shall be signed by the landowner, or the landowner's authorized agent, and acknowledged before a notary public, or other person authorized by law to take acknowledgments. The permit shall contain the number and species of trees and amount of shrubs or ferns or herbs or bulbs or cacti or flowers, or huckleberry or redwood greens, or portions of any tree or shrub and shall contain the legal description of the real property as usually found in deeds and conveyances of the land on which cutting or removal, or both, shall take place. One copy of the permit shall be filed in the office of the sheriff of the county in which the land described in the permit is located. The permit shall be filed prior to commencement of cutting of the trees or shrub or fern or herb or bulb or cactus or flower or huckleberry or redwood green or portions of any tree or shrub authorized by the permit. The permit required by this section need not be notarized or filed with the office of the sheriff of the county where trees are to be removed when five or less trees or five or less pounds of shrubs or boughs are to be cut or removed.

Any county or state firewarden, or personnel of the Department of Forestry as designated by the Director of Forestry, and personnel of the United States Forest Service as designated by the Regional Forester, Region 5, of the United States Forest Service, or any peace officer of the State of California, may enforce the provisions hereof and may confiscate any and all such shrubs, trees, ferns or herbs or bulbs or cacti or flowers, or huckleberry or redwood greens or leaf mold, or parts thereof unlawfully cut or removed or knowingly sold, offered, or exposed or transported for sale as provided in this section.

The provisions of this section do not apply to any tree or shrub, or fern or herb or bulb or cactus or flower, or greens declared by law

to be a public nuisance.

The provisions of this section do not apply to the necessary cutting or trimming of any trees, shrubs, or ferns or herbs or bulbs or cacti or flowers, or greens if done for the purpose of protecting or maintaining an electric powerline, telephone line, or other property of a public utility.

The provisions of this section do not apply to persons engaged in logging operations, or in suppressing fires.

The provisions of this section do not apply to any act regulated by the provisions of Division 23 (commencing with Section 70500) of the Food and Agricultural Code.

SEC. 323. Section 384i of the Penal Code is amended to read:

384i. (a) Sections 384a to 384f, inclusive, shall not apply to maintenance and construction activities of public agencies and their employees.

(b) Sections 384b to 384f, inclusive, shall not apply to native desert plants described in subdivision (b) of Section 384b, that have been propagated and cultivated by human beings and which are being transported under Section 6922 or 6923 of the Food and Agricultural Code, pursuant to a valid nursery stock certificate.

SEC. 324. Section 626.11 of the Penal Code is amended to read:

626.11. (a) Any evidence seized by a teacher, official, employee, or governing board member of any state university, state college, or community college, or by any person acting under his direction or with his consent in violation of standards relating to rights under the Fourth Amendment to the United States Constitution or under Section 13 of Article I of the State Constitution to be free from unreasonable searches and seizures, or in violation of state or federal constitutional rights to privacy, or any of them, is inadmissible in administrative disciplinary proceedings.

(b) Any provision in an agreement between a student and an educational institution specified in subdivision (a) relating to the leasing, renting, or use of a room of any student dormitory owned or operated by the institution by which the student waives a constitutional right under the Fourth Amendment to the United States Constitution or under Section 13 of Article I of the State Constitution, or under state or federal constitutional provision guaranteeing a right to privacy, or any of them, is contrary to public policy and void.

(c) Any evidence seized by a person specified in subdivision (a) after a nonconsensual entry not in violation of subdivision (a) into a dormitory room, which evidence is not directly related to the purpose for which such entry was initially made, is not admissible in administrative disciplinary proceedings.

SEC. 325. Section 653k of the Penal Code is amended to read:

653k. Every person who carries upon his person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switch-blade knife having a blade over two inches in length is guilty of a misdemeanor

For the purposes of this section a "switch-blade knife" is a knife having the appearance of a pocketknife, and shall include a spring-blade knife, snap-blade knife, gravity knife or any other similar type knife, the blade or blades of which are two or more inches long and which can be released automatically by a flick of a button, pressure on the handle, flip of the wrist or other mechanical device, or is released by the weight of the blade or by any type of mechanism whatsoever.

SEC. 326. 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 (Canis 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.

SEC. 327. Section 859 of the Penal Code is amended to read:

859. When the defendant is charged with the commission of a public offense over which the superior court has original jurisdiction, by a written complaint subscribed under oath and on file in a court within the county in which the public offense is triable, he or she shall, without unnecessary delay, be taken before a magistrate of the court in which such complaint is on file. The magistrate shall immediately deliver to the defendant a copy of the complaint, inform the defendant that he or she has the right to have the assistance of counsel, ask the defendant if he or she desires the assistance of counsel, and allow the defendant reasonable time to send for counsel. However, in a capital case, the court shall inform the defendant that the defendant must be represented in court by counsel at all stages of the preliminary and trial proceedings and that such representation will be at the defendant's expense if the defendant is able to employ counsel or at public expense if he or she is unable to employ counsel, inquire of him or her whether he or she is able to employ counsel and, if so, whether the defendant desires to employ counsel of the defendant's choice or to have counsel assigned for him or her, and allow the defendant a reasonable time to send for his or her chosen or assigned counsel. The magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the

judicial district in which the court is situated. The officer shall, without delay and without a fee, perform that duty. If the defendant desires and is unable to employ counsel, the court shall assign counsel to defend him or her; in a capital case, if the defendant is able to employ counsel and either refuses to employ counsel or appears without counsel after having had a reasonable time to employ counsel, the court shall assign counsel to defend him or her. If it appears that the defendant may be a minor, the magistrate shall ascertain whether such is the case, and if the magistrate concludes that it is probable that the defendant is a minor, he or she shall immediately either notify the parent or guardian of the minor, by telephone or messenger, of the arrest, or appoint counsel to represent the minor. Upon the first court appearance of counsel, or upon a determination by a magistrate that the defendant can represent himself or herself, the prosecuting attorney shall, within two calendar days, deliver to, or make accessible for inspection and copying by, the defendant or counsel, copies of police, arrest and crime reports. Portions of such reports containing privileged information need not be disclosed if the defendant or counsel has been notified that privileged information has not been disclosed. If the charges against the defendant are dismissed prior to the time the above-mentioned documents are delivered or made accessible, the prosecuting attorney need not deliver or make accessible such documents unless otherwise so compelled by law.

SEC. 328. Section 871.5 of the Penal Code is amended to read:

871.5. If an action, or a portion thereof, is dismissed by a magistrate pursuant to Section 859b, 861, 871, or 1385, the prosecutor may make a motion, with notice to the defendant and magistrate, in the superior court within 10 days after the dismissal to compel the magistrate to reinstate the complaint or a portion thereof and to reinstate the custodial status of the defendant under the same terms and conditions as when the defendant last appeared before the magistrate, on the ground that, as a matter of law, the magistrate erroneously dismissed the action or a portion thereof.

The superior court shall hear and determine the motion on the basis of the record of the proceedings before the magistrate. If the motion is litigated to decision by the people, they shall be prohibited from refiling the action, or the portion thereof, which was dismissed.

If, within 10 days after the magistrate has dismissed the action or a portion thereof, the prosecuting attorney files a written request for a transcript of the proceedings with the clerk of the magistrate, the reporter shall immediately transcribe his or her shorthand notes pursuant to Section 869 and file with the clerk of the superior court an original plus one copy, and as many copies as there are defendants (other than a fictitious defendant). The reporter shall be entitled to compensation in accordance with the provisions of Section 869. The clerk of the superior court shall deliver a copy of the transcript to the prosecuting attorney immmediately upon its receipt and shall deliver a copy of the transcript to each defendant (other than a

fictitious defendant) upon his or her demand without cost.

When a court has ordered the resumption of proceedings before the magistrate, the magistrate shall resume the proceedings within 10 days after the superior court has entered an order directing the reinstatement of the complaint, or a portion thereof, or within 10 days after the remittitur is filed in the superior court. Upon receipt of the remittitur, the superior court shall forward a copy to the magistrate.

Pursuant to paragraph (9) of subdivision (a) of Section 1238 the people may take an appeal from the denial of the motion by the superior court to reinstate the complaint or a portion thereof. If the motion to reinstate the complaint is granted, the defendant may seek review thereof only pursuant to Sections 995 and 999a. The review may only be sought in the event the defendant is held to answer pursuant to Section 872.

Nothing contained herein shall preclude a magistrate, upon the resumption of proceedings, from considering a motion made pursuant to Section 1318.

SEC. 329. Section 894 of the Penal Code is amended to read:

894. Sections 200, 201a, and 202.5 of the Code of Civil Procedure specify the exemptions and the excuses which relieve a person from liability to serve as a grand juror.

SEC. 330. Section 1170.6 of the Penal Code is amended to read:

1170.6. The Judicial Council shall continually study and review the statutory sentences and the operation of existing criminal penalties and shall report to the Governor and to the appropriate policy committees of the Legislature its analysis regarding this subject matter and as to all proposed legislation affecting felony sentences. The review and analysis shall take into consideration all of the following:

(a) The nature of the offense with the degree of danger the offense presents to society.

(b) The penalty of the offense as compared to penalties for offenses that are in their nature more serious.

(c) The penalty of the offense as compared to penalties for the same offense in other jurisdictions.

(d) The penalty of the offense as compared to recommendations for sentencing suggested by national commissions and other learned bodies.

SEC. 331. Section 1203 4a of the Penal Code is amended to read:

1203.4a. (a) Every defendant convicted of a misdemeanor and not granted probation shall, at any time after the lapse of one year from the date of pronouncement of judgment, if he or she has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime and has, since the pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land, be permitted by the court to withdraw his or her plea of guilty or nolo contendere and enter a plea of not

guilty; or if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusatory pleading against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted, except as provided in Section 13555 of the Vehicle Code. The defendant shall be informed of the provisions of this section, either orally or in writing, at the time he or she is sentenced. The defendant may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if relief had not been granted pursuant to this section.

This subdivision applies to convictions which occurred before as well as those occurring after, the effective date of this section.

(b) Subdivision (a) does not apply to any misdemeanor falling within the provisions of subdivision (b) of Section 42001 of the Vehicle Code, or to any infraction.

SEC 332. 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 the 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 the property within 15 days from the date of receipt of the 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.

(d) The clerk or person in charge of the property section is not liable in damages for any official action performed hereunder in good faith.

SEC. 333. Section 1551 2 of the Penal Code is amended to read:

1551.2. Proceedings for the commitment of a person charged under Sections 1551 and 1551.1 shall be similar to those provided in this code for the commitment of a person charged with a public offense in this state except that an exemplified copy of an indictment found, an information, a verified complaint, or other judicial proceedings against that person in the state in which he or she is charged or alleged to have committed the offense may be received as evidence before the magistrate.

SEC. 334. Section 1567 of the Penal Code is amended to read:

1567. When it is necessary to have a person imprisoned in the state prison brought before any court, or a person imprisoned in a county jail brought before a court sitting in another county, an order for that purpose may be made by the court and executed by the sheriff of the county where it is made. The order shall be signed by the judge or magistrate and sealed with the seal of the court, if any. The order shall be to the following effect:

County of _____ (as the case may be).

The people of the State of California to the warden of _____ (or sheriff of _____, as the case may be)

An order having been made this day by me, that A. B be produced in this court as witness in the case of _____, you are commanded to deliver him or her into the custody of _____.

Dated this _____ day of _____, 19____.

SEC. 335. Section 2903 of the Penal Code is amended to read:

2903. (a) In any case in which a woman offender can be sentenced to imprisonment in the county jail, or be required to serve a term of imprisonment therein as a condition of probation, or has already been so sentenced or imprisoned, the court which tried the offender may, with the consent of the offender and on application of

the sheriff or on its own motion, with the consent of the offender, commit the offender to the sheriff with directions for placement in the California Institution for Women in lieu of placement in the county jail if the court finds that the local detention facilities are inadequate for the rehabilitation of the offenders and if the court concludes that the offender will benefit from that treatment and care as is available at that institution and the county has entered into a contract with the state under subdivision (b). The offenders may be received by the Director of Corrections and imprisoned in the California Institution for Women in accordance with the commitment of the court by which tried. The prisoners so confined shall be subject in all respects to discipline, diagnosis, and treatment as though committed under the laws of this state concerning felony prisoners.

(b) The Director of Corrections may enter into contracts, with the approval of the Director of General Services, with any county in this state, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to furnish diagnosis and treatment services and detention for selected women county prisoners. The county shall reimburse the state for the cost of the services, the cost to be determined by the Director of Finance. In any contract entered into pursuant to this subdivision, the county shall agree to pay that amount which is reasonably necessary for payment of an allowance to each released or paroled prisoner for transportation to the prisoner's county of residence or county where employment is available, and may agree to provide suitable clothing and a cash gratuity to the prisoners in the event that they are discharged from that institution because of parole or completion of the term for which they were sentenced. Each county auditor shall include in his state settlement report rendered to the Controller in tne months of January and June the amounts due under any contract authorized by this section, and the county treasurer, at the time of settlement with the state in those months, shall pay to the State Treasurer upon order of the Controller, the amounts found to be due.

(c) The Department of Corrections shall accept the women county prisoners if it believes that they can be materially benefited by the confinement, care, treatment and employment and if adequate facilities to provide the care are available. None of those persons shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court that the person may be transported to the California Institution for Women and the time at which she can be received.

(d) The sheriff of the county in which an order is made placing a woman county prisoner pursuant to this section, or any other peace officer designated by the court, shall execute the order placing the person in the institution or returning her therefrom to the court. The expenses of the peace officer incurred in executing the order is a charge upon the county in which the court is situated

(e) The Director of Corrections may return to the committing

authority any woman prisoner transferred pursuant to this section when that person is guilty of any violation of rules and regulations of the California Institution for Women or the Department of Corrections

(f) No woman prisoner placed in the California Institution for Women pursuant to this section shall thereafter be deemed to have been guilty of a felony solely by virtue of such placement, and she shall have the same rights to parole and to time off for good behavior as she would have had if she had been confined in the county jail.

SEC. 336. Section 5006 of the Penal Code is amended to read:

5006. All moneys now held for the benefit of prisoners including that known as the Inmate Canteen Fund of the California Institution for Men, and the Inmate Welfare Fund of the California Institution for Women, and the Trust Contingent Fund of the State Prison at Folsom, and the S.P.L. Commissary, Canteen Account, Hobby Association, Camp Account, Library Fund, News Agency of the State Prison at San Quentin, the Prisoners' Fund, and the Prisoners' Employment Fund, shall be deposited in the Inmate Welfare Fund of the Department of Corrections, in the State Treasury, which fund is hereby created. The money in the fund shall be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the Department of Corrections, including but not limited to the establishment, maintenance, employment of personnel for, and purchase of items for sale to inmates at canteens maintained at the state institutions, and for the establishment, maintenance, employment of personnel and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of the Department of Corrections.

There shall be deposited in the Inmate Welfare Fund all net proceeds from the operation of canteens and hobby shops and any moneys which may be assigned to the state prison by prisoners for deposit in the fund. The moneys in the fund shall constitute a trust held by the Director of Corrections for the benefit and welfare as herein defined of all of the inmates of institutions and prisons under the jurisdiction of the Department of Corrections.

The Department of Finance shall conduct a biennial audit of the Inmate Welfare Fund to include an audit report which shall summarize expenditures from the fund by major categories. At the end of each intervening fiscal year, a statement of operations shall be prepared which shall contain the same information as would be provided in the biennial audit. At least one copy of any statement of operations or audit report shall be placed in each library maintained by the Department of Corrections and shall be available there to any inmate.

SEC. 337. Section 5007 of the Penal Code is amended to read:

5007. The Director of Corrections may invest any money in the Inmate Welfare Fund that in his opinion is not necessary for immediate use, with the approval of the Department of Finance, and interest earned and other increment derived from investments

made pursuant to this section shall be paid into the Inmate Welfare Fund of the Department of Corrections.

SEC. 338. Section 5008 of the Penal Code is amended to read:

5008. The Director of Corrections shall deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3 of the Government Code, except that the Director of Corrections, when specifically authorized on a separate written form by the inmate and subject to the approval of the Department of Finance, may deposit such funds in interest-bearing bank accounts or invest or reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The director shall deposit the interest or increment accruing on such funds in the Inmate Welfare Fund. Any interest or increment accruing on the funds of a parolee shall be deposited in his or her account.

SEC. 339. Section 13301 of the Penal Code is amended to read:

13301. As used in this article:

(a) "Record" means the master local summary criminal history information as defined in subdivision (a) of Section 13300, or a copy thereof.

(b) "A person authorized by law to receive a record" means any person or public agency authorized by a court, statute, or decisional law to receive a record.

SEC. 340. Section 13843 of the Penal Code is amended to read:

13843. (a) Allocation and award of funds made available under this chapter shall be made upon application to the Office of Criminal Justice Planning. All applications shall be reviewed and evaluated by the crime resistance task force in accordance with its established criteria, policy, and procedures. Applications deemed appropriate for funding consideration and those deemed not appropriate for funding will be transmitted, with explanatory comments, to the Executive Director of the Office of Criminal Justice Planning.

(b) The Executive Director of the Office of Criminal Justice Planning is authorized to allocate and award funds to communities developing citizen involvement and crime resistance programs in compliance with the policies and criteria developed by the California Crime Resistance Task Force as set forth in Sections 13844 and 13845. Applications receiving funding under this section shall be selected from among those deemed appropriate for funding by the crime resistance task force. Comprehensive crime prevention programs for the elderly as set forth in paragraph (1) of subdivision (a) of Section 13844 shall, in the aggregate, be included among program activities in local assistance grants receiving not less than 50 percent of funds available under this chapter.

(c) No single award of funds under this chapter shall exceed a maximum of one hundred twenty-five thousand dollars ($125,000) for a 12-month grant period. It is intended that at least eight local

project awards will be supported with funds made available under this chapter.

(d) Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the Community Crime Resistance Program, be made available to support crime resistance programs in local law enforcement agencies.

(e) Within 90 days following the effective date of this chapter and in consultation with the California Crime Resistance Task Force, the executive director shall prepare and issue written program and administrative guidelines and procedures for the California Community Crime Resistance Program, consistent with this chapter. In addition to all other formal requirements that may apply to the enactment of such guidelines and procedures, a complete and final draft of them shall be submitted no later than 60 days following the effective date of this chapter to the Chairpersons of the Criminal Justice Committee of the Assembly and the Judiciary Committee of the Senate of the California Legislature.

(f) Annually, commencing November 1, 1978, the executive director shall prepare a report to the Legislature describing in detail the operation of the program and results obtained from the California Community Crime Resistance Program.

SEC. 341 Section 732 of the Probate Code is amended 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 of the Code of Civil Procedure 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 of the Code of Civil Procedure.

SEC. 342. Section 2313 of the Public Resources Code is amended to read:

2313. Within 90 days after the posting of his or her notice of location upon a lode mining claim, placer claim, tunnel right or location, or millsite claim or location, the locator shall record, in the office of the county recorder of the county in which the claim is situated, a true copy of the notice together with a statement by the locator of the markings of the boundaries as required by this chapter and the character of the markings, which statement also shall include the section or sections, township, range, and meridian of the United States survey within which all, or any part, of the claim is located.

Any person who willfully makes a false statement with respect to any mining claim on the posted location notice or on the recorded notice, or accompanying statement, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment in the county jail not exceeding six months, or by both that fine and imprisonment.

SEC. 343. Section 2708 of the Public Resources Code is amended to read:

2708. Any city or county that has adopted an ordinance requiring the installation of accelerographs in structures shall be exempted from Section 2705, if both of the following have occurred:

(a) A minimum of one structure has been instrumented with three accelerographs installed in accordance with the ordinance prior to January 20, 1972.

(b) A written request has been sent to the State Geologist by the governing body of the city or county that it be exempted.

SEC. 344. Section 2760 of the Public Resources Code is amended to read:

2760. The board shall not adopt or revise the state policy, unless a public hearing is first held respecting its adoption or revision. At least 30 days prior to the hearing, the board shall give notice of the hearing by publication pursuant to Section 6061 of the Government Code.

SEC. 345. Section 3311 of the Public Resources Code is amended to read.

3311. In those suits, a restraining order shall not be issued ex parte, and a temporary or permanent injunction issued in the proceedings shall not be refused or dissolved or stayed pending appeal upon the giving of any bond or undertaking or otherwise, but otherwise the procedure, including the procedure on appeal, shall be conformable with the provisions of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

In the proceedings, the findings of the supervisor, unless set aside, or except to the extent modified, by the director, shall constitute prima facie evidence of the unreasonable wastage of gas therein found to be occurring or threatened.

SEC. 346. Section 3470 of the Public Resources Code is amended to read:

3470. (a) All rules and regulations of the board shall be adopted, amended, and repealed in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The board shall adopt rules in accordance with subdivision (a) governing contents of, and fees for, applications for registrations under this article and procedures for review of applications and for approval, renewal, denial, and revocation of registrations. These rules shall provide for joint registrations for persons requiring more than one authorization under this article or other provisions administered by the board. The board shall also adopt rules prescribing provision of receipts, the keeping of records, and the filing of reports by registrants.

(c) The board shall register an applicant if it determines that the proposed means for collection, transport, transfer, storage, recycling, use, or disposal is operationally safe, environmentally sound, and consistent with this article and shall impose terms in connection with the registration requiring the registration holder to install or effect controls, processes, or practices necessary to insure continuous compliance with existing laws and regulations. A registration shall be valid until revoked.

(d) The board shall coordinate activities and functions with all other state agencies, including, but not limited to, the State Department of Health Services, the Department of Water Resources, and the State Water Resources Control Board, in order to avoid duplication in reporting and information gathering.

(e) The board shall prepare and submit an annual report to the Legislature, based in part on information submitted in accordance with Sections 3467, 3468, and 3469, summarizing information on used oil collection and recycling and registrations, analyzing the effectiveness of the provisions of this article in implementing the policies prescribed in Section 3463, and making recommendations for necessary changes in the provisions or their administration.

SEC. 347. Section 4143 of the Public Resources Code is amended to read:

4143. The Legislature hereby finds and declares that the maintenance of the economic well-being of the state and the public health and safety require that the state, through the department, obtain full utilization of all equipment, personnel, and buildings under the jurisdiction of the Director of Forestry. In order to obtain these benefits, the director, in accordance with policy determined by the board, may provide personnel for and operate such fire stations, statewide, as he deems necessary to provide the best possible fire

protection. Personnel or equipment shall not be assigned to any location or assigned pursuant to Section 4144 if the assignment would not meet policy and standards established by the board. The standards shall be designed to assure that the striking force and efficiency of the department in its primary mission of wildland fire protection will not be reduced or impaired. The policy and standards shall be designed to assure that the department will not need any additional funds to operate its programs.

The normal assignment of fire resources of the department to southern California during periods of critical fire weather conditions or during major wildland fires shall not be impaired and shall receive priority over agreements made with specified counties pursuant to Section 4144.

SEC. 348. Section 4186 of the Public Resources Code is amended to read:

4186. All money which is received by this state pursuant to the Clarke-McNary Act and which is regularly allotted by the federal government according to an annual formula shall be paid into the General Fund. Any supplemental money received from the federal government pursuant to the Clarke-McNary Act for use by the department for specially designated projects shall be authorized by the Director of Finance for augmentation of the subitem captioned "Reimbursements" of the principal item of appropriation from the General Fund for the support of the department contained in the Budget Act for the fiscal year during which the supplemental money is received. However, the Director of Finance may not authorize the augmentation 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 to the Chairman of the Joint Legislative Budget Committee or sooner than any lesser time which the chairman of that committee, or his designee, may in each instance determine.

SEC. 349. Section 4423.1 of the Public Resources Code is amended to read:

4423.1. Burning under permit or other uses of open fire by any person on public or private lands, except within incorporated cities, may be suspended or otherwise prohibited by proclamation. Any of the following public officers may issue a proclamation, which shall be applicable within their respective jurisdictions:

(a) The director.

(b) Any county fire warden with the approval of the director.

(c) The federal officers directing activities within California of the United States Bureau of Land Management, the National Park Service, and the United States Forest Service.

The proclamation may be issued when in the judgment of the issuing public official the menace of destruction by fire to life, improved property, or natural resources is, or is forecast to become, extreme due to critical fire weather, fire suppression forces being heavily committed to control fires already burning, acute dryness of

the vegetation, or other factors that may cause the rapid spread of fire. A proclamation shall be effective on issuance or at a time specified therein and remain in effect until an order of termination is issued. The proclamation shall declare the conditions that necessitate its issuance, designate the geographic area to which it applies, require that all or specified uses of open fire or burning under permit be suspended until the conditions necessitating the proclamation abate, and identify the public official issuing the proclamation. The proclamation shall be immediately released to the news media serving the area affected. Upon termination of a proclamation, the public shall be given immediate notice thereof through the news media serving the area affected thereby.

The proclamation may be issued without complying with provisions of Chapters 3.5 (commencing with Section 11340) and 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 350. Section 4431 of the Public Resources Code is amended to read:

4431. During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. The Director of Forestry shall by administrative regulation specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions.

The required fire tools shall at no time be farther from the point of operation of the powersaw or tool than 25 feet with unrestricted access for the operator from the point of operation.

SEC. 351. Section 4438 of the Public Resources Code is amended to read:

4438. Waste flammable material incident to the processing of forest products may be disposed of by means of fire in an enclosed device effective in preventing the spread of sparks or fire, situated in an area cleared of grass, grain, brush, slash, litter, and snags for a distance of 100 feet surrounding the device or by landfill or other methods which meet applicable state and local fire safety and air and water quality standards. The disposal shall be done in compliance with regulations established by the director, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, or the purpose of eliminating the potential of fire or other safety hazards resulting from spontaneous combustion or other ignition sources.

A burning permit shall be obtained for the use of the device pursuant to Section 4423 and all other provisions of law.

SEC. 352. Section 4446 of the Public Resources Code is amended to read:

4446. Every person shall exercise reasonable care in the disposal of flammable material so that the material does not cause the inception of or spread of uncontrolled fire. A person shall not burn any flammable material in any incinerator within any state responsibility area, within any area receiving fire protection by the director by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless all of the following minimum requirements are complied with:

(a) The area within 10 feet of the exterior of the incinerator is maintained free and clear of all flammable material and vegetation.

(b) A screen constructed of a nonflammable material, with no greater than ¼-inch mesh, or metal doors, close or cover each opening in the exterior of an incinerator to prevent the escape of flames, sparks, ashes, or other burning material which might cause an uncontrolled fire.

(c) A permit is obtained prior to burning for the use of the incinerator pursuant to Section 4423 and all other applicable provisions of law.

This section does not apply to the disposal of flammable material incident to the processing of forest products.

SEC. 353. 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 the 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 personnel furnished by the person 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 is 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 that person's share of the actual costs.

(f) Specify the director's estimate of total actual costs and the share of the 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). The 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 that 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. The 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. 354. Section 4551 of the Public Resources Code is amended to read:

4551. The board shall adopt district forest practice rules and regulations for each district in accordance with the policies set forth

in Article 1 (commencing with Section 4511) of this chapter and pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code to assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, and wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.

SEC. 355. Section 4554 of the Public Resources Code is amended to read:

4554. Except for emergency regulations or orders of repeal adopted pursuant to Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the board shall not adopt or revise rules, regulations, or resource conservation standards unless a public hearing is first held respecting their adoption or revision. At least 30 days prior to the hearing, the board shall give notice of the hearing by publication pursuant to Section 6061 of the Government Code.

SEC. 356. Section 4555 of the Public Resources Code is amended to read:

4555. If the director determines that a substantial question exists concerning whether the intent of this chapter is currently provided for by the rules and regulations of the board, and that approval of a timber harvesting plan which has been filed could result in immediate, significant, and long-term harm to the natural resources of the state, the director may withhold decision on a timber harvesting plan. However, within five days of that action, the director shall notify the board of that action. Within 30 days of the receipt of the notice, the board shall, after a public hearing, make a determination as to whether or not the intent of this chapter has been provided for in the rules and regulations of the board. The determination shall be conclusive.

If the board finds that the intent of this chapter has not been provided for in the rules and regulations, the board shall act to amend the rules by emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The director shall act upon the plan within five days of the board's action. Emergency regulations adopted pursuant to this section shall be effective for no more than 120 days. The regulations may be made permanent if the board acts to adopt or revise its rules and regulations pursuant to procedures established in this article for the adoption of other than emergency regulations.

SEC. 357. Section 4582.8 of the Public Resources Code is amended to read:

4582.8. (a) Within 10 days after a timber harvesting plan is deemed in conformance under Section 4582.7, or within 10 days after receipt of a notice of timber operations pursuant to subdivision (b), the director shall transmit copies thereof to the State Board of Equalization and the assessor of the county in which the timber subject to the harvesting plan or notice is located.

Within 10 days after receipt of a copy of the timber harvesting plan or notice, the county assessor shall assign the appropriate tax rate area designations to the plan or notice and transmit copies thereof to the timber owner listed in the timber harvesting plan or notice and to the State Board of Equalization

(b) Within 10 days of harvesting timber on land not subject to a timber harvesting plan, including public lands of a federal agency, each timber owner or operator shall notify the county assessor of the location of the harvest and the assessor shall assign the appropriate tax rate area designations and shall transmit copies thereof to the timber operator, if the land from which the timber is to be harvested is public land of a federal agency, or to the timber owner, if the land is timberland, as defined in Section 51100 of the Government Code, and to the State Board of Equalization.

SEC. 358. Section 4621 2 of the Public Resources Code is amended to read:

4621.2. (a) If the timberlands which are to be devoted to uses other than the growing of timber are zoned as timberland preserve zones under Section 51112 or 51113 of the Government Code, the application shall specify the proposed alternate use and shall include any information which the board determines to be necessary to evaluate the proposed alternate use. The board shall approve the application for conversion only if the board makes all of the following written findings:

(1) The conversion would be in the public interest.

(2) The conversion would not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland preserve and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.

(3) The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were approved.

(b) The existence of an opportunity for an alternative use of the land is not alone sufficient reason for conditionally approving an application for conversion. Conversion shall be considered only if there is no proximate and suitable land which is not zoned timberland preserve for the alternate use not permitted within a timberland preserve zone.

(c) The uneconomic character of the existing use is not sufficient reason for the conditional approval of conversion. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber-growing use to which the land may be put

(d) The board shall establish and publish a rate schedule of fees to be paid by the landowner for the cost of processing the application and recording the necessary documentation.

(e) If the board delegates its responsibilities under this section to the director pursuant to Section 4627, the director shall make the written findings required by subdivision (a). If the director denies

a conversion, the applicant may request a hearing before the board within 15 days of the denial. The hearing shall be scheduled within 60 days from the filing of the appeal.

SEC. 359. Section 4656 of the Public Resources Code is amended to read:

4656. This chapter does not interfere with the reasonable use of state forests for hunting, fishing, recreation and camping, except as otherwise provided by law.

The use of state forest lands for grazing and mining purposes shall be permitted pursuant to regulations established by the board in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The use and development of water facilities for irrigation and power shall be permitted as provided by law.

SEC. 360. Section 4656.1 of the Public Resources Code is amended to read:

4656.1. The board may establish rules and regulations, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the preservation, protection, and use of state forests and for the promotion and protection of public health and safety within state forests.

SEC. 361. Section 5003.7 of the Public Resources Code is amended to read:

5003.7. (a) For due, owing, and unpaid charges or fees for water, sewage, gas, electricity, garbage, or other utility services furnished by the Department of Parks and Recreation or the Department of General Services to real property, the department shall have a lien on that real property upon filing a notice of lien with the county recorder.

(b) The notice of lien shall contain all of the following:

(1) A description of the subject real property.

(2) The total amount of the lien.

(3) The type of service furnished.

(4) The period during which service was furnished, the amount owing for the period of service, and the date upon which the amount became due.

(5) A verified statement that notice of the delinquent charges or fees was mailed, postage prepaid, to the owner of record, to any other known owner, and to the person in possession of the subject real property at their last known address at least 30 days prior to the filing of the notice of lien with the county recorder.

(c) The lien shall not extend to delinquent charges or fees incurred more than four years prior to the filing of the notice of lien. The lien shall, except as provided in subdivision (e), continue in effect for four years after the filing of the notice of lien, unless sooner extinguished by payment, satisfaction, or merger in judgment of foreclosure.

(d) Within four years after the notice of lien is filed of record, an

action to foreclose the lien may, notwithstanding any other provision of law, be brought in the name of the people in any court having jurisdiction to hear and dispose of actions to foreclose mechanics' liens for like amounts. If the action is commenced in a court of competent jurisdiction in Sacramento County, the court is the proper court for trial, without regard to the residence of the defendants.

(e) Upon recording of lis pendens, the notice of lien shall continue in effect until the recording of the abstract of judgment thereon, unless the lien be otherwise extinguished, but not in any event in excess of 10 years from the date of recording of the notice of lien. The lien of abstract shall take priority from the date of recordation of the notice of lien.

(f) The Director of Parks and Recreation or the Director of General Services, as the case may be, or the Attorney General may execute and file those notices, releases, and satisfaction, as may be necessary or convenient in carrying out this section.

SEC. 362. Section 5019.10 of the Public Resources Code is amended to read:

5019.10. The Department of Parks and Recreation may enter into contracts with persons, firms, or corporations to construct, maintain, and operate concessions within the state park areas for the safety and convenience of the general public in the use and enjoyment of the state park system. The approval of the Director of General Services is not required, notwithstanding Section 11005.2 of the Government Code or other provisions of law, unless the contract authorizes occupancy of the state park system for a period of more than one year.

SEC. 363. Section 5019.53 of the Public Resources Code is amended to read:

5019.53. State parks consist of relatively spacious areas of outstanding scenic or natural character, oftentimes also containing significant historical, archaeological, ecological, geological, or other such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains.

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

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for

recreational activities including, but not limited to, camping, picknicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

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

SEC. 364. Section 5093.62 of the Public Resources Code is amended to read:

5093.62. Nothing in this chapter shall affect the jurisdiction or responsibility of the state with regard to fish and wildlife. Hunting and fishing may be permitted on lands and waters administered as parts of the system under applicable state or federal laws and regulations.

SEC. 365. Section 6332 of the Public Resources Code is amended to read:

6332. The commission shall:

(a) Adopt and enforce such rules and regulations as may be necessary or convenient to carry out the purposes of this article in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, in accordance with the following requirements:

(1) All data such as survey notes and factual and historical materials which have been obtained by investigation and survey and considered in connection with the establishment of each ungranted tideland parcel boundary shall be perpetuated, filed, indexed, and made available in the office of the commission for public inspection and use upon request.

(2) Surveys of ungranted tideland boundary lines made by the state, or made under contract with the state, or adopted by the state, shall sufficiently tie the surveyed boundary lines to record monuments disclosed by the public records in the office of the county recorder of the county in which the land so surveyed is located to the extent that adjoining property owners and officials of the local agency and others may determine the relation of the surveyed boundary lines to record title boundaries without additional survey.

(3) United States Coast and Geodetic Survey data shall be used in areas where available to establish boundary lines which are required under the title circumstances to be established in accordance with federal law. In areas where tideland boundary lines are required to be established under title circumstances which require the application of California law, available United States Coast and Geodetic Survey data shall be used but corrected as required. Consideration shall be given in each survey to any seiche condition which may exist in the surveyed area.

(4) Consideration shall be given to the effect of any prior accretion and erosion in each surveyed area. Consideration shall also be given to the confirmation of title boundaries of lands claimed to be in private or public ownership, which lands support improvements of long standing authorized by governmental action.

(5) Boundary lines so established and surveyed shall take into consideration any statutes of limitations applicable to the validity of patents, and the finality of boundary line agreements and boundary and exchange agreements adopted prior to, or on or after, January 1, 1976, and whether entered into pursuant to Section 6307 or 6357, or any other statutes of this state, or otherwise.

(6) When establishing and surveying the line of ordinary high water, the then existing location of that line shall be used unless there is clear and convincing evidence that that location is not the last natural position of the line according to applicable federal or state laws.

(b) Contract with all agencies, public and private, as the commission may deem necessary for the rendition and affording of services and facilities to the commission pursuant to this article and for all other purposes related thereto.

(c) Do all other acts necessary to carry out the requirements and purposes of this article within the limit of its authority conferred by law, including this article.

SEC. 366. Section 9104 of the Public Resources Code is amended to read:

9104. The members of the commission shall receive no compensation for their services as members, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the commission or when otherwise engaged in the work of the commission at its direction.

SEC. 367. Section 9183 of the Public Resources Code is amended to read:

9183. The petition shall be signed and validated by either of the following:

(a) Not less than 100 landowners or a majority if there are less than 200 landowners in the proposed area.

(b) If a majority of the total landowners owning a majority of the private lands within the proposed district sign the petition and if, at the hearing as provided in Article 4 (commencing with Section 9211), the board of supervisors finds it is in the public interest and welfare to form such a district, it may, by an order entered on its minutes, declare that to be its finding, and may further declare and order that the territory within the boundaries fixed by the board shall be organized as a district and declared duly formed without an election. The order shall name the district and appoint the first board of five directors; the board of directors shall then proceed to organize and shall be governed by all the rest of the provisions of this division.

SEC. 368. Section 13111 of the Public Resources Code is amended to read:

13111. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections so far as they may be applicable shall govern all district elections except:

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions pertaining to local elections shall control.

(b) Inconsistent provisions of this division shall control over any provisions of the Elections Code.

SEC. 369. Section 21080.5 of the Public Resources Code is amended to read·

21080.5. (a) When the regulatory program of a state agency, board, or commission requires a plan or other written documentation, containing environmental information and complying with the requirements of paragraph (3) of subdivision (d), to be submitted in support of any of the activities listed in subdivision (b), the plan or other written documentation may be submitted in lieu of the environmental impact report required by this division if the Secretary of the Resources Agency has certified the regulatory program pursuant to this section.

(b) The provisions of this section shall apply only to regulatory programs or portions thereof which involve either of the following:

(1) The issuance to a person of a lease, permit, license, certificate, or other entitlement for use.

(2) The adoption or approval of standards, rules, regulations or plans for use in the regulatory program.

(c) A regulatory program certified pursuant to this section is exempt from Chapter 3 (commencing with Section 21100) and Chapter 4 (commencing with Section 21150) and Section 21167.

(d) In order to qualify for certification pursuant to this section, a regulatory program shall require utilization of an interdisciplinary approach which will ensure the integrated use of the natural and social sciences in decisionmaking and shall meet all of the following criteria:

(1) The enabling legislation of the regulatory program shall:

(A) Include protection of the environment among its principal purposes.

(B) Contain authority for the administering agency to promulgate rules and regulations for the protection of the environment, guided by standards set forth in the enabling legislation.

(2) The rules and regulations adopted by the administering agency shall:

(A) Require that an activity will not be approved or adopted as proposed, if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

(B) Include guidelines for the orderly evaluation of proposed activities and the preparation of the plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program.

(C) Require the administering agency to consult with all public agencies which have jurisdiction, by law, with respect to the proposed activity.

(D) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

(E) Require the filing of a notice of the decision by the administering agency on the proposed activity with the Secretary of the Resources Agency. The notices shall be available for public inspection, and a list of the notices shall be posted on a weekly basis in the office of the Resources Agency. Each list shall remain posted for a period of 30 days.

(F) Require notice of the filing of the plan or other written documentation to be made to the public and to any person who requests, in writing, notification. The notification shall be made in a manner that will provide the public or any person with sufficient time to review and comment on filing.

(3) The plan or other written documentation required by the regulatory program shall:

(A) Include a description of the proposed activity with alternatives to the activity, and mitigation measures to minimize any significant adverse environmental impact.

(B) Be available for a reasonable time for review and comment by other public agencies and the general public.

(e) The Secretary of the Resources Agency shall certify a regulatory program which the secretary determines meets all the qualifications for certification set forth in this section, and withdraw certification on determination that the regulatory program has been altered so that it no longer meets the qualifications. Certification and withdrawal of certification shall occur only after compliance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

In determining whether or not a regulatory program meets the qualifications for certification set forth in this section, the inquiry of the Secretary of the Resources Agency shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The inquiry shall not extend to individual decisions to be reached under such regulatory program, including the nature of specific alternatives or mitigation measures which might be proposed to lessen any significant adverse environmental effects of the activity.

If the Secretary of the Resources Agency determines that the regulatory program submitted for certification does not meet the qualifications for certification set forth in this section, the secretary shall adopt findings setting forth the reasons for that determination.

(f) After a regulatory program has been certified pursuant to this section, any proposed change in the program which could affect compliance with the qualifications for certification specified in subdivision (d) may be submitted to the Secretary of the Resources Agency for review and comment. The scope of the secretary's review shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The review shall not extend to individual decisions to be reached under the regulatory program, including specific alternatives or mitigation measures which might be proposed to lessen any significant adverse environmental effects of the activity. The secretary shall have 30 days after receipt of the proposed change to notify the state agency, board, or commission whether the proposed change will alter the regulatory program so that it no longer meets the qualification for certification established in this section and will result in a withdrawal of certification as provided in this section.

(g) Any action or proceeding to attack, review, set aside, void, or annul a determination or decision of a state agency, board, or commission approving or adopting a proposed activity under a regulatory program which has been certified pursuant to this section, on the basis that the plan or other written documentation prepared pursuant to paragraph (3) of subdivision (d) does not comply with this section shall be commenced no later than 30 days from the date of the filing of notice of the approval or adoption of the activity.

(h) Any action or proceeding to attack, review, set aside, void, or annul a determination of the Secretary of the Resources Agency to certify a regulatory program pursuant to this section, on the basis that the regulatory program does not comply with this section, shall be commenced within 30 days after certification by the secretary.

In any action brought under this subdivision, the inquiry shall extend only to whether there was a prejudicial abuse of discretion by the Secretary of the Resources Agency. Abuse of discretion is established if the secretary has not proceeded in a manner required by law or if the determination is not supported by substantial evidence.

(i) For purposes of this section, any county agricultural commissioner shall be considered a state agency.

SEC. 370. Section 21083 of the Public Resources Code is amended to read:

21083. The Office of Planning and Research shall prepare and develop proposed guidelines for the implementation of this division by public agencies. The guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of environmental impact reports and negative declarations in a manner consistent with this division.

The guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a "significant effect on the environment." The criteria shall require a finding that a project may have a "significant effect on the

environment" if any of the following conditions exist:

(a) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.

(b) The possible effects of a project are individually limited but cumulatively considerable. As used in this subdivision, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(c) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

The guidelines shall also include procedures for determining the lead agency pursuant to Section 21165.

The guidelines shall also include criteria for public agencies to use in determining when a proposed project is of sufficient statewide, regional, or areawide environmental significance that it should be submitted to appropriate state agencies for review and comment prior to completion of an environmental impact report or negative declaration thereon

The Office of Planning and Research shall develop and prepare the proposed guidelines as soon as possible and shall transmit them immediately to the Secretary of the Resources Agency. The Secretary of the Resources Agency shall certify and adopt the guidelines pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, which shall become effective upon the filing thereof. However, the guidelines shall not be adopted without compliance with Sections 11346.4, 11346.5, and 11346.8 of the Government Code.

SEC. 371. Section 21087 of the Public Resources Code is amended to read:

21087. The Office of Planning and Research shall periodically review the guidelines adopted pursuant to Section 21083 and shall recommend proposed changes or amendments to the Secretary of the Resources Agency. Changes or amendments to the guidelines shall be adopted by the secretary in conformance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 372. Section 25210 of the Public Resources Code is amended to read:

25210. The commission may hold any hearings and conduct any investigations in any part of the state necessary to carry out its powers and duties prescribed by this division and, for those purposes, has the same powers as are conferred upon heads of departments of the state by Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 373. Section 25213 of the Public Resources Code is amended to read:

25213. The commission shall adopt rules and regulations, as

necessary, to carry out the provisions of this division in conformity with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The commission shall make available to any person upon request copies of proposed regulations, together with summaries of reasons supporting their adoption.

SEC. 374. Section 25502 of the Public Resources Code is amended to read:

25502. Each person proposing to construct a thermal powerplant or electric transmission line on a site shall submit to the commission a notice of intention to file an application for the certification of the site and related facility or facilities. The notice shall be an attempt primarily to determine the suitability of the proposed sites to accommodate the facilities and to determine the general conformity of the proposed sites and related facilities with standards of the commission and forecasts adopted pursuant to Sections 25216.3 and 25309. The notice shall be in the form prescribed by the commission and shall be supported by such information as the commission may require.

Any site and related facility once found to be acceptable pursuant to Section 25516 is, and shall continue to be, eligible for consideration in an application for certification without further proceedings required for a notice under this chapter.

SEC. 375. Section 25964 of the Public Resources Code is amended to read:

25964. After 24 months after an intermittent ignition device has been certified by the commission, no person shall sell or offer for sale in this state any new gas appliances, as defined in Section 25950, without obtaining the proper seal of certification from the commission, unless the commission otherwise permits such action. Beginning 24 months after an intermittent ignition device has been certified by the commission, no city or county, city and county, or state agency shall issue a permit for any building to be equipped with any new gas appliance, as defined in Section 25950, unless such building permit shows that the gas appliance complies with this chapter. However, any new gas appliance which does not comply with this chapter may be installed if the appliance was purchased pursuant to a contract executed prior to June 17, 1978, and if the building permit was approved prior to July 8, 1978.

SEC. 376. Section 26004 of the Public Resources Code is amended to read:

26004. There is in the state government the California Alternative Energy Source Financing Authority. The authority constitutes a public instrumentality and the exercise by the authority of powers conferred by this division is the performance of an essential public function.

The authority shall consist of five members: the Director of Finance, the Chairman of the State Energy Resources Conservation and Development Commission, the President of the Public Utilities

Commission, the Controller, and the Treasurer who shall serve as the chairman of the authority.

The Director of Finance, the Chairman of the State Energy Resources Conservation and Development Commission, and the President of the Public Utilities Commission may each designate a deputy or clerk in his agency to act for him and represent him at all meetings of the authority.

The first meeting of the authority shall be convened by the Treasurer.

SEC. 377. Section 26563 of the Public Resources Code is amended to read:

26563 The notice shall set forth the time, date, and place of the hearing, briefly describe the purpose thereof, and indicate where the plan of control may be reviewed or duplicated, at a cost not to exceed the cost of duplication. The notice shall also set forth the address where objections to the proposed formation may be mailed or otherwise delivered up to and including the time of the hearing.

SEC. 378. Section 26703 of the Public Resources Code is amended to read:

26703. To carry out the provisions of this division, the Office of Appropriate Technology activities shall do all of the following:

(a) Investigate and evaluate the capital outlay projects proposed by the Governor and enacted by the Legislature, and ensure that they include all feasible resource and energy conserving features which are cost effective, as determined by life cycle cost analysis.

(b) Provide technical assistance and advice to the Legislature and all state agencies concerning the status of developing technologies and the opportunities for use by the state.

(c) Inform and assist citizens and local governments to use or adopt innovative and energy conserving technologies which will save money through lowered capital and operating costs.

(d) Coordinate its efforts with other state agencies, local governments, and private businesses in order to prevent duplication of research and program activities.

(e) Deliver to the Legislature an annual summary of the accomplishments of the office.

SEC. 379. Section 30168 of the Public Resources Code, as added by Chapter 170 of the Statutes of 1980, is amended and renumbered to read:

30169. (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. The 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 referred to in Section 30150, except to the extent that the changes made by this section affect a segment of the boundary previously changed by the map, in which case the changes made by this section shall supersede any of those 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. However, 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 those maps, where the executive director determines that the adjustment is necessary to ensure that adequate controls will be applied to the development in order to minimize any potential adverse effects on the coastal zone resources. The executive director shall prepare a detailed map showing any of the changes and shall file a copy of the 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 that parcel in the County of Orange. The segment of the county's local coastal program for the parcel may be amended pursuant to this division relating to the amendment of local coastal programs. If the commission neither certifies nor rejects the 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 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 that 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 the agreement shall be recorded as a covenant to run with the land with no prior liens other than tax and assessment liens restricting the Aliso Viejo Planned Community. The agreement shall provide for all of 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 any 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 constitutes 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 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 any 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 the 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 the 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 the 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 the 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 the letters.

(g) Notwithstanding any other provision of law, the application of this division by the commission to the development or use of any infrastructure necessary and appropriate to serve development within the portions of the 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 the infrastructure will be provided Furthermore, 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 the 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 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) This section shall become operative only when the commission and Aliso Viejo Company have entered into the binding and enforceable agreement provided for in this section, and the agreement has been duly recorded with the county recorder of Orange County.

SEC. 380. Section 30170.6 of the Public Resources Code, as added by Chapter 1103 of the Statutes of 1980, is amended and renumbered to read:

30170.7. Notwithstanding Section 17 of Chapter 1330 of the Statutes of 1976, as amended by Section 29 of Chapter 1331 of the Statutes of 1976, any map dated September 12, 1979, and filed on September 14, 1979, with the office of the Secretary of State, or any provision of Section 30170, the inland boundary of the coastal zone in that portion of the County of San Diego known as Green Valley is generally described by a line commencing on the existing coastal zone boundary at a point on the westerly right-of-way of El Camino Real that is 1,000 feet southeasterly of the mean high tide line of Batiquitos Lagoon; westerly for 3,000 feet along a line 1,000 feet southerly from the mean high tide line of Batiquitos Lagoon, southerly for 6,500 feet along a line 3,000 feet westerly of El Camino Real; and easterly to a point in the vicinity of the intersection of El Camino Real and Olivenhain Road on the existing coastal zone boundary.

This section shall not become operative if, within six months following submission to the regional commission, the commission approves, or approves with conditions, pursuant to Section 30512 that portion of the County of San Diego's land use plan of its proposed local coastal program that applies to the land area described in this section.

SEC. 381. Section 30302 of the Public Resources Code is amended to read:

30302. The six regional commissions shall be constituted as follows:

(a) The North Coast Regional Commission for Del Norte, Humboldt, and Mendocino Counties shall consist of the following members:

(1) One supervisor and one city councilperson from each county

(2) Six representatives of the public

(b) The North Central Coast Regional Commission for Sonoma, Marin, and San Francisco Counties shall consist of the following members:

(1) One supervisor and one city councilperson from Sonoma County and Marin County.

(2) Two supervisors of the City and County of San Francisco.

(3) One delegate of the Association of Bay Area Governments.

(4) Seven representatives of the public.

(c) The Central Coast Regional Commission for San Mateo, Santa Cruz, and Monterey Counties shall consist of the following members:

(1) One supervisor and one city councilperson from each county.

(2) One delegate of the Association of Bay Area Governments.

(3) One delegate of the Association of Monterey Bay Area Governments.

(4) Eight representatives of the public.

(d) The South Central Coast Regional Commission for San Luis Obispo, Santa Barbara, and Ventura Counties shall consist of the following members:

(1) One supervisor and one city councilperson from each county.

(2) Six representatives of the public.

(e) The South Coast Regional Commission of Los Angeles and Orange Counties shall consist of the following members:

(1) One supervisor from each county.

(2) One city councilperson from the City of Los Angeles nominated by majority vote of the city council and appointed by the president of the city council.

(3) One city councilperson from Los Angeles County from a city other than Los Angeles.

(4) One city councilperson from Orange County.

(5) One delegate of the Southern California Association of Governments.

(6) Six representatives of the public.

(f) The San Diego Coast Regional Commission for San Diego County, shall consist of the following members:

(1) Two supervisors from San Diego County and two city councilpersons from San Diego County, at least one of whom shall be from a city which lies, in whole or in part, within the coastal zone.

(2) One city councilperson from the City of San Diego, selected by the city council of that city.

(3) One member of the San Diego Comprehensive Planning Organization.

(4) Six representatives of the public.

SEC. 382 Section 30339 of the Public Resources Code is amended to read·

30339. The commission and each regional commission shall:

(a) Ensure full and adequate participation by all interested groups and the public at large in the commission's and each regional commission's work program

(b) Ensure that timely and complete notice of commission and regional commission meetings and public hearings is disseminated to all interested groups and the public at large.

(c) Advise all interested groups and the public at large as to

effective ways of participating in commission and regional commission proceedings.

(d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to this division, additional measures to assure open consideration and more effective public participation in its programs or activities.

SEC. 383. Section 30340.5 of the Public Resources Code is amended to read:

30340.5. (a) It is the policy of the state that no less than 50 percent of funds received by the state from the federal government pursuant to the Federal Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451, et seq.), shall be used for the preparation, review, approval, certification, and implementation of local coastal programs.

(b) Any local government subject to this division may claim reimbursement of costs incurred as a direct result of the operation of or any requirement promulgated pursuant to this division. Notwithstanding any other provision of law, claims for reimbursement of mandated costs directly attributable to the operation of this division shall only be submitted, reviewed, and approved in the manner set forth in this section.

(c) Claims pursuant to this section shall be submitted to the executive director of the commission no later than August 31. The executive director shall review the claims in accordance with the provisions of this section and shall submit all the claims to the Controller within 60 days after receipt of a claim but in no event later than October 31.

(d) All claims submitted pursuant to this section shall be filed on forms approved and prepared by the commission in consultation with the Controller. The forms shall specify the information needed to enable the executive director of the commission and the Controller to make the determinations required by subdivision (e). The forms shall clearly set forth information requirements for the evaluation of the following categories of costs:

(1) Costs for work relating to the preparation, review, and approval of local coastal programs or any portion thereof.

(2) Costs for work which is not covered by paragraph (1).

The claim forms required by this section shall provide for claims of actual costs incurred during the fiscal year preceding submittal and for the costs the claimant local government estimates will be incurred during the then current fiscal year.

(e) The executive director shall review and evaluate each claim submitted pursuant to this section and shall determine whether:

(1) The costs claimed are not paid for or reimbursed from any other source of state or federal funding.

(2) The costs are for work which is the direct result of and is mandated by the operation of this division or by the commission or whether the work is optional.

(3) With respect to costs specified in paragraph (1) of subdivision (d), the work done or to be done is reasonable and necessary for the preparation and approval of a local coastal program pursuant to a local coastal program work program approved by the commission, or for work which is not part of an approved work program if the work can be shown to be necessary for the completion of a certifiable local coastal program or if new information or other circumstances cause the commission to require that the work be carried out.

(f) The executive director of the commission shall submit to the Controller, on behalf of each claimant local government, all claims submitted pursuant to this section together with his or her recommendation whether the Controller should allow or deny, in whole or in part, the claim. The executive director's recommendation shall be based on his or her determinations made pursuant to subdivision (e). If the executive director fails to make a recommendation by the time claims are required to be submitted to the Controller as provided in subdivision (c), the executive director is deemed to have recommended approval of the claim.

(g) Section 2231 of the Revenue and Taxation Code shall apply to claims filed pursuant to this section. However, where a conflict between Section 2231 of the Revenue and Taxation Code and this section occurs, the conflict shall be resolved in a manner that best carries out the purposes of this section. The Controller shall apply the criteria of subdivision (e) in determining whether to allow or deny, in whole or in part, any claim and shall consider the recommendations of the executive director of the commission.

SEC. 384. Section 30700 of the Public Resources Code is amended to read·

30700. For purposes of this division, notwithstanding any other provisions of this division except as specifically stated in this chapter, this chapter shall govern those portions of the Ports of Hueneme, Long Beach, Los Angeles, and San Diego Unified Port District located within the coastal zone, but excluding any wetland, estuary, or existing recreation area indicated in Part IV of the coastal plan.

SEC 385. Section 34056 of the Public Resources Code is amended to read:

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 criteria developed pursuant to Section 34054. No grant may be disbursed until the land use plan of a local coastal program has been approved

SEC. 386 Section 1901 of the Public Utilities Code is amended to

read:

1901. Copies of all official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner or by the executive director or an assistant executive director under the official seal of the commission to be true copies of the originals, shall be evidence in like manner as the originals.

SEC. 387. Section 1902 of the Public Utilities Code is amended to read:

1902. Every order, authorization, or certificate issued or approved by the commission under the following provisions of this part shall be in writing and entered on the records of the commission:

(a) Sections 764 to 767, inclusive.

(b) Sections 816 to 829, inclusive.

(c) Sections 851 to 853, inclusive.

(d) Sections 1001 to 1010, inclusive.

(e) Sections 1201 to 1220, inclusive.

Any order, authorization, or certificate, or a copy thereof, or a copy of the record thereof, certified by a commissioner or by the executive director or the assistant executive director under the official seal of the commission to be a true copy of the original, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and that record is public notice. A certificate under the seal of the commission that any order, authorization, or certificate has not been modified, stayed, suspended, or revoked may also be recorded in the same offices in the same manner and with like effect.

SEC. 388. Section 5503.5 of the Public Utilities Code is amended to read:

5503.5. Notwithstanding the provisions of Section 5503, the commission shall require less accident insurance than that required of commercial air operators pursuant to Section 5503, of persons who fulfill all the following requirements:

(a) That conduct nonstop sightseeing flights that begin and end at the same airport and are conducted within a 25-mile radius of that airport

(b) Engage in passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization.

(c) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by a Federal Aviation Administration inspector.

(d) Each pilot in command has logged at least 200 hours of flight time within the previous four years.

(e) No acrobatic or formation flights are conducted.

(f) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of Title 14, Code of Federal Regulations, Section 91.169.

(g) The flight is made under visual flying rules during the day.

SEC. 389. Section 21675 of the Public Utilities Code is amended to read:

21675. (a) The commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include a long-range master plan that reflects the anticipated growth of the airport during at least the next 20 years. In formulating a land use plan, the commission may develop height restrictions on buildings, may specify use of land, and may determine building standards, including soundproofing adjacent to airports, within the planning area.

(b) The commission may include, within its plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any federal military airport for all the purposes specified in subdivision (a). This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

(c) The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.

SEC. 390. Section 27091 of the Public Utilities Code is amended to read:

27091. From and after the date of annexation the board shall levy upon all of the property in the territory annexed any taxes, tolls, or charges which are necessary to provide funds for the payment of the indebtedness assumed by the territory or otherwise necessary to comply with the terms and conditions of the annexation, all in addition to the general district taxes authorized elsewhere in this division to be levied and collected.

SEC. 391. Section 29038 of the Public Utilities Code is amended to read:

29038. The rates and charges for service furnished pursuant to this part shall be fixed by a two-thirds vote of the board and shall be reasonable. Insofar as practicable, the rates shall be fixed so as to result in revenue which will be sufficient to do all of the following:

(a) Pay the operating expenses of the district.

(b) Provide for repairs, maintenance, and depreciation of works owned or operated by the district.

(c) Provide for the purchase, lease, or acquisition of rolling stock, including provisions for interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the district for the acquisition of rolling stock.

(d) After making any current allocation of funds required for the foregoing purposes and by the terms of any indebtedness incurred under Articles 6 (commencing with Section 29240) and 7 (commencing with Section 29250) of Chapter 8, provide funds for

any purpose the board deems necessary and desirable to carry out the purposes of this part.

SEC. 392. Section 29171 of the Public Utilities Code is amended to read:

29171. Coupon bonds may be issued in denominations of one thousand dollars ($1,000), or multiples thereof, as the district may determine. Coupon bonds of different denominations shall be exchangeable for coupon bonds of other denominations or for registered bonds on terms and conditions as the district may determine, including provisions for the authentication of any bonds issued upon the exchange by the registration agent or other agents appointed by the district for that purpose.

SEC. 393. Section 29750 of the Public Utilities Code is amended to read:

29750. If district bonds for the acquisition or construction of rapid transit facilities have not been voted by the electors within five years of the creation of the district, the board of directors may call an election for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the secretary of the district of a petition signed by voters within the district equal in number to at least 25 percent of the total vote cast in the district for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call an election for that purpose.

SEC. 394. Section 29753 of the Public Utilities Code is amended to read:

29753. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the San Francisco Bay Area Rapid Transit District be dissolved?	YES	
	NO	

SEC. 395. Section 50218 of the Public Utilities Code is amended to read.

50218. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 396. Section 99117 of the Public Utilities Code is amended to read:

99117. All accrued interest and premiums received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of

the proper benefit fund and applied exclusively to the purposes for which the debt was incurred. However, when those purposes have been accomplished any moneys remaining in the benefit fund shall be (a) transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) placed in a fund to be used for the purchase of outstanding bonds of the benefit district from time to time in the open market at those prices and in the manner, either at public or private sale or otherwise, as the legislative body or board of supervisors may determine. Bonds so purchased shall be canceled immediately.

SEC. 397. Section 99 of the Revenue and Taxation Code is amended to read:

99. (a) For the purposes of the computations required by this chapter:

(1) In the case of a jurisdictional change, other than a city incorporation or a formation of a district as defined in Section 2215, the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 97, or the annual tax increment determined pursuant to Section 98, for local agencies whose service area or service responsibility would be altered by the jurisdictional change, as determined pursuant to subdivision (b) or (c).

(2) In the case of a city incorporation or a formation of a district as defined in Section 2215, the auditor shall assign the allocation of property tax revenues determined pursuant to Section 54790.3 of the Government Code to the newly formed city or district and shall make the adjustment as determined by Section 54790.3 of the Government Code in the allocation of property tax revenue determined pursuant to Section 96 or 97 for each local agency whose service area or service responsibilities would be altered by the incorporation or formation.

(b) Upon the filing of an application or a resolution pursuant to the Municipal Organization Act (Part 2 (commencing with Section 35000) of Division 2 of Title 4 of the Government Code) or the District Reorganization Act of 1965 (Part 1 (commencing with Section 56000) of Division 1 of Title 6 of the Government Code), but prior to the issuance of a certificate of filing, the executive officer shall give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. The notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change.

(1) (A) The county assessor shall provide to the county auditor, within 30 days of the notice of filing, a report which identifies the assessed valuations for the territory subject to the jurisdictional change and the tax rate area or areas in which the territory exists.

(B) The auditor shall estimate the amount of property tax revenue generated within the territory which is the subject of the jurisdictional change during the current fiscal year.

(2) The auditor shall estimate what proportion of the property tax revenue determined pursuant to paragraph (1) is attributable to

each local agency pursuant to Section 96 or 97, and Section 98, notwithstanding the provisions of Section 98.6.

(3) Within 45 days of notice of the filing of an application or resolution, the auditor shall notify the governing body of each local agency whose service area or service responsibility will be altered by the amount of, and allocation factors with respect to, property tax revenue estimated pursuant to paragraph (2) which is subject to a negotiated exchange.

(4) Upon receipt of the estimates pursuant to paragraph (3) the local agencies shall commence negotiations to determine the amount of property tax revenues to be exchanged between and among the local agencies. Such negotiation period shall not exceed 30 days.

The exchange may be limited to an exchange of property tax revenues from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years.

During any negotiation period, all revenue from the annual tax increment which has not yet been distributed to the local agencies for the fiscal year or years in which negotiations take place shall be impounded. The auditor shall determine the amount of revenue, attributable to the annual tax increment, to be impounded based on the estimate made pursuant to paragraph (2).

(5) In the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the board of supervisors of the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues.

(6) Notwithstanding any other provision of law, the executive officer shall not issue a certificate of filing pursuant to Section 54791 of the Government Code until such local agencies included in the property tax revenue exchange negotiation, within the 30-day negotiation period, present resolutions adopted by each county and city whereby each such county and city agrees to accept the exchange of property tax revenues.

(7) In the event that the commission modifies the proposal or its resolution of determination, any local agency whose service area or service responsibility would be altered by the proposed jurisdictional change may request, and the executive officer shall grant, 15 days for the affected agencies, pursuant to paragraph (4), to renegotiate an exchange of property tax revenues. Notwithstanding the time period specified in paragraph (4), if the resolutions required pursuant to paragraph (6) are not presented to the executive officer within the 15-day period, all proceedings of the jurisdictional change shall automatically be terminated.

(8) No later than the date on which the certificate of completion of the jurisdictional change is recorded with the county recorder, the

executive officer shall notify the auditor or auditors of the exchange of property tax revenues and the auditor or auditors shall make the appropriate adjustments as provided in subdivision (a).

(c) Whenever a jurisdictional change is not required to be reviewed and approved by a local agency formation commission, the local agencies whose service area or service responsibilities would be altered by the proposed change, shall give notice to the State Board of Equalization and the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. The notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change and request the auditor and assessor to make the determinations required pursuant to paragraphs (1) and (2) of subdivision (b). Upon notification by the auditor of the amount of, and allocation factors with respect to, property tax subject to exchange, the local agencies, pursuant to the provisions of paragraphs (4), (5), and (6) of subdivision (b), shall determine the amount of property tax revenues to be exchanged between and among such local agencies. Notwithstanding any other provision of law, no jurisdictional change shall become effective until each county and city included in the negotiations agrees, by resolution, to accept the negotiated exchange of property tax revenues. The exchange may be limited to an exchange of property tax revenue from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years. Upon the adoption of the resolutions required pursuant to this section, the adopting agencies shall notify the auditor who shall make the appropriate adjustments as provided in subdivision (a).

(d) With respect to adjustments in the allocation of property taxes pursuant to this section, a county and any local agency or agencies within the county may develop and adopt a master property tax transfer agreement. The agreement may be revised from time to time by the parties subject to the agreement.

(e) Except as otherwise provided in subdivision (f), for the purpose of determining the amount of property tax to be allocated in 1979–80 and thereafter for those local agencies which were affected by a jurisdictional change which was filed with the State Board of Equalization after January 1, 1978, but on or before January 1, 1979, the auditor shall impound all revenue from the annual tax increment attributable to the tax rate area or areas within the territory subject to the jurisdictional change for such affected local agencies, until such local agencies determine by resolution the amount of property tax revenues to be exchanged between and among such affected agencies and notify the auditor of the determination.

(f) For the purpose of determining the amount of property tax to

be allocated in 1979–80 and thereafter, for a city incorporation which was filed pursuant to Sections 54900 to 54904 after January 1, 1978, but on or before January 1, 1979, the amount of property tax revenue considered to have been received by such jurisdiction for the 1978–79 fiscal year shall be equal to two-thirds of the amount of property tax revenue projected in the final local agency formation commission staff report pertaining to such incorporation multiplied by the proportion that the total amount of property tax revenue received by all jurisdictions within the county for the 1978–79 fiscal year bears to the total amount of property tax revenue received by all jurisdictions within the county for the 1977–78 fiscal year. Except, however, in the event that the final commission report did not specify the amount of property tax revenue projected for such incorporation, the commission shall by October 10, determine pursuant to Section 54790.3 of the Government Code, the amount of property tax to be transferred to the city.

The provisions of this subdivision shall also apply to the allocation of property taxes for the 1980–81 fiscal year and thereafter for incorporations approved by the voters in June 1979.

(g) For the purpose of the computations made pursuant to this section, in the case of a district formation which was filed pursuant to Sections 54900 to 54904, inclusive, of the Government Code after January 1978, but before January 1, 1979, the amount of property tax to be allocated to the district for the 1979–80 fiscal year and each fiscal year thereafter shall be determined pursuant to Section 54790.3 of the Government Code.

(h) For the purposes of the computations required by this chapter, in the case of a jurisdictional change, other than a change requiring an adjustment by the auditor pursuant to subdivision (a), the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 97, or the annual tax increment determined pursuant to Section 98, for each local school district, community college district, or county superintendent of schools whose service area or service responsibility would be altered by such jurisdictional change, as determined as follows:

(1) The governing body of each such district, county superintendent of schools, or county whose service areas or service responsibilities would be altered by the change shall determine the amount of property tax revenues to be exchanged between and among such affected jurisdictions. The determination shall be adopted by each affected jurisdiction by resolution. For the purpose of negotiation, the county auditor shall furnish the parties and the county board of education with an estimate of the property tax revenue subject to negotiation.

(2) In the event that affected jurisdictions are unable to agree, within 60 days after the effective date of the jurisdictional change, and if all the jurisdictions are wholly within one county, the county board of education shall, by resolution, determine the amount of property tax revenue to be exchanged. If the jurisdictions are in

more than one county, the State Board of Education shall, by resolution, within 60 days after the effective date of the jurisdictional change, determine the amount of property tax to be exchanged.

(3) Upon adoption of any resolution pursuant to this subdivision, the adopting jurisdictions or State Board of Education shall notify the county auditor who shall make the appropriate adjustments as provided in subdivision (a).

(i) For purposes of subdivision (h), the annexation by a community college district of territory within a county not previously served by a community college district is an alteration of service area. The community college district and the county shall negotiate the amount, if any, of property tax revenues to be exchanged. In the negotiations, there shall be taken into consideration the amount of revenue received from the timber yield tax and forest reserve receipts by the community college district in the area not previously served. In no event shall the property tax revenue to be exchanged exceed the amount of property tax revenue collected prior to such annexation for the purposes of paying tuition expenses of residents enrolled in the community college district, adjusted each year by the percentage change in population and the percentage change in cost of living, or per capita personal income, whichever is lower, less the amount of revenue received by the community college district in the annexed area from the timber yield tax and forest reserve receipts.

SEC. 398. Section 232 of the Revenue and Taxation Code, as added by Chapter 14 of the Statutes of 1974, is amended and renumbered to read:

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

SEC. 399. Section 485 of the Revenue and Taxation Code is amended to read:

485. If, after written request by the assessor, any person fails to comply with any provision of law for furnishing information required by Section 480, the assessor, based upon information in his possession, shall estimate the value of the property and, based upon this estimate, promptly assess the property.

SEC. 400. Section 4836.5 of the Revenue and Taxation Code is amended to read·

4836.5. In the event any correction authorized under this article has the effect of increasing the assessment, the board of supervisors shall apply a tax rate to such increase at whatever tax rate was in existence in the year in which the error was made and shall apply the assessment ratio that was in existence in the year in which the error was made. All increased amounts of taxes shall be entered on the roll prepared or being prepared for the current assessment year and shall thereafter be treated and collected like other taxes on the roll; provided, however, that if the correction affects taxes on the secured

roll for any year and subsequent to the entry of the original assessment but prior to the date of the correction the real property on which the taxes constitute a lien has been transferred or conveyed to a bona fide purchaser for value or becomes subject to a bona fide encumbrance for value, the increased amount of taxes shall not create, impose or constitute a lien on the real property and shall be entered on the unsecured roll in the name of the assessee at the time the error was made and shall thereafter be treated and collected like other taxes on the roll.

The entry on the unsecured roll shall be followed with "Correction to account or Parcel Number _____ for the 19__–19__ assessment year pursuant to Section(s) _____ of the Revenue and Taxation Code." The foregoing entry may be made on a document separate from the roll if reference is made on the roll to the document wherein the entry is made.

SEC. 401. The heading of Chapter 6 (commencing with Section 5801) of Part 12 of Division 1 of the Revenue and Taxation Code, as added by Chapter 1759 of the Statutes of 1971, is repealed. The repeal made by this section shall not affect the existence or validity of the heading of Part 13 (commencing with Section 5800) of Division 1 of the Revenue and Taxation Code, as added by Chapter 285 of the Statutes of 1980.

SEC. 402 Section 6486 of the Revenue and Taxation Code is amended to read:

6486. The board shall give to the retailer or person storing, using, or consuming tangible personal property written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the retailer or person storing, using, or consuming tangible personal property at his or her address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering it to the person to be served and service is complete at the time of delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 403. Section 6593 of the Revenue and Taxation Code, as added by Chapter 1194 of the Statutes of 1980, is amended and renumbered to read:

6594. Notwithstanding any other provision of this part, no interest or penalties shall be assessed against any person for failure to make payments of any taxes on leases of personal property to the United States government while the board is enjoined from collecting such taxes by order of the United States District Court for the Central District of California in the case of United States of

America v. California State Board of Equalization, No. CV 79-03359-R, provided that payment of any applicable taxes is made within 60 days after the board is no longer enjoined from collecting such taxes.

SEC. 404. Section 7396 of the Revenue and Taxation Code is amended to read:

7396. All money received in payment of the tax imposed by this chapter shall be deposited in the State Treasury to the credit of the Motor Vehicle Fuel Account in the Transportation Tax Fund, and after the payment of any refunds authorized by this part, the balance remaining shall be transferred to the Aeronautics Account in the State Transportation Fund for allocation pursuant to Section 8352.3.

SEC. 405. The heading of Article 4 (commencing with Section 14791) of Chapter 12 of Part 8 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 406. Section 15556 of the Revenue and Taxation Code is amended to read:

15556. In determining the value of any estate or interest in property to the beneficial enjoyment or possession of which there is a donee presently entitled, no allowance is made on account of any contingent incumbrance on the estate or interest, nor on account of any contingency upon the happening of which the estate or interest, or some part of it, might be abridged, defeated, or diminished.

SEC. 407. Section 17153 of the Revenue and Taxation Code is amended to read:

17153. Gross income does not include wages, fees, or salary of an employee of a foreign country (including a consular or other officer, or a nondiplomatic representative) received as compensation for official services to that country if all of the following conditions are met:

(a) The employee is not a citizen of the United States.

(b) The services are of a character similar to those performed by employees of the United States in foreign countries.

(c) The foreign country and political subdivisions thereof do not tax the wages, fees, or salaries of employees of the United States performing similar services in that country.

SEC. 408. Section 17203 of the Revenue and Taxation Code is amended to read:

17203 (a) There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness. However, no deduction shall be allowed to the extent that it is connected with income not taxable under this part. The proper apportionment and allocation of the deduction with respect to taxable and nontaxable income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

(b) (1) If personal property or educational services are purchased under a contract—

(A) Which provides that payment of part or all of the purchase price is to be made in installments; and

(B) In which carrying charges are separately stated but the interest charge cannot be ascertained;

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

For purposes of this paragraph, the term "educational services" means any service (including lodging) which is purchased from an educational institution (as defined in subdivision (c) of Section 17150) and which is provided for a student of such institution.

(2) In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

(c) The amendments made in subdivision (b) shall apply to payments made during taxable years beginning after December 31, 1963

(d) (1) The amount of investment interest (as defined in subparagraph (D) of paragraph (3)) otherwise allowable as a deduction under this part shall be limited, in the following order, to—

(A) Ten thousand dollars ($10,000) (five thousand dollars ($5,000), in the case of a separate return by a married individual), plus

(B) The amount of the net investment income (as defined in subparagraph (A) of paragraph (3)), plus the amount (if any) by which the deductions allowable under this section (determined without regard to this subdivision) and Section 17202, paragraphs (1) and (2) of subdivision (a) of Section 17204 or Section 17252 attributable to property of the taxpayer subject to a net lease exceeds the rental income produced by such property for the taxable year.

In the case of a trust, the ten thousand dollars ($10,000) amount specified in subparagraph (A) shall be zero.

(2) The amount of disallowed investment interest for any taxable year shall be treated as investment interest paid or accrued in the succeeding taxable year.

(3) For purposes of this subdivision—

(A) The term "net investment income" means the excess of investment income over investment expenses. If the taxpayer has investment interest for the taxable year to which this subdivision (as in effect before the enactment of the amendments made in this subdivision in the 1977–78 Legislative Session) applies, the amount of the net investment income taken into account under this subdivision shall be the amount of such income (determined without regard to this sentence) multiplied by a fraction, the numerator of which is the excess of the investment interest for the taxable year

over the investment interest to which such prior provision applies, and the denominator of which is the investment interest for the taxable year.

(B) The term "investment income" means—

(i) The gross income from interest, dividends, rents, and royalties,

(ii) The capital gain attributable to the disposition of property held for investment and held for not more than one year, and

(iii) Any amount treated under Sections 18211, 18212 to 18218, inclusive, and 18221 as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182 but only to the extent such income, gain, and amounts are not derived from the conduct of a trade or business.

(C) The term "investment expenses" means the deductions allowable under Section 17202, paragraph (1) or (2) of subdivision (a) of Section 17204, Sections 17207, 17208 to 17211.7, inclusive, 17217 to 17221, inclusive, 17252, or 17681 directly connected with the production of investment income. For purposes of this subparagraph, the deduction allowable under Sections 17208 to 17211.5, inclusive, with respect to any property may be treated as the amount which would have been allowable had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life for which the taxpayer has held the property, and the deduction allowable under Section 17681 with respect to any property may be treated as the amount which would have been allowable had the taxpayer determined the deduction under Section 17681 without regard to Sections 17683 to 17688, inclusive, for each taxable year for which the taxpayer has held the property.

(D) The term "investment interest" means interest paid or accrued on indebtedness incurred or continued to purchase or carry property held for investment.

(E) The term "disallowed investment interest" means with respect to any taxable year, the amount not allowable as a deduction solely by reason of the limitation in paragraph (1).

(4) (A) For purposes of this subdivision, property subject to a lease shall be treated as property held for investment, and not as property used in a trade or business, for a taxable year, if—

(i) For such taxable year the sum of the deductions of the lessor with respect to such property which are allowable solely by reason of Section 17202 (other than rents and reimbursed amounts with respect to such property) is less than 15 percent of the rental income produced by such property, or

(ii) The lessor is either guaranteed a specified return or is guaranteed in whole or in part against loss of income.

(B) In the case of a partnership, each partner shall, under regulations prescribed by the Franchise Tax Board, take into account separately his or her distributive share of the partnership's investment interest and the other items of income and expense taken into account under this subdivision.

(C) For purposes of this subdivision, interest paid or accrued on

indebtedness incurred or continued in the construction of property to be used in a trade or business shall not be treated as investment interest.

(5) This subdivision shall not apply with respect to investment interest, investment income, and investment expenses attributable to a specific item of property, if the indebtedness with respect to such property—

(A) Is for a specified term, and

(B) Was incurred before December 17, 1969, or is incurred after December 16, 1969, pursuant to a written contract or commitment which, on such date and at all times thereafter prior to the incurring of such indebtedness, is binding on the taxpayer.

For taxable years beginning after December 31, 1976, the paragraph shall be applied on an allocation basis rather than a specific item basis.

(6) For purposes of subparagraph (A) of paragraph (4)—

(A) If a parcel of real property of the taxpayer is leased under two or more leases, clause (i) of subparagraph (A) of paragraph (4) shall, at the election of the taxpayer, be applied by treating all leased portions of such property as subject to a single lease; and

(B) At the election of the taxpayer, clause (i) of subparagraph (A) of paragraph (4) shall not apply with respect to real property of the taxpayer which has been in use for more than five years

An election under subparagraph (A) or (B) shall be made at such time and in such manner as the Franchise Tax Board prescribes by regulations.

(7) (A) In the case of any 50-percent-owned corporation or partnership, the ten thousand dollar ($10,000) figure specified in paragraph (1) shall be increased by the lesser of—

(i) Fifteen thousand dollars ($15,000), or

(ii) The interest paid or accrued during the taxable year on investment indebtedness incurred or continued in connection with the acquisition of the interest in such corporation or partnership.

In the case of a separate return by a married individual, seven thousand five hundred dollars ($7,500) shall be substituted for the fifteen thousand dollars ($15,000) figure in clause (i).

(B) This paragraph shall apply with respect to indebtedness only if the taxpayer, his or her spouse, and his or her children own 50 percent or more of the total value of all classes of stock of the corporation or 50 percent or more of all capital interests in the partnership, as the case may be

(e) (1) The amendments made in subdivision (d) by the First Extraordinary Session of the 1971 Legislature and the Regular Session of the 1972 Legislature shall apply to taxable years beginning after December 31, 1971.

(2) Except as provided in paragraph (3), the amendments made in subdivision (d) by the 1977–78 Legislature shall apply to taxable years beginning after December 31, 1976.

(3) In the case of indebtedness attributable to a specific item of

property which—

(A) Is for a specified term, and

(B) Was incurred before September 11, 1975, or is incurred after September 10, 1975, pursuant to a written contract or commitment which on September 11, 1975, and at all times thereafter before the incurring of such indebtedness, is binding on the taxpayer.

The amendments made by this section at the 1977–78 Regular Session of the Legislature shall not apply, but subdivision (d) of Section 17203 (as in effect before the enactment of these amendments) shall apply. For purposes of the preceding sentence, so much of the net investment income (as defined in subparagraph (A) of paragraph (3) of subdivision (d) of Section 17203) for any taxable year as is not taken into account under subdivision (d) of Section 17203, as amended by these amendments, by reason of the last sentence of subparagraph (A) of paragraph (3) of subdivision (d), shall be taken into account for purposes of applying such section as in effect before the date of enactment of these amendments with respect to interest on indebtedness referred to in the preceding sentence.

SEC. 409. Section 17206 of the Revenue and Taxation Code is amended to read:

17206. (a) There shall be allowed as a deduction any loss sustained during the taxable year and not compensated for by insurance or otherwise.

(b) For purposes of subdivision (a), the basis for determining the amount of the deduction for any loss shall be the adjusted basis provided in Section 18041 for determining the loss from the sale or other disposition of property.

(c) In the case of an individual, the deduction under subdivision (a) shall be limited to—

(1) Losses incurred in a trade or business;

(2) Losses incurred in any transaction entered into for profit, though not connected with a trade or business; and

(3) Losses of property not connected with a trade or business, if the losses arise from fire, storm, shipwreck, or other casualty, or from theft. A loss described in this paragraph shall be allowed only to the extent that the amount of loss to the individual arising from each casualty, or from each theft, exceeds one hundred dollars ($100). For purposes of the one hundred dollars ($100) limitation of the preceding sentence, a husband and wife making a joint return under Section 18402 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, the loss has been claimed for inheritance tax purposes in the inheritance tax return.

(d) Losses from wagering transactions shall be allowed only to the extent of the gains from the transactions.

(e) For purposes of subdivision (a), any loss arising from theft shall be treated as sustained during the taxable year in which the

taxpayer discovers the loss.

(f) Losses from sales or exchanges of capital assets shall be allowed only to the extent allowed in Section 18152

(g) (1) If any security which is a capital asset becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this part, be treated as a loss from the sale or exchange, on the last day of the taxable year, of a capital asset.

(2) For purposes of this subdivision, the term "security" means—

(A) A share of stock in a corporation;

(B) A right to subscribe for, or to receive, a share of stock in a corporation; or

(C) A bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form.

SEC. 410. Section 17253 of the Revenue and Taxation Code is amended to read:

17253. There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise—

(a) The amount by which the amount of the expenses paid during the taxable year (reduced by any amount deductible under subdivision (b)) for medical care of the taxpayer, his spouse, and dependents (as defined in Section 17056) exceeds 3 percent of the adjusted gross income, and

(b) An amount (not in excess of one hundred fifty dollars ($150)) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

(c) As used in this section, "expenses" includes any amount paid, as required under the parental reimbursement regulation in Title 17 of the California Administrative Code, as certified by the State Department of Developmental Services.

SEC. 411. Section 17482 of the Revenue and Taxation Code is amended to read:

17482. (a) No gain or loss shall be recognized on an exchange consisting of the relinquishment or extinguishment of stock or securities in a corporation the plan or reorganization of which is approved by the court in a proceeding described in Section 17481, in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate such plan of reorganization.

(b) If an exchange would be within the provisions of subdivision (a) if it were not for the fact that the property received in exchange consists not only of property permitted by subdivision (a) to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

SEC. 412. Section 17631 of the Revenue and Taxation Code is amended to read:

17631. An organization described in Section 17501 shall be exempt from taxation under this part unless such exemption is denied under Sections 17635 to 17639, inclusive.

SEC. 413. Section 17637 of the Revenue and Taxation Code is amended to read:

17637. For purposes of Sections 17635 to 17639, inclusive, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of Sections 17635 to 17639, inclusive—

(a) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(b) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(c) Makes any part of its services available on a preferential basis to;

(d) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(e) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth to; or

(f) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in subdivision (d) of Section 17289) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 percent or more of the total 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 of the corporation.

SEC. 414. Section 18082 of the Revenue and Taxation Code is amended to read:

18082. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted:

(a) Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(b) Into money, and the disposition of the converted property occurred before January 1, 1953, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Franchise Tax Board, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether

such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain). For the purposes of this section and Section 18083, the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation. For purposes of this subdivision and subdivision (c) and Section 18083, the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.

(c) Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in subdivision (b)) occurred after December 31, 1952, the gain (if any) shall be recognized except to the extent hereinafter provided in Section 18083.

SEC. 415. 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 subparagraph (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 or her

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) 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. 416 Section 18816.5 of the Revenue and Taxation Code is amended to read:

18816.5. (a) Whenever any payer required to deduct and withhold tax under Section 18805 sells, transfers, dissolves, withdraws, terminates or otherwise disposes of the business or a substantial portion of its assets, the successors (including assigns, purchasers, heirs, distributees, beneficiaries or other persons acquiring either a substantial portion of the assets or the business) shall withhold in trust a sufficient part of the purchase price or set aside in trust money or property to cover the amount of the taxes required to be withheld and any interest or penalties with respect thereto which are due or unpaid by the payer. The money, property or portion of the purchase price shall be held in trust until a certificate is issued by the Franchise Tax Board stating that no amount of such tax, interest or penalties are due or unpaid from the payer.

(b) Upon written request by the successor, the Franchise Tax Board shall, within 60 days, issue a certificate or a statement showing the amount of tax, interest and penalties due from the payer. Except as provided in subdivision (c), failure to issue a certificate or statement within the 60-day period shall be deemed equivalent to the issuance of a certificate stating that no tax, interest or penalties are due. If the Franchise Tax Board issues a statement showing that taxes, interest and penalties are claimed to be due, the amount stated therein (not in excess of the fair market value of the assets or business acquired) shall be paid by the successor to the Franchise Tax Board within (1) 30 days after the statement is mailed or delivered to the successor or (2) on the day the business or assets are acquired, whichever is the latest event. If a request for a certificate is not made by the successor, the amount of tax, interest or penalties due or unpaid by the payer shall be paid by the successor to the Franchise Tax Board on the day the business or assets are acquired. If a

successor fails to pay the amount required by this section by the time prescribed in this subdivision, a penalty of 10 percent of the amount payable shall be levied.

(c) The issuance of a certificate stating that no taxes, interest and penalties are due, or the failure to issue such certificate or statement within the period of 60 days shall not release the payer from liability on account of any taxes, interest, and penalties then or thereafter determined to be due from him or her, but shall release the successor from any further liability on account of any such taxes, interest and penalties. Payment by the successor pursuant to subdivision (b) shall not release the payer from liability except to the extent of the amount paid by the successor.

(d) Any successor that fails to withhold money or other property or fails to pay the amount or value of the property withheld as provided in this section shall be personally liable for the payment of the taxes, interest and penalties due from the payer up to but not exceeding the fair market value of the assets or business acquired. The Franchise Tax Board shall have all of the remedies for collection against any successor that acquires the business or substantially all the assets thereof of a payer as provided by this part against any payer liable for taxes, interest and penalties. The time within which the obligation may be enforced against the successor acquiring the business or substantially all the assets thereof of a payer shall commence from (1) the date the successor acquires the assets or business, (2) the date an assessment against the successor payer becomes final, or (3) 31 days after the statement is mailed or delivered to the successor if a certificate is requested by the successor as provided in subdivision (b), whichever of the three events is later.

SEC. 417. Section 19092 of the Revenue and Taxation Code is amended to read:

19092. If judgment is rendered against the Franchise Tax Board, the amount thereof shall first be credited against any taxes and interest due from the taxpayer under this part and the remainder refunded to the taxpayer by the State Treasurer on warrants drawn by the Controller.

SEC. 418. Section 20583 of the Revenue and Taxation Code is amended to read:

20583 (a) "Residential dwelling" means a dwelling occupied as the principal place of residence of the claimant, 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 spouse, or by the claimant and either another individual eligible for postponement under this chapter or an individual described in subdivision (a), (b) or (c) of Section 20511 and located in this state. It shall include condominiums and mobilehomes which are assessed as realty for local property tax purposes. It also includes part of a multidwelling or multipurpose building and a part of the land upon which it is built. In the case of a mobilehome not assessed as real property which is located on land owned by the claimant, residential "dwelling"

includes the land on which such mobilehome is situated and so much of the land surrounding it as reasonably necessary for use of the mobilehome as a home.

(b) As used in this chapter in reference to ownership interests in residential dwellings, "owned" includes (1) the interest of a vendee in possession under a land sale contract provided that the contract or memorandum thereof is recorded and only from the date of recordation of the contract or memorandum thereof in the office of the county recorder where the residential dwelling is located, (2) the interest of the holder of a life estate provided that the instrument creating the life estate is recorded and only from the date of recordation of the instrument creating the life estate in the office of the county recorder where the residential dwelling is located, but "owned" does not include the interest of any remainderman or holder of a reversionary interest in the residential dwelling, (3) the interest of a joint tenant or a tenant in common in the residential dwelling or the interest of a tenant where title is held in tenancy by the entirety or a community property interest where title is held as community property.

(c) For purposes of this chapter, the registered owner of a mobilehome shall be deemed to be the owner of the mobilehome.

(d) Except as provided in subdivision (c), and Chapter 3 (commencing with Section 20625), ownership must be evidenced by an instrument duly recorded in the office of the county where the residential dwelling is located.

(e) "Residential dwelling" does not include any of the following:

(1) Any residential dwelling in which the owners do not have an equity of at least 20 percent of the full value of the property as determined for purposes of property taxation at the time a notice of lien for postponed taxes is recorded pursuant to Section 16182 of the Government Code.

(2) Any residential dwelling in which the claimant's interest is held pursuant to a contract of sale or under a life estate, unless such claimant obtains the written consent of the vendor under the contract of sale, or the holder of the reversionary interest upon termination of the life estate for the postponement of taxes and the creation of a lien on the real property in favor of the state for amounts postponed pursuant to this act.

(3) Any residential dwelling on which the claimant does not receive a secured tax bill.

(4) Any residential dwelling in which the claimant's interest is held as a possessory interest, except as provided in Chapter 3.5 (commencing with Section 20640).

(5) (A) Except as provided in this section, any residential dwelling on which the property taxes, as defined in Section 20584, are delinquent at the time the application for postponement under this chapter is made or on which any other property tax or special assessment imposed by a special district or other tax code area is delinquent at the time the application for postponement under this

chapter is made.

(B) Any taxes or assessments described in subparagraph (A) which are delinquent on July 1, 1977, shall not disqualify an otherwise eligible dwelling for postponement under this chapter. An application for postponement under this chapter to postpone the payment of property taxes for the 1977–78 fiscal year, shall also constitute an application for the postponement of all such delinquent taxes and assessments, together with any penalties, interest, fees, or other charges resulting from such delinquency and such amounts shall, unless otherwise paid by the claimant, be paid out of the amount appropriated by Section 16100 of the Government Code and shall be added to and become part of the obligation secured by the lien provided by Section 16182 of the Government Code; provided, however, that upon payment of delinquent taxes and assessments for fiscal year 1976–77 out of the amount appropriated by Section 16100, any delinquent penalties, interest, fees or other charges resulting from the delinquency of such taxes and assessments for fiscal year 1976–77 shall be canceled.

(C) For 1978–79 and thereafter, any taxes or assessments described in subparagraph (A) which became delinquent after the claimant was 62 and before the claimant first has established a lien pursuant to Section 16182 of the Government Code shall not disqualify an otherwise eligible dwelling for postponement under this chapter An application to postpone taxes for 1978–79 or thereafter shall also constitute an application for the postponement of all such delinquent taxes and assessments, together with any penalties, interest, fees, or other charges resulting from such delinquency and such amounts shall, unless otherwise paid by the claimant, be paid out of the amount appropriated by Section 16100 of the Government Code and shall be added to and become part of the obligation secured by the lien provided by Section 16182 of the Government Code.

SEC. 419. Section 20640.6 of the Revenue and Taxation Code is amended to read:

20640.6. (a) Upon receipt of the information described in Section 20640.4 and Section 20640.5, the State Controller shall determine whether the state's interest would be adequately protected if postponement is granted, and if so, shall issue to the claimant a certificate of eligibility containing the name of claimant, address of the residential dwelling on which the claimant has applied for property tax postponement, and any other information and in the form as the State Controller shall prescribe. In the event that the residential dwelling is located in a chartered city which levies and collects its own taxes, the Controller shall issue a duplicate certificate of eligibility to pay all or any part of property taxes appearing on the city's tax bill.

(b) The Controller shall cause to be recorded with the county recorder of the county in which the real property is located, a copy of any instrument creating a security interest, which shall include

applicable consent forms, in favor of the state The instrument shall contain a legal description of the real property subject to the possessory interest, and, if the legal description of the possessory interest describes an area less than the entire property ownership, the notice or document shall also contain a reference to the record of the acquisition instrument to the entire parcel from which the possessory interest was created. The priority of the security interest shall be as of the date of recordation.

(c) The Controller shall prescribe the form of certificates of eligibility to pay all delinquent taxes and assessments authorized by this chapter.

Upon or accompanying each certificate shall be a brief statement explaining that (1) those taxpayers whose property taxes are paid by a lender via an impound, trust or other similar account should enter the total amount of each installment on the certificates and mail the certificates to the tax collector and (2) those taxpayers will receive a refund check from the county or city in the amount they entered on the certificate, within 30 days following the date on which the installment is paid by the lender or the certificate of eligibility is received by the tax collector, whichever is later.

(d) When a certificate of eligibility has been signed by the claimant, his or her spouse, or authorized agent and countersigned by the person authorized to collect property taxes or assessments for the local agency, the certificate shall constitute a written promise on the part of the State of California to pay the sum of money specified therein and the signed and countersigned certificate shall be deemed a negotiable instrument for the sole purpose of the payment of property taxes owing in the name of the claimant or his or her spouse for purposes of all laws of this state.

(e) A certificate of eligibility shall be valid for the duration prescribed thereon by the Controller.

(f) The Controller shall issue certificates of eligibility at such times as the Controller determines will best implement the purpose of this chapter.

(g) The Controller shall prescribe the manner in which a claimant eligible under this chapter, who has been issued a certificate of eligibility which is lost or destroyed prior to being filed with the local agency may obtain a duplicate copy of the certificate as a replacement. (Under conditions as may be prescribed by the Controller, a duplicate copy shall be deemed as having been filed with the local agency as of the date a claimant requests issuance of a duplicate copy.)

SEC. 420. Section 24431 of the Revenue and Taxation Code is amended to read.

24431. If—

(a) Any person or persons acquire, or acquired on or after October 8, 1940, directly or indirectly, control of a corporation; or

(b) Any corporation acquires, or acquired on or after October 8, 1940, directly or indirectly, property of another corporation, not

controlled, directly or indirectly, immediately before such acquisition, by such acquiring corporation or its stockholders, the basis of which property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation;

and the principal purpose for which such acquisition was made is evasion or avoidance of tax under this part by securing the benefit of a deduction, credit, or other allowance which such person or corporation would not otherwise enjoy, then such deduction, credit, or other allowance shall not be allowed. For purposes of subdivisions (a) and (b), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of the corporation.

SEC. 421. Section 24497 of the Revenue and Taxation Code is amended to read:

24497. For purposes of those provisions of this chapter to which the rules contained in this section are expressly made applicable—

(a) (1) An individual shall be considered as owning the stock owned, directly or indirectly, by or for—

(A) His or her spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance); and

(B) His or her children, grandchildren, and parents.

(2) For purposes of subparagraph (B) of paragraph (1), a legally adopted child of an individual shall be treated as a child of such individual by blood.

(b) (1) Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

(2) (A) Stock owned, directly or indirectly, by or for a trust (other than an employees' trust described in Section 17501 which is exempt from tax under Section 17631) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

(B) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under Sections 17781 to 17792, inclusive, (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

(3) If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such corporation, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation.

(c) (1) Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as owned by the partnership or estate.

(2) (A) Stock owned, directly or indirectly, by or for a beneficiary

of a trust (other than an employees' trust described in Section 17501 which is exempt from tax under Section 17631) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of this subparagraph, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property.

(B) Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under Sections 17781 to 17792, inclusive, (relating to grantors and others treated as substantial owners) shall be considered as owned by the trust.

(3) If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person.

(d) If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(e) (1) Except as provided in paragraphs (2) and (3), stock constructively owned by a person by reason of the application of subdivision (a), (b), (c), or (d) shall, for purposes of applying subdivision (a), (b), (c), or (d), be treated as actually owned by such person.

(2) Stock constructively owned by an individual by reason of the application of subdivision (a) shall not be treated as owned by him or her for purposes of again applying subdivision (a) in order to make another the constructive owner of such stock.

(3) Stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of subdivision (c) shall not be considered as owned by it for purposes of applying subdivision (b) in order to make another the constructive owner of such stock.

(4) For purposes of this paragraph, if stock may be considered as owned by an individual under subdivision (a) or (d), it shall be considered as owned by him or her under subdivision (d).

SEC 422. Section 24563 of the Revenue and Taxation Code is amended to read:

24563. For purposes of this article, the term "a party to a reorganization" includes:

(a) A corporation resulting from a reorganization; and

(b) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under paragraph (2) or paragraph (3) of subdivision (a) of Section 24562, if the stock exchanged for the stock or properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to a

reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) of Section 24562 by reason of paragraph (3) of subdivision (b) of Section 24562, the term "a party to a reorganization" includes the corporation controlling the corporation to which the acquired assets or stock are transferred.

In the case of a reorganization qualifying under paragraph (1) of subdivision (a) of Section 24562 by reason of paragraph (4) of subdivision (b) of Section 24562, the term "a party to a reorganization" includes the controlling corporation referred to in paragraph (4) of subdivision (b) of Section 24562. In the case of a reorganization qualifying under paragraph (1) of subdivision (a) of Section 24562, by reason of paragraph (5) of subdivision (b) of Section 24562, the term "party to a reorganization" includes the controlling corporation referred to in paragraph (5) of subdivision (b) of Section 24562.

(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. 423. Section 24662 of the Revenue and Taxation Code is amended to read:

24662. (a) (1) In the case of insurance proceeds received as a result of destruction or damage to crops, a taxpayer reporting on the cash receipts and disbursements method of accounting may elect to include such proceeds in income for the income year following the income year of destruction or damage, if he establishes that, under his practice, income from such crops would have been reported in a following income year.

For purposes of the preceding sentence, payments received under the Agricultural Act of 1949, as amended, as a result of (A) destruction or damage to crops caused by drought, flood, or any other natural disaster, or (B) the inability to plant crops because of such a natural disaster, shall be treated as insurance proceeds received as a result of destruction or damage to crops.

An election under this section for any income year shall be made at such time and in such manner as the Franchise Tax Board prescribes.

(2) The amendment made to paragraph (1) by the 1977–78 Regular Session of the Legislature shall apply to payments received after income years beginning after December 31, 1976.

(b) (1) In the case of income derived from the sale or exchange of livestock (other than livestock described in subdivision (b) of Section 18182) in excess of the number the taxpayer would sell if it followed its usual business practices, a taxpayer reporting on the cash receipts and disbursements method of accounting may elect to include such income for the income year following the income year in which such sale or exchange occurs if it establishes that, under its usual business practices, the sale or exchange would not have

occurred in the income year in which it occurred if it were not for drought conditions, and that these drought conditions had resulted in the area being designated as eligible for assistance by the federal government.

(2) Subdivision (a) shall apply only to a taxpayer whose principal trade or business is farming (within the meaning of Section 6420(c)(3) of the Internal Revenue Code of 1954).

SEC. 424. Section 24949.2 of the Revenue and Taxation Code is amended to read:

24949.2. (a) For purposes of Sections 24943 through 24945, if real property (not including stock in trade or other property held primarily for sale) held for productive use in trade or business or for investment is (as a result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, property of a like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted.

(b) (1) Subdivision (a) shall not apply to the purchase of stock in the acquisition of control of a corporation described in subdivision (a) of Section 24944.

(2) Subdivision (a) shall apply with respect to the compulsory or involuntary conversion of any real property only if the disposition of the converted property (within the meaning of subdivision (b) of Section 24943) occurs after December 31, 1960.

(c) (1) A taxpayer may elect, at such time and in such manner as the Franchise Tax Board may prescribe, to treat property which constitutes an outdoor advertising display as real property for purposes of this part.

(2) An election made under paragraph (1) may not be revoked without the consent of the Franchise Tax Board.

(3) For purposes of this subdivision, the term "outdoor advertising display" means a rigidly assembled sign, display, or device permanently affixed to the ground or permanently attached to a building or other inherently permanent structure constituting, or used for the display of, a commercial or other advertisement to the public.

(4) For purposes of this subdivision, an interest in real property purchased as replacement property for a compulsorily or involuntarily converted outdoor advertising display defined in paragraph (3) (and treated by the taxpayer as real property) shall be considered property of a like kind as the property converted without regard to whether the taxpayer's interest in the replacement property is the same kind of interest the taxpayer held in the converted property.

(d) In the case of a compulsory or involuntary conversion described in subdivision (a), paragraph (1) of subdivision (b) of Section 24944 shall be applied by substituting "three years" for "two years".

(e) Subdivision (d) shall apply with respect to any disposition of

converted property (within the meaning of Section 24944) after December 31, 1976.

SEC. 425. Section 24952 of the Revenue and Taxation Code is amended to read:

24952. (a) If—

(1) A sale of real property gives rise to indebtedness to the seller which is secured by the real property sold, and

(2) The seller of such property reacquires such property in partial or full satisfaction of such indebtedness,

then, except as provided in subdivisions (b) and (d), no gain or loss shall result to the seller from such reacquisition, and no debt shall become worthless or partially worthless as a result of such reacquisition.

(b) (1) In the case of a reacquisition of real property to which subdivision (a) applies, gain shall result from such reacquisition to the extent that—

(A) The amount of money and the fair market value of other property (other than obligations of the purchaser) received, prior to such reacquisition, with respect to the sale of such property, exceeds

(B) The amount of the gain on the sale of such property included in the measure of tax or returned as income for periods prior to such reacquisition.

(2) The amount of gain determined under paragraph (1) resulting from a reacquisition during any income year beginning after December 31, 1964, shall not exceed the amount by which the price at which the real property was sold exceeded its adjusted basis, reduced by the sum of—

(A) The amount of the gain on the sale of such property included in the measure of tax or returned as income for periods prior to the reacquisition of such property, and

(B) The amount of money and the fair market value of other property (other than obligations of the purchaser received with respect to the sale of such property) paid or transferred by the seller in connection with the reacquisition of such property.

For purposes of this paragraph, the price at which real property is sold is the gross sales price reduced by the selling commissions, legal fees, and other expenses incident to the sale of such property which are properly taken into account in determining gain or loss on such sale.

(3) Except as provided in this section, the gain determined under this subdivision resulting from a reacquisition to which subdivision (a) applies shall be recognized, notwithstanding any other provision of this part

(c) If subdivision (a) applies to the reacquisition of any real property, the basis of such property upon such reacquisition shall be the adjusted basis of the indebtedness to the seller secured by such property (determined as of the date of reacquisition), increased by the sum of—

(1) The amount of the gain determined under subdivision (b)

resulting from such reacquisition, and

(2) The amount described in subparagraph (B) of paragraph (2) of subdivision (b).

If any indebtedness to the seller secured by such property is not discharged upon the reacquisition of such property, the basis of such indebtedness shall be zero.

(d) If, prior to a reacquisition of real property to which subdivision (a) applies, the seller has treated indebtedness secured by such property as having become worthless or partially worthless—

(1) Such seller shall be considered as receiving, upon the reacquisition of such property, an amount equal to the amount of such indebtedness treated by him as having become worthless, and

(2) The adjusted basis of such indebtedness shall be increased (as of the date of reacquisition) by an amount equal to the amount so considered as received by such seller.

SEC. 426. Section 38108 of the Revenue and Taxation Code is amended to read:

38108. "Scaling date" means the date when the quantity of timber harvested, by species, is first definitely determined.

Except for national forest timber, the scaling date shall be no later than the date of delivery of the felled trees to the storage or wood-processing area, whichever is first, or an alternative approved by the board. For national forest timber, the definitely determined timber volume included in forest service, United States Department of Agriculture, billing statements to timber sale contract holders, or an alternative approved by the board after a public hearing, shall be the basis for tax payment.

SEC. 427. Section 38351 of the Revenue and Taxation Code is amended to read:

38351. Every person who owns timber subject to a timber harvest plan, every person who is required to file a notice of timber operations with the State Forester, and every person who is the first person who acquires either legal title or beneficial title to downed timber or timber after it has been felled from land owned by a federal agency or any other person or agency or entity exempt from state taxation under the Constitution or laws of the United States or under the Constitution or laws of the State of California shall register with the board giving such information as the board may require.

SEC. 428. Section 38421 of the Revenue and Taxation Code is amended to read

38421 If any person fails to make a return, the board shall make an estimate of the amount of the total timber harvested by the person and the immediate harvest value of that timber. The estimate shall be made for the period or periods in respect to which the person failed to make a return and shall be based upon any information which is in the board's possession or may come into its possession. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus arrived at a penalty equal to 10 percent thereof. One or

more determinations may be made for one or for more than one period. When a person discontinues activities subject to the tax, a determination may be made at any time thereafter, within the periods specified in Section 38417, as to liability arising out of the person's activities subject to the tax, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this part

SEC. 429. Section 40081 of the Revenue and Taxation Code is amended to read:

40081. If any person fails to make a return, the board shall make an estimate of the amount of kilowatt-hours sold for consumption by the person, or, as the case may be, of the amount of kilowatt-hours purchased by the person, the consumption of which in this state is subject to the surcharge. The estimate shall be made for the period or periods in respect to which the person failed to make a return and shall be based upon any information which is in the board's possession or may come into its possession. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus arrived at a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one period.

SEC. 430. Section 41080 of the Revenue and Taxation Code is amended to read:

41080. If any person fails to make a return, the board shall make an estimate of the amount of the charges for services by the person, or, as the case may be of the amount of charges for services received by the persons, in this state which are subject to the surcharge. The estimate shall be made for the period or periods in respect to which the person failed to make a return and shall be based upon any information which is in the board's possession or may come into its possession. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus arrived at a penalty equal to 10 percent thereof, or ten dollars ($10), whichever is greater. One or more determinations may be made for one or for more than one period.

SEC. 431. Section 31856 of the Streets and Highways Code is amended to read:

31856. Property for additional parking places may be acquired by any of the following means:

(a) By a lump sum payment or by contract of purchase with payments made annually, or otherwise, over a period of years, but that contract shall not provide for payments to be over a period longer than 25 years from the date of the contract. The purchase price may be paid from the limited taxes levied for acquisition of parking places under Section 31822, from revenues derived from operation of parking places of the district, or from any other funds of the district available for the purpose.

(b) By lease, but the lease shall not run for a period longer than 25 years Rental on any lease may be paid from revenues derived

from the operation of parking places of the district, from the limited taxes levied for maintenance, operation, repair, and improvement under Section 31822, or from any other funds of the district available for the purpose

(c) Under lease and option to purchase but the lease and option shall not run for a longer period than 25 years. The purchase price may be provided from revenues derived from operation of parking places of the district, from the limited taxes levied for acquisition of parking places under Section 31822, or from any other funds of the district available for the purpose.

(d) Pursuant to Section 31861.

(e) Any contract of purchase, lease, or lease with option to purchase entered into pursuant to subdivision (a), (b), or (c) may contain agreements or covenants requiring levies pursuant to Section 31822, or requiring the fixing and collection of fees, charges, and rentals for the use of parking places of the district, or both, sufficient to produce funds from which the purchase price or rent shall be paid in accordance with the terms of the contract or lease.

SEC. 432. Section 2708.1 of the Unemployment Insurance Code is amended to read:

2708.1. Where an individual is entitled to receive unemployment compensation disability benefits reduced by the amount of temporary workers' compensation received for any day under Section 2629, it shall not be necessary that he or she obtain a certificate of a physician as required by Section 2708 to receive the reduced amount of disability benefits for that day; provided, that the claimant submits evidence to the department of receipt of temporary disability benefits under a workers' compensation law for that day.

SEC. 433. Section 9002 of the Unemployment Insurance Code is amended to read:

9002. Subject to the provisions of Sections 9600 and 9605, the Secretary of the Health and Welfare Agency shall coordinate all job training placement, and related programs, conducted by state agencies, with the federal government and ensure that there is no duplication of the programs among state agencies and that all agreements, contracts, plans, or programs conform to the provisions of this part. Any plan proposed to be submitted by any agency to the federal government in relation to a job training, placement, or related program, shall first be submitted to the Secretary of the Health and Welfare Agency for his or her review The Health and Welfare Agency may require state departments to contract with it for services to carry out the provisions of this part.

SEC. 434 Section 1817 of the Vehicle Code is amended to read:

1817. Written allegations received by the department from members of the public identifying motor vehicles or other vehicles by license number from which any flaming or glowing substance has been thrown, or discharged, shall be forwarded to the Department of Forestry together with any information as to the identity of the

registered owner of the vehicle as shown by the records of the department.

SEC. 435. Section 2400 of the Vehicle Code is amended to read:

2400. The commissioner shall administer Chapter 4 (commencing with Section 10850) of Division 4, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000) except Chapter 11 (commencing with Section 22950), Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14 (commencing with Section 31600), Division 14.5 (commencing with Section 33000), Division 14.8 (commencing with Section 34500), Division 15 (commencing with Section 35000), Division 16 (commencing with Section 36000) except Chapter 2 (commencing with Section 36100) and Chapter 3 (commencing with Section 36300), and Division 16.5 (commencing with Section 38000) except Chapter 2 (commencing with Section 38010).

The commissioner shall enforce all laws regulating the operation of vehicles and the use of the highways except that, on ways or places to which Section 592 makes reference, the commissioner shall not be required to provide patrol or enforce this code other than those provisions applicable to private property.

The commissioner shall not be required to provide patrol for or enforce Division 16.5 (commencing with Section 38000).

The commissioner shall have full responsibility and primary jurisdiction for the administration and enforcement of those provisions and laws, and for the investigation of traffic accidents, on all state highways constructed as freeways within incorporated areas of the state. However, city police officers, while engaged primarily in general law enforcement duties, may incidentally enforce state and local traffic laws and ordinances on state freeways. In any city having either a population in excess of 2,000,000 or an area of more than 300 square miles, city police officers shall have full responsibility and primary jurisdiction for the administration and enforcement of those laws and ordinances, unless the city council of the city, by resolution, requests administration and enforcement of those laws by the commissioner.

SEC. 436. Section 3051 of the Vehicle Code is amended to read:

3051. This chapter does not apply to any person licensed as a transporter under Article 1 (commencing with Section 11700) or as a salesman under Article 2 (commencing with Section 11800) of Chapter 4 of Division 5, or to any licensee who is not a new motor vehicle dealer, motor vehicle manufacturer, manufacturer branch, new motor vehicle distributor, distributor branch or representative. This chapter does not apply to transactions involving "mobilehomes", as defined in Section 18008 of the Health and Safety Code, "recreational vehicles", as defined in Section 18010.5 of the Health and Safety Code, "commercial coaches", as defined in Section 18012 of the Health and Safety Code or off-highway motor vehicles

subject to identification, as defined in Section 38012. Except as otherwise provided in this chapter, this chapter applies to a new motor vehicle dealer as defined in Section 426, a vehicle manufacturer as defined in Section 672, a manufacturer branch as defined in Section 389, a distributor as defined in Section 296, a distributor branch as defined in Section 297, a representative as defined in Section 512, or an applicant therefor.

SEC. 437 Section 4451 of the Vehicle Code is amended to read:

4451. The certificate of ownership shall contain all of the following:

(a) Not less than the information required upon the face of the registration card

(b) Provision for notice to the department of a transfer of the title or interest of the owner or legal owner.

(c) Provision for application for transfer of registration by the transferee.

SEC. 438. Section 5004 of the Vehicle Code is amended to read:

5004. (a) Notwithstanding any other provision of this code, any owner of a motor vehicle described in paragraph (1), (2), or (3) which is operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special identification plates for the motor vehicle:

(1) A motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965.

(2) A motor vehicle manufactured in the year 1922 or prior thereto

(3) A motor vehicle which was manufactured after 1922, is at least 25 years old, and is of historic interest.

(b) The special identification plates assigned to motor vehicles with an engine of 16 or more cylinders manufactured prior to 1965, and to any motor vehicle manufactured in the year 1922 and prior thereto, shall run in a separate numerical series, commencing with "Horseless Carriage No 1".

The special identification plates assigned to motor vehicles manufactured after 1922 which are at least 25 years old and are motor vehicles of historic interest shall run in a separate numerical series, commencing with "Historical Vehicle No. 1."

Each series of plates shall have different and distinguishing colors.

(c) A fee of twenty-five dollars ($25) shall be charged for the initial issuance of the special identification plates. The plates shall be permanent and shall not be required to be replaced If the special identification plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of the fee provided for in Section 9265

(d) All funds received by the department, in payment for the identification plates or the replacement thereof, shall be deposited

in the California Environmental License Plate Fund.

(e) These vehicles are not exempt from the equipment provisions of Sections 26709, 27150, and 27600.

(f) As used in this section, a motor vehicle of historic interest is one which is collected, restored, maintained, and operated by a collector or hobbyist principally for purposes of exhibition and historic vehicle club activities.

SEC. 439. Section 5004.5 of the Vehicle Code is amended to read:

5004.5. Notwithstanding any other provision of this code, any owner of a motorcycle manufactured in the year 1942 or prior thereto shall, upon application in the manner and at the time prescribed by the department, be issued special license plates for the motorcycle. The special license plates assigned to the motorcycles shall run in a separate numerical series. An additional fee of fifteen dollars ($15) shall be charged for the initial issuance of the special license plates. The plates shall be permanent and shall not be required to be replaced. If the special license plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of the fee provided for in Section 9265. Except as otherwise provided in this section, the motorcycles are subject to the same annual registration fees and provisions of law as are other motorcycles

All revenues derived from the fees provided for in this section above actual costs of the production and issuance of the special plates for motorcycles, or the replacement thereof, shall be deposited in the California Environmental License Plate Fund by the department.

SEC. 440. Section 9400 of the Vehicle Code is amended to read:

9400. In addition to any other registration fee, the fees set forth in this section shall be paid for the registration of commercial vehicles. Whenever a camper is temporarily attached to a motor vehicle designed to transport property, the motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of the motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule.

Unladen Weight	Fee
Less than 6,000 lbs.	$54
6,000 lbs. or more but less than 10,000 lbs.	108
10,000 lbs. or more	145

(b) For any motor vehicle having not more than two axles and designed, used, or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule.

Unladen weight	Fee
Less than 3,000 lbs.	$5
3,000 lbs. to and including 4,000 lbs.	15
4,001 lbs. to and including 5,000 lbs.	32
5,001 lbs. to and including 6,000 lbs.	62
6,001 lbs. to and including 7,000 lbs.	83
7,001 lbs. to and including 8,000 lbs.	104
8,001 lbs. to and including 9,000 lbs.	124
9,001 lbs. to and including 10,000 lbs.	146
10,001 lbs. to and including 11,000 lbs.	165
11,001 lbs. to and including 12,000 lbs.	186
12,001 lbs. to and including 13,000 lbs.	207
13,001 lbs. to and including 14,000 lbs.	228
14,001 lbs. and over	247

(c) For any motor vehicle having three or more axles, or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used, or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$17
3,001 lbs. to and including 4,000 lbs.	31
4,001 lbs. to and including 5,000 lbs.	62
5,001 lbs. to and including 6,000 lbs.	92
6,001 lbs. to and including 7,000 lbs	124
7,001 lbs. to and including 8,000 lbs	155
8,001 lbs. to and including 9,000 lbs.	186
9,001 lbs. to and including 10,000 lbs.	217
10,001 lbs. to and including 11,000 lbs.	247
11,001 lbs. to and including 12,000 lbs.	278
12,001 lbs. to and including 13,000 lbs.	309
13,001 lbs. to and including 14,000 lbs.	341
14,001 lbs. to and including 15,000 lbs.	372
15,001 lbs. and over	413

(d) This section does not apply to any vehicle which is operated or moved over the highway exclusively for the purpose of historical exhibition or other similar noncommercial purpose.

SEC. 441 Section 11511 of the Vehicle Code is amended to read:

11511. In any administrative action to revoke or suspend an automobile dismantler's license:

(a) Proof that a stolen vehicle of a type subject to registration under this code, or a part thereof, was found in the possession of, or upon the premises of, the dismantler shall constitute in evidence a prima facie presumption that the dismantler had knowledge that the vehicle was stolen. This presumption may be rebutted by satisfactory

evidence that the dismantler has complied with paragraphs (1), (2), (3), and (5) of subdivision (a) of Section 11520.

(b) Proof that a vehicle of a type subject to registration under this code is found in a partially dismantled condition in the possession, or upon the premises, of the dismantler shall constitute in evidence a prima facie presumption that the vehicle was partially dismantled by the dismantler The presumption may be rebutted by a business record of the dismantler reflecting the partially dismantled condition of the vehicle on the date of acquisition.

SEC 442. Section 11515 of the Vehicle Code is amended to read:

11515. (a) Whenever an insurance company makes a total loss settlement on a total loss salvage vehicle, the insurance company shall, within 10 days from the settlement of the loss, forward the properly endorsed certificate of ownership or other evidence of ownership acceptable to the department, and a three dollar ($3) fee, to the department. The department, upon receipt of the certificate of ownership or other evidence of title and the three dollar ($3) fee, may issue a salvage certificate for the vehicle.

(b) Subdivision (a) does not apply if the owner retains possession of the total loss salvage vehicle and the fair retail market value of the vehicle was one thousand dollars ($1,000), or less, immediately prior to its becoming a total loss salvage vehicle. In that case, the owner may retain the certificate of ownership or other evidence of ownership, and the insurance company shall notify the department of the retention on a form prescribed by the department

(c) Whenever the owner of a total loss salvage vehicle which had a fair market retail value of more than one thousand dollars ($1,000) immediately prior to becoming a total loss salvage vehicle retains possession of the vehicle, the insurance company shall notify the department of the retention on a form prescribed by the department. The insurance company shall also notify the insured or owner of the insured's or owner's responsibility to comply with the provisions of this subdivision. The owner shall, within 10 days from the settlement of the loss, forward the properly endorsed certificate of ownership or other evidence of ownership acceptable to the department, and a three dollar ($3) fee, to the department. The department, upon receipt of the certificate of ownership or other evidence of title and the three dollar ($3) fee, may issue a salvage certificate for the vehicle. Whenever a total loss salvage vehicle is not the subject of an insurance settlement, the owner shall, within 10 days from the loss, forward the properly endorsed certificate of ownership or other evidence of ownership acceptable to the department, and a three dollar ($3) fee, to the department This subdivision does not apply if the fair retail market value of the vehicle was one thousand dollars ($1,000), or less, immediately prior to its becoming a total loss salvage vehicle

(d) Upon sale or disposal of a total loss salvage vehicle, the owner or salvage pool, if the vehicle is sold or disposed of through a salvage pool, shall deliver a properly endorsed salvage certificate to the

purchaser within 10 days after payment in full for the salvage vehicle and shall also comply with Section 5900. The department shall accept the endorsed salvage certificate in lieu of the certificate of ownership or other evidence of ownership when accompanied by an application and other documents and fees as may be required by the department.

(e) This section does not apply to a vehicle which has been driven or taken without the consent of the owner thereof, until the vehicle has been recovered by the owner and only if the vehicle is a total loss salvage vehicle.

SEC. 443. Section 11704.5 of the Vehicle Code is amended to read:

11704.5. (a) Except as otherwise provided in this section, every applicant for a mobilehome dealer's or salesman's license, and every vehicle salesman who commences working for a mobilehome dealer, shall, commencing July 1, 1976, be required to take, and successfully complete, a written examination, prepared and administered by the department. The examination shall include, but not be limited to, subjects relating to mobilehomes, laws relating to contracts for the sale of vehicles, laws covering truth in lending, and departmental and warranty requirements.

(b) The department may administer an oral examination in lieu of the written examination required by subdivision (a) under the following conditions:

(1) To any person who applies for a mobilehome salesman's license.

(2) To any person who applies for a mobilehome dealer's license, provided the person is not the sole owner of the dealership and other persons within the ownership structure meet the requirements of subdivision (a).

(c) No person who, on July 1, 1976, held a then valid salesman's license and who has continuously for the same employer been a salesman of mobilehomes shall be required to take the examination specified in subdivision (a)

(d) No person who, on July 1, 1976, held a then valid dealer's license and who has continuously without lapse been a mobilehome dealer shall be required to take the examination specified in subdivision (a), regardless of whether that person subsequently makes an application to do business under a different name or form of business organization, except that a salesman of mobilehomes who makes an application for a mobilehome dealer's license shall be required to take, and successfully complete, the examination specified in subdivision (a).

(e) If the applicant for a mobilehome dealer's license is a corporation, only those persons who will participate in the direction, control, or management, or any combination thereof, of the sales operations of the business, or who act in the capacity of vehicle salesmen, shall be required to take, and successfully complete, the examination specified in subdivision (a), except that, if no officer or director of the corporation participates in the direction, control, or

management, or any combination thereof, of the sales operations of the business, or acts in the capacity of a vehicle salesman, the corporation shall designate and maintain a responsible managing employee who is a licensed vehicle salesman and who shall be required to take, and successfully complete, the examination specified in subdivision (a) for a dealer's license before a dealer's license may be issued.

(f) If the applicant for a mobilehome dealer's license is a partnership, only those partners of the partnership who will participate in the direction, control, or management, or any combination thereof, of the sales operation of the business, or who acts in the capacity of vehicle salesman, shall be required to take, and successfully complete, the examination specified in subdivision (a).

SEC 444. Section 11902 of the Vehicle Code is amended to read:

11902. (a) The department shall issue a representative's license when satisfied that the applicant has furnished the required information, and that he or she intends in good faith to act as a representative and has paid the fees as required in Sections 9262 and 11723

(b) The department may refuse to issue or may suspend or revoke a license for any of the following reasons:

(1) The information contained in the application is incorrect.

(2) The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The conviction of a crime, including a conviction after a plea of nolo contendere, involving moral turpitude shall be prima facie evidence that the applicant or licensee is not of good moral character.

(3) The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under this chapter.

(4) The applicant or licensee was previously the holder of, or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of, a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(5) The applicant or licensee has committed any of those acts prohibited by Sections 11713 2 and 11713.3.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a representative's license. The temporary permit shall permit the operation by the representative for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to a license The temporary permit shall be invalid when the applicant's license has

been issued or refused.

(d) The department may issue a probationary representative's license upon any ground or grounds contained in subdivision (b) subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein

SEC. 445. Section 21051 of the Vehicle Code is amended to read:

21051. The following sections apply to trolley coaches:

(a) Sections 1800, 4000, 4001, 4002, 4003, 4006, 4009, 4150, 4151, 4152, 4153, 4155, 4156, 4158, 4166, 4300 to 4309, inclusive, 4450 to 4454, inclusive, 4457, 4458, 4459, 4460, 4600 to 4610, inclusive, 4750, 4751, 4850, 4851, 4852, 4853, 5000, 5200 to 5205, inclusive, 5904, 6052, 8801, 9254, and 40001 with respect to 4000, relating to original and renewal of registration.

(b) Sections 9250, 9265, 9400, 9406, 9407, 9408, 9550, 9552, 9553, 9554, 9800 to 9809, inclusive, 14901, 42230 to 42234, inclusive, relating to registration and other fees.

(c) Sections 2800, 10851, 10852, 10853, 20001 to 20009, inclusive, 21052, 21053, 21054, 21450 to 21457, inclusive, 21461, 21650, 21651, 21658, 21659, 21700, 21701, 21702, 21703, 21709, 21712, 21750, 21753, 21754, 21755, 21800, 21801, 21802, 21806, 21950, 21951, 22106, 22107, 22108, 22109, 22350, 22351, 22352, 22400, 22450 to 22453, inclusive, 23101 to 23107, inclusive, 23110, 40831, 42002 with respect to 10852 and 10853, and 42004, relating to traffic laws.

(d) Sections 26706, 26707, and 26708, relating to equipment.

(e) Sections 17301, 17302, 17303, 21461, 35000, 35100, 35101, 35105, 35106, 35111, 35550, 35551, 35750, 35751, 35753, 40000.1 to 40000.25, inclusive, 40001, 40003, and 42031, relating to the size, weight, and loading of vehicles.

SEC. 446. Section 25100 of the Vehicle Code is amended to read:

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp on each side mounted on a forward-facing portion of the vehicle and visible from the front and at least one red clearance lamp on each side mounted on a rearward-facing portion of the vehicle and visible from the rear

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962. Any such vehicle manufactured and first registered prior to January

1, 1962, may be so equipped.

(4) At least one amber side-marker lamp mounted at approximate midpoint of housecars, motortrucks, and buses 30 or more feet in length and manufactured on or after January 1, 1969. Any such vehicle manufactured prior to January 1, 1969, may be so equipped.

(5) Combination clearance and side-marker lamps mounted as side-marker lamps and meeting the visibility requirements for both types of lamps may be used in lieu of required individual clearance or side-marker lamps.

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp on each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Truck tractors manufactured on or after January 1, 1969, shall be equipped with one amber side-marker lamp on each side near the front.

(3) Pole or pipe dollies, or logging dollies, shall be equipped with at least one combination clearance and side-marker lamp on each side showing red to the front, side, and rear.

(4) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one red lamp if the projection is near the rear of the vehicle.

(5) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(6) Towed motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber side-marker lamp on each side of intermediate vehicles, and the rearmost vehicle shall be equipped with at least one red side-marker lamp on each side and at least one red clearance lamp on each side on the rear.

(7) Trailers and semitrailers designed for transporting single boats in a cradle-type mounting and for launching the boat from the rear of the trailer need not be equipped with front and rear clearance lamps provided amber clearance lamps showing to the front and red clearance lamps showing to the rear are located on each side at or near the midpoint between the front and rear of the trailer to indicate the extreme width of the trailer.

(c) Loads extending beyond the side of a vehicle where the overall width of the vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to

rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies or on passenger vehicles other than a housecar.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle.

(f) Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width of the vehicle. Side-marker lamps shall be mounted not lower than 15 inches on vehicles manufactured on and after January 1, 1968 Combination clearance and side-marker lamps required on loads shall be mounted so the lenses project to the outer extremity of the vehicle or load.

SEC 447. Section 26708.5 of the Vehicle Code is amended to read:

26708.5. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield, or side or rear windows, of any motor vehicle if the material alters the color or reduces the light transmittance of the windshield or side or rear windows, except as provided in subdivision (b) or (c) of Section 26708.

This section does not apply to factory-installed tinted glass or the equivalent replacement thereof.

SEC. 448. Section 35780 5 of the Vehicle Code is amended to read:

35780.5 (a) The Department of Transportation may, upon application in writing from a company in the business of making or transporting trusses, as defined in Section 657, issue a special permit in writing authorizing the applicant to operate or move a vehicle carrying a load exceeding the maximum width specified by this code when the vehicle is actually being used to transport trusses upon a highway under the jurisdiction of the department, provided that the load does not exceed 12 feet in width and the company complies with the department's regulations governing the transportation of extra-legal loads.

(b) This section does not apply to highways which are part of the National System of Interstate and Defense Highways if that application would prevent this state from receiving any federal funds for highway purposes, and in that event the provisions of law applicable to the maximum permissible width of any load of trusses in effect on December 31, 1979, apply to that load.

SEC 449. Section 42050 of the Vehicle Code, as added by Section 7 5 of Chapter 530 of the Statutes of 1980, is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 41304 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 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 subparagraph (iii) of paragraph 3 of subdivision (a) of Section 258 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. 450 Section 8617 of the Water Code is amended to read:

8617. The board may give assurances satisfactory to the Secretary of Defense of the United States that the state will do all of the following:

(a) Provide, without cost to the United States, all lands, easements, and rights-of-way necessary for the construction of the project under the adopted flood control plan, except as otherwise provided in that certain act passed by the Congress of the United States, approved June 22, 1936, and entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control and other purposes" (Public Law No. 738, Seventy-fourth Congress).

(b) Hold and save the United States free from damage due to the construction works.

(c) Maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of Defense.

(d) Promise, agree, do, or perform any or all other things required or necessary under the provisions of the act of Congress approved June 22, 1936, or any acts amending or adding to that act, now or hereafter adopted.

SEC. 451. Section 8886 of the Water Code is amended to read:

8886. The parcels of land specified in Section 8885 may be sold and conveyed by the board at any time after the expiration of the redemption period of one year at public or private sale and with or

without notice, to any person paying not less than the amount for which the parcel was bid in by the county treasurer at the delinquent sale for the drainage district, with interest thereon at the rate of 12 percent per annum compounded yearly from the date of the delinquent sale, and also the amount of all subsequent installments or other assessments then delinquent, with accrued interest and penalties thereon.

SEC. 452. Section 13220 of the Water Code is amended to read:

13220. Each regional board shall do all of the following:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint as its confidential employee, exempt from civil service under Section 4 of Article VII of the California Constitution, and fix the salary of, an executive officer who shall meet technical qualifications as defined by the State Water Resources Control Board. The executive officer shall serve at the pleasure of the regional board.

(d) Employ any other assistants which may be determined necessary to assist the executive officer.

SEC. 453. Section 13360 of the Water Code is amended to read:

13360. No waste discharge requirement or other order of a regional board or the state board or decree of a court issued under this division shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree, and the person so ordered shall be permitted to comply therewith in any lawful manner. However, regarding disposal sites other than evaporation ponds from which there is no drainage or seepage, the restrictions of this section shall not apply to waste discharge requirements or orders or decrees with respect to the discharge of solid waste requiring the installation of riprap, the construction of walls and dikes, the installation of surface and underground drainage facilities to prevent runoff from entering the disposal area or leakage to underground or surface waters, or other reasonable requirements to achieve the above or similar purposes. If the court, in an action for an injunction brought under this division, finds that the enforcement of an injunction restraining the discharger from discharging waste would be impracticable, the court may issue any order reasonable under the circumstances requiring specific measures to be undertaken by the discharger to comply with the discharge requirements, order, or decree.

SEC. 454. Section 13627 of the Water Code is amended to read:

13627. (a) Supervisors and operators of municipal waste water treatment plants shall possess a certificate of appropriate grade in accordance with, and to the extent recommended by the advisory committee and required by, regulations adopted by the state board. The state board shall develop and specify in its regulations the training necessary to qualify a supervisor or operator for certification for each type and class of plant. The state board may accept

experience in lieu of qualification training. In lieu of a properly certified waste water treatment plant operator, the state board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services, where water reclamation is involved.

(b) A person employed as a municipal waste water treatment plant supervisor or operator on the effective date of regulations adopted pursuant to this chapter shall be issued an appropriate certificate provided he meets the training, education, and experience requirements prescribed by regulations.

SEC. 455. Section 20023 of the Water Code is amended to read·

20023 The State Treasurer has been and is authorized to amend or revoke any order or report, other than a certification report, upon 10 days' notice upon any ground deemed by the State Treasurer to warrant amendment or revocation

SEC. 456. Section 20054 of the Water Code is amended to read.

20054. Notwithstanding any other provision of law, where an improvement district of any district, prior to January 1, 1972, sold bonds for sewer purposes, where the bonds were approved as a legal investment for any trust funds, as well as funds of any insurance companies, commercial and saving banks, as well as trust companies and state school funds pursuant to this division, and where the purpose for which the bonds were approved for certification and sale was consistent with previously existing industrial or commercial plans or zoning ordinances over the property within the improvement district of any district, lands, within the improvement district planned and zoned for industrial or commercial uses, shall be deemed committed to those uses No legal action brought subsequent to the sale and approval may seek, as a remedy, the invalidation of local plans, zoning, subsequent development approvals, or the provision of infrastructure, as each applies to those lands, nor shall the maintenance of the litigation or the judgment therein prevent the legislative body of the city, county, or district from taking any action to permit or authorize use of, or to provide infrastructure for, property served by the facilities in conformity with the general plan and zoning designations in force immediately prior to September 1, 1977. In any action to which this section applies, the judgment shall not prevent the authorization or sale of any bonds of an improvement district which encompasses the territory of an improvement district wherein bonds were sold for sewer purposes prior to January 1, 1972. Any legal action pending as of January 1, 1978, shall be deemed to be an action seeking relief not herein prohibited, and no court shall have jurisdiction to issue the prohibited relief.

This section does not preclude a city or county, at its discretion and in a manner pursuant to law, from altering plans, zoning, or subsequent development approvals applicable to those lands, or from enacting and enforcing further regulations upon their use. This section does not excuse developments on those lands from

compliance with all applicable requirements of state law.

SEC. 457. Section 25809 of the Water Code is amended to read:

25809 A district may make an additional reasonable charge for processing or reprocessing an invalid check or other instrument used to pay an assessment or service charge owed to the district. The reasonable charge shall be for cost of the processing or reprocessing of the invalid check or instrument. If the charge for processing becomes delinquent, the charge may become a lien against the land on which the assessment was made or to which the service was rendered, as provided in Section 25806.

SEC. 458. Section 25825.3 of the Water Code is amended to read:

25825.3. (a) Within the Anderson-Cottonwood Irrigation District only, any person having an interest in any land within the district may file with the secretary, in lieu of the petition authorized by Section 25825, a verified petition alleging it is appropriate to apply a special rate of assessment to that land and, as to that land, one of the following is applicable:

(1) His or her land, or a described portion of it, is used for residential or commercial purposes and has, for five years immediately prior to the date of filing a petition pursuant to this section, been irrigated or supplied water, wholly or partially, from a water system not owned or operated by the district.

(2) For five years immediately prior to the date of filing a petition pursuant to this section, his or her land, or a described portion of it, has never received water service from the district of any nature and the board of directors of the district has not, at any time prior to filing the petition, adopted a plan for future service of water to the lands, which plan may provide for the landowner to pay all costs of providing facilities to transport water from the nearest point at which the district has water available to the lands made subject to the petition.

(3) For five years immediately prior to the date of filing a petition pursuant to this section, his or her land, or a described portion of it, was served with water received from wells not owned, maintained, or operated by the district and which land and wells are not supplied water of any nature from the district, including, but not limited to, surface, subsurface, or seepage waters, which waters would be suitable for agricultural or domestic purposes.

(b) The procedure for any petition to which this section applies shall be in accordance with this article.

(c) After the conclusion of a hearing as provided in Section 25831, if the board finds that any of the land described in any petition has been supplied as alleged or no plan for future service has been adopted, and the lands made subject to the petition are not and will not be benefited by the operations of the district in a manner that would justify their assessment at the regular rate of assessment, then the board shall adjust the rate of assessment on the land made subject to the petition in an order entered in full upon its minutes.

SEC. 459. Section 26225 of the Water Code is amended to read:

26225. Property sold for delinquent assessments may be redeemed within five years from the date of sale, or thereafter before a collector's deed of the property has been delivered.

Where a collector's deed has been delivered to the district, the period of redemption is extended until the first bid is received for the property or until the board determines the property is not to be sold as provided in Section 26290

Redemption before a collector's deed of the property has been delivered may be made by payment in lawful money of the United States to the collector of the amount for which the property was sold plus a penalty of three-fourths of 1 percent per month from the date of sale until redemption. Redemption after a collector's deed has been delivered may only be made by payment of the total of the following amounts:

(a) The total of the amount of the sale shown on each certificate of sale outstanding.

(b) A penalty on each certificate of sale outstanding of three-fourths of 1 percent per month from the date of sale until redemption.

(c) An amount for each year of escaped assessment determined as follows: The assessor shall establish the assessment value for the land for each year of escaped assessment and the collector shall apply the rate fixed in that year to determine the amount of the escaped assessment.

SEC. 460. Section 31303 of the Water Code is amended to read:

31303. Any money belonging to a district may be deposited or invested and drawn out as provided in Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, as now or hereafter amended. References in that chapter to "treasurer" shall mean, for the purposes of a district, the auditor thereof and to "auditor" shall mean, for the purposes of a district, the secretary thereof. This section provides for a deposit and investment procedure separate from that provided in Article 3 (commencing with Section 31335).

SEC. 461. Section 47127 of the Water Code is amended to read:

47127. Upon making the assessment order, the board shall prepare a supplementary assessment roll showing all the following:

(a) A description of each tract assessed.

(b) The total of assessments against each tract for construction purposes.

(c) The rate of assessment.

(d) The exact amount assessed against each tract by the supplementary assessment.

SEC. 462. Section 708 of the Welfare and Institutions Code is amended to read:

708. Whenever a minor who appears to be a danger to himself or others as a result of the use of narcotics (as defined in Section 11001 of the Health and Safety Code), or a restricted dangerous drug (as defined in Section 11901 of the Health and Safety Code), is brought

before any judge of the juvenile court, the judge may continue the hearing and proceed pursuant to this section. The court may order the minor taken to a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation. Thereupon the provisions of Section 11922 of the Health and Safety Code shall apply, except that the professional person in charge of the facility shall make a written report to the court concerning the results of the evaluation of the minor.

If the professional person in charge of the facility for 72-hour evaluation and treatment reports to the juvenile court that the minor is not a danger to himself or herself or others as a result of the use of narcotics or restricted dangerous drugs or that the minor does not require 14-day intensive treatment, or if the minor has been certified for not more than 14 days of intensive treatment and the certification is terminated, the minor shall be released if the juvenile court proceedings have been dismissed; referred for further care and treatment on a voluntary basis, subject to the disposition of the juvenile court proceedings; or returned to the juvenile court, in which event the court shall proceed with the case pursuant to this chapter.

Any expenditure for the evaluation or intensive treatment of a minor under this section shall be considered an expenditure made under Part 2 (commencing with Section 5600) of Division 5, and shall be reimbursed by the state as are other local expenditures pursuant to that part.

SEC. 463. Section 736 of the Welfare and Institutions Code is amended to read:

736. (a) The Youth Authority shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care. No person subject to this section shall be transported to any facility under the jurisdiction of the Youth Authority until the director thereof has notified the committing court of the place to which that person is to be transported and the time at which he or she can be received.

(b) The Youth Authority shall also accept a person committed to it pursuant to this article, provided that the Director of the Youth Authority certifies that staff and institutions are available (1) if he is a borderline psychiatric or borderline mentally deficient case, (2) if he or she is a sex deviate unless he or she is of a type whose presence in the community, under parole supervision, would present a menace to the public welfare, or (3) if he or she suffers from a primary behavior disorder. No person subject to this section shall be transported to any facility under the jurisdiction of the Youth Authority until the director thereof has notified the committing court of the place to which that person is to be transported and the time at which he can be received. To implement the administration of this paragraph, the Director of the Youth Authority and the

Director of Mental Health shall, at least annually, confer and establish policy with respect to the types of cases which should be the responsibility of each department.

SEC. 464. Section 1756 of the Welfare and Institutions Code is amended to read:

1756. Notwithstanding any other provision of law, if, in the opinion of the Director of the Youth Authority, the rehabilitation of any mentally disordered, or developmentally disabled person confined in a state correctional school may be expedited by treatment at one of the state hospitals under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, the Director of the Youth Authority shall certify that fact to the director of the appropriate department who may authorize receipt of the person at one of the hospitals for care and treatment. Upon notification from the director that the person will no longer benefit from further care and treatment in the state hospital, the Director of the Youth Authority shall immediately send for, take, and receive the person back into a state correctional school. Any person placed in a state hospital under this section who is committed to the authority shall be released from the hospital upon termination of his or her commitment unless a petition for detention of that person is filed under the provisions of Part 1 (commencing with Section 5000) of Division 5.

SEC. 465. Section 1760.5 of the Welfare and Institutions Code is amended to read:

1760.5. The director may require persons committed to the authority to perform work necessary and proper to be done by the Department of Forestry, the Department of Parks and Recreation, and the Department of Fish and Game, by the Division of State Lands, by the United States Department of Agriculture, and by the federal officials and departments in charge of national forests and parks within this state. For the purposes of this section, the director, with the approval of the Department of General Services, may enter into contracts with federal and state officials and departments. All moneys received by the director pursuant to any of those contracts shall be paid into the State Treasury to the credit and in augmentation of the current appropriation for the support of the authority. The director may provide, from those moneys, for the payment of wages to the wards for work they do pursuant to any of those contracts, the wages to be paid into the Indemnity Fund created pursuant to Section 13967 of the Government Code, or to the parents or dependents of the ward, or to the ward in the manner and in those proportions as the Department of the Youth Authority directs.

SEC. 466. Section 4302 of the Civil Code, as amended by Section 30 of Chapter 429 of the Statutes of 1978, is repealed. The repeal made by this section shall not affect the existence or validity of Section 4302 of the Welfare and Institutions Code, as added by Chapter 1191 of the Statutes of 1980.

SEC 467. Chapter 3 (commencing with Section 4330) is added to Division 4 of the Welfare and Institutions Code, to read:

CHAPTER 3. PILOT PROJECT FOR BRAIN-DAMAGED PERSONS

4330. It has come to the attention of the Legislature that:

(a) State public policy discriminates against brain-damaged adults.

(b) Brain damage is often a long-term chronic illness, the costs of which are most often not covered by health insurance or existing government assistance programs

(c) Financial assistance is not available until after families have struggled to care for family members and exhausted their own financial resources.

(d) If brain damage is diagnosed as a mental disorder, financial liability is significantly less onerous.

(e) Separable and less onerous financial liability already exists for programs serving the developmentally disabled and crippled children even though the medical and treatment needs may be identical to those of brain-damaged persons.

(f) The term brain damage is broad in scope and covers a wide range of organic and neurological disorders.

(g) Services required by brain-damaged persons often cross the service line of a number of different programs.

4332. It is the intent of the Legislature to establish a pilot project to:

(a) Assist families in securing services, information, and counseling necessary for the care of brain-damaged family members.

(b) Coordinate funding and services among state departments and programs in order to provide an integrated program and single service access for persons with brain damage.

(c) Facilitate the integration of existing funds and services for persons with brain damage.

4333. The Director of Mental Health, herein referred to as director, shall administer this article and establish such rules, regulations, and standards, as the director deems necessary in carrying out the provisions of this article.

4334. The director shall establish a pilot project to be conducted by contract with an appropriate nonprofit community agency to integrate services and funds for persons with brain damage.

4335. In choosing an appropriate nonprofit community agency to conduct the pilot project, the director shall give priority to the following:

(a) An agency which has previously provided information and support services to families of brain-damaged persons within a population area or county of at least 500,000 persons.

(b) An agency which includes family members of persons with brain damage on its governing board or advisory boards.

(c) An agency which has shown a capacity to address the needs

of brain-damaged persons and their families.

4336. The agency conducting the pilot project shall provide the following services:

(a) In-home support services shall be provided by the pilot project through the establishment of a client voucher system. The voucher system should be available to family members, in lieu of cash assistance, to reimburse for a wide variety of in-home services, as specified in Sections 12300 and 14132, including but not limited to, the following:

(1) Nursing services.
(2) Housekeeping services.
(3) Home health services.
(4) Attendant care.
(5) Transportation.
(6) Respite care.

(b) If additional funding from sources other than the General Fund appropriation contained in the act by which this article is enacted become available, the pilot project under this article shall provide additional services in the following order of priority:

(1) Adult day health care services.
(2) Diagnostic services.
(3) Out-of-home 24-hour skilled nursing services

(c) The pilot project shall provide legal, financial, and postdiagnostic family support counseling, information about services to persons with brain damage, and overall project administration. The pilot project may provide such services directly or by contract.

4337. The director shall establish criteria for program eligibility for persons with brain damage, including financial liability pursuant to Section 4338. The director shall assume coordination of existing funds and services for persons with brain damage, and for the purchase of in-home services through the client voucher system described in subdivision (b) of Section 4336, with other departments that may serve persons with brain damage, including the Department of Rehabilitation, the State Department of Health Services, the State Department of Social Services, and the State Department of Developmental Services

4338. The parent, spouse, or child of a person receiving services under this article or the person receiving the services may be required to contribute to the cost of services depending upon their ability to pay, but not to exceed the actual cost thereof, as determined by the director.

4339. In considering total funds available for the project, the director shall utilize funding available from appropriate state departments, including, but not limited to: the State Department of Health Services, the State Department of Social Services, and the Department of Rehabilitation. Funding for services not available from existing programs shall be provided from the appropriation contained in Section 3 of Chapter 1058 of the Statutes of 1979

4340. The pilot project under this article shall be limited to one

year and the director shall evaluate the success of the pilot project. The director shall report such evaluation to the Legislature, not less than three months following the completion of the pilot project, and the findings of the evaluation shall address at least the following:

(a) Reduced need for institutionalized services by providing in-home support services.

(b) Number of persons in skilled nursing facilities who transfer to less dependent 24-hour care settings

SEC. 468 Section 4446 of the Welfare and Institutions Code is repealed

SEC. 469. Chapter 7.5 (commencing with Section 4740) of Division 4.1 of the Welfare and Institutions Code is repealed.

SEC. 470. Chapter 7.5 (commencing with Section 4740) is added to Division 4.5 of the Welfare and Institutions Code, to read:

CHAPTER 7.5. RESIDENTIAL CARE FACILITY APPEALS PROCEDURES

4740. The Legislature finds the following:

(a) The quality of care provided to persons with developmental disabilities by residential facilities is contingent upon a closely coordinated "team" effort by the regional center or its designee, the client, the parent or representative if appropriate, the residential facility administrator, and the licensing agency. The rights and responsibilities of each must be identified in order to assure clear direction and accountability for each.

(b) The quality of care is impaired when inordinate numbers of staff from placement and licensing agencies give direction to the facility administrator regarding care and service requirements.

4741. An adult person with a developmental disability has the legal right to determine where his or her residence will be. Except in a situation which presents immediate danger to the health and well-being of the individual, the regional center or its designee shall not remove a client from a residential care facility against the client's wishes unless there has been specific court action to abridge such right with respect to an adult or unless the parent, guardian or conservator consents with respect to a child.

4742. The regional center or its designated representative shall (a) guide and counsel facility staff regarding the care and services required by each client served by the regional center; and (b) monitor the care and services provided the individual to assure that care and services are provided in accordance with the individual program plan.

4743. It is the intent of the Legislature that to the greatest extent possible, the staff of the regional center or its designee are assigned so as to minimize the number of persons responsible for programs provided in a given facility.

The regional center or its designee shall designate the staff person responsible for assuring that each individual client's program plan is

carried out. One person shall be assigned by the regional center as the principal liaison to a facility and to monitor the provision of care and the services provided by that facility in accordance with the individual program plans. If, due to the number of regional center clients in the facility, additional staff of a regional center or its designee serve clients in the facility, one person shall be assigned as having primary responsibility for, and assure consistency and continuity of, directions to the administrator and for the monitoring of care and services

4744. The regional center or its designee shall provide to the residential facility administrator all information in its possession concerning any history of dangerous propensity of the client prior to the placement in that facility. However, no confidential client information shall be released pursuant to this section without the consent of the client or authorized representative.

4745. During each visit to the facility, the designated staff person shall inform the administrator orally of any substantial inadequacies in the care and services provided, the specific corrective action necessary and the date by which corrective action must be completed. The designated staff person shall confirm this information in writing to the administrator within 48 hours after the oral notice and inform the administrator of the right to appeal the findings.

4746. The severity of the deficiencies and the quality of care provided shall determine how long the regional center or its designee will work with the facility administrator to resolve inadequacies. After a reasonable period of time, if the care continues to be unacceptable, the designated staff person shall submit to his or her supervisor and to the licensing agency and administrator a recommended disposition with supporting documents attached. The placement agency shall develop sufficient documentation of inadequacies and care provided to sustain corrective action

4747. If an adult person or the parent, guardian or conservator on behalf of a child requests a relocation, the regional center or its designee may provide assistance in locating and moving to another residence.

The regional center or its designee shall not encourage a client to move from a residential facility without reasonable cause. If reasonable cause does exist, the regional center or its designee shall give at least 15 days' written notice to the facility administrator of the intent, prior to counseling the client to move.

4748. Within nine months of the effective date of this section, the State Department of Developmental Services shall develop and implement regulations for use by the regional center or its designee to assure uniformity of the care and services to be provided to persons registered with the regional centers who reside in residential facilities.

SEC. 471. Section 9203 of the Welfare and Institutions Code is amended to read.

9203. The commission may accept gifts and grants from any source, public or private, to assist it in the performance of its functions, and the gifts and grants shall operate to augment any appropriation made for the support of the commission, provided that the department shall serve as the fiscal agent for the accounting of the gifts and grants and that no gifts or grants shall be used for the operation by the commission of direct service programs which would conflict with the department's duties and functions as described by law.

SEC. 472. Section 9600 of the Welfare and Institutions Code is amended to read:

9600. In determining how state funds are to be allocated, the Department of Aging shall give first priority to existing Brown Bag programs that are not being sufficiently funded. "Sufficiently funded" means possessing adequate funds for the lease of needed equipment, warehouses, trucks, freezer space, and salaries for the paid staff to coordinate volunteers and provide for a timely, business-like response to donors and for distribution of foods.

Existing programs which meet criteria established by the Department of Aging shall also receive state money for the establishment of a statewide Brown Bag network the purpose of which will be to strengthen existing programs and establish new ones. The Brown Bag network shall receive fiscal support so that the distribution of existing resources can be more efficient and also aid in the establishment of new Brown Bag programs.

New Brown Bag programs shall be selected on the basis of counties with agricultural resources, access to agricultural resources, and large senior populations. A local cash or in-kind match of at least 25 percent of the Brown Bag program's budget shall be demonstrated before any program shall receive state subsidies. Sources from which the local match may be derived include, but are not limited to, city, county, and federal funds, membership dues, and private or business donations. Priority shall be given to those local programs with a larger local match. For both existing and new programs, state money shall be a catalyst for charitable contributions, including in-kind and local community support. State moneys shall not be used to replace other sources of fiscal and volunteer support unless absolutely necessary.

Each of the Brown Bag projects shall receive no more than one hundred thousand dollars ($100,000) per year for three years.

SEC. 473. Section 10653 of the Welfare and Institutions Code is amended to read:

10653. The county department shall be responsible for the initial selection of public assistance recipients who are to participate in training, vocational educational programs, or other employment preparation programs that are developed pursuant to the provisions of this chapter. The county department shall have primary responsibility for providing those services which will prepare recipients for the specific vocational training and employment

placement services offered by the Employment Development Department, the Department of Rehabilitation, the Department of Education, and any other state or federal agencies offering specialized programs to upgrade the capacity of recipients and potential recipients to improve their capacity for self-support or self-direction. The services provided by the county department shall be geared to complement those services offered by state and federal agencies to the end that recipients of public assistance receive and participate in the programs to the fullest extent of their capacity.

SEC. 474. Section 14145 of the Welfare and Institutions Code, as amended by Chapter 1240 of the Statutes of 1980, is amended and renumbered to read:

14144.5. Notwithstanding any provision of this article or of any other statute to the contrary, any person who is eligible under Section 14005.4 or 14005.7 for dialysis, parenteral hyperalimentation, and related services and who is employed and individually earning an amount which exceeds the minimum needs standard, and who receives dialysis services either through a self-dialysis unit of a dialysis clinic or through home dialysis or who receives parenteral hyperalimentation services through self-parenteral hyperalimentation, shall be eligible for dialysis, parenteral hyperalimentation, and related services under Medi-Cal pursuant to this article and shall, after utilizing other contractual or legal entitlements pursuant to Section 14143, be liable to pay only the amounts specified in subdivision (b) of Section 14142, except that such percentage obligations shall be 1 percent for each five thousand dollars ($5,000) of family unit net worth up to a maximum net worth of five hundred thousand dollars ($500,000). Persons eligible for services under this section shall not be subject to Section 14144.

SEC. 475. Section 18294 of the Welfare and Institutions Code, as added by Chapter 892 of the Statutes of 1977, is repealed. The repeal made by this section shall not affect the existence or validity of Section 18294 of the Welfare and Institutions Code, as added by Chapter 146 of the Statutes of 1980.

SEC. 476. Section 18295 of the Welfare and Institutions Code, as added by Chapter 892 of the Statutes of 1977, is repealed. The repeal made by this section shall not affect the existence or validity of Section 18295 of the Welfare and Institutions Code, as added by Chapter 146 of the Statutes of 1980.

SEC. 477. Section 18296 of the Welfare and Institutions Code, as added by Chapter 892 of the Statutes of 1977, is repealed. The repeal made by this section shall not affect the existence or validity of Section 18296 of the Welfare and Institutions Code, as added by Chapter 146 of the Statutes of 1980.

SEC. 478. Section 18297 of the Welfare and Institutions Code, as added by Chapter 892 of the Statutes of 1977, is repealed. The repeal made by this section shall not affect the existence or validity of Section 18297 of the Welfare and Institutions Code, as added by Chapter 146 of the Statutes of 1980.

SEC. 479. Section 18298 of the Welfare and Institutions Code, as added by Chapter 892 of the Statutes of 1977, is repealed. The repeal made by this section shall not affect the existence or validity of Section 18298 of the Welfare and Institutions Code, as added by Chapter 146 of the Statutes of 1980

SEC. 480. The heading of Chapter 8.5 (commencing with Section 19810) of Part 2 of Division 10 of the Welfare and Institutions Code is amended and renumbered to read:

CHAPTER 10. PILOT COMPREHENSIVE SERVICES CENTER FOR THE DISABLED

SEC. 481. Section 25 of Chapter 1313 of the Statutes of 1980 is amended to read:

Sec. 25. It is the intent of the Legislature, if this bill and Senate Bill No. 1811 are both chaptered and become effective January 1, 1981, both bills amend Section 1373 of the Health and Safety Code, and this bill is chaptered after Senate Bill No. 1811, that the amendments to Section 1373 proposed by both bills be given effect and incorporated in Section 1373 in the form set forth in Section 14.5 of this act. Therefore, Section 14.5 of this act shall become operative only if this bill and Senate Bill No. 1811 are both chaptered and become effective January 1, 1981, both amend Section 1373, and this bill is chaptered after Senate Bill No 1811, in which case Section 14 of this act shall not become operative.

SEC. 482. Section 214 of this act, which repeals Section 1250.2 of the Health and Safety Code, shall not be operative if any other act enacted during the 1981 calendar year, which takes effect on or before January 1, 1982, amends Section 1250 of the Health and Safety Code.

SEC. 483. Section 449 of this act, which amends Section 42050 of the Vehicle Code, shall become operative January 1, 1983.

SEC. 484. Any section of any act enacted by the Legislature during the 1981 portion of the 1981–82 Regular Session, which takes effect on or before January 1, 1982, and which amends, amends and renumbers, adds, repeals and adds, or repeals a section amended, amended and renumbered, repealed and added, or repealed by this act, shall prevail over this act, whether such act is enacted prior to or subsequent to this act.

CHAPTER 715

An act to amend Sections 4370 and 4811 of, and to repeal and add Section 4800.6 to, the Civil Code, relating to family law.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 4370 of the Civil Code is amended to read:

4370. (a) During the pendency of any proceeding under this part, the court may order any party, except a governmental entity, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the proceeding and for attorneys' fees; and from time to time and before entry of judgment, the court may augment or modify the original award for costs and attorneys' fees as may be reasonably necessary for the prosecution or defense of the proceeding or any proceeding related thereto, including after any appeal has been concluded. In respect to services rendered or costs incurred after the entry of judgment, the court may award such costs and attorneys' fees as may be reasonably necessary to maintain or defend any subsequent proceeding, and may augment or modify any award so made, including after any appeal has been concluded. Attorneys' fees and costs within the provisions of this subdivision may be awarded for legal services rendered or costs incurred prior, as well as subsequent, to the commencement of the proceeding. Any order for a party who is not the husband or wife of another party to the proceedings to pay attorneys' fees or costs shall be limited to an amount reasonably necessary to maintain or defend the action on the issues relating to that party.

(b) During the pendency of any proceeding under this part, an application for a temporary order making, augmenting, or modifying an award of attorneys' fees or costs or both shall be made by motion on notice or by an order to show cause, except that it may be made without notice by an oral motion in open court:

(1) At the time of the hearing of the cause on the merits; or

(2) At any time prior to entry of judgment against a party whose default has been entered pursuant to Section 585 or 586 of the Code of Civil Procedure.

(c) Notwithstanding any other provision of law, absent good cause to the contrary, the court, upon determining an ability to pay, shall award reasonable attorneys' fees to a custodial parent in any action to enforce an existing order for child support.

SEC. 2. Section 4800.6 of the Civil Code is repealed.

SEC. 3. Section 4800.6 is added to the Civil Code, to read:

4800.6. The interlocutory judgment of dissolution, or the final judgment of legal separation, shall contain the following notice: "Although an obligation based on a contract is assigned to one party as part of the division of the community, if the party to whom the obligation was assigned defaults on the contract, the creditor may have a cause of action against the other party."

SEC. 4. Section 4811 of the Civil Code is amended to read:

4811. (a) The provisions of any agreement between the parties

for child support shall be deemed to be separate and severable from all other provisions of that agreement relating to property and support of the wife or husband. All orders for child support shall be law-imposed and shall be made under the power of the court to make such orders. All such orders for child support, even when there has been an agreement between the parties on the subject of child support, may be modified or revoked at any time at the discretion of the court, 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

(b) The provisions of any agreement for the support of either party shall be deemed to be separate and severable from the provisions of the agreement relating to property All orders for the support of either party based on such agreement shall be deemed law-imposed and shall be deemed made under the power of the court to make such orders The provisions of any agreement or order for the support of either party shall be subject to subsequent modification or revocation by court order, 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, and except to the extent that any written agreement, or, if there is no written agreement, any oral agreement entered into in open court between the parties, specifically provides to the contrary.

(c) This section shall be effective only with respect to property settlement agreements entered into on or after January 1, 1970, and shall not be deemed to affect agreements entered into prior thereto, as to which the provisions of Chapter 1308 of the Statutes of 1967 shall apply.

(d) Where the provisions for any agreement between the parties combine child support and spousal support without designating the amount to be paid for child support and the amount to be paid for spousal support, the court shall not be obligated to make a separate order for child support.

These combined child support and spousal support agreements shall be known as family support. The underpayment of any sums due for a period specified in the family support order shall first be applied to satisfy that portion of the agreement pertaining to child support, and any remainder to spousal support.

CHAPTER 716

An act to add Section 9144 to the Government Code, relating to the judiciary

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 9144 is added to the Government Code, to read:

9144. The Legislative Analyst shall prepare a judicial impact analysis, with the assistance of the Department of Finance and the Judicial Council when and as requested by the Legislative Analyst, on selected measures referred to the Senate Judiciary Committee, Assembly Judiciary Committee, and Assembly Criminal Justice Committee.

The Legislative Analyst shall select for analysis, as his or her staff resources permit with no additional staff, those measures with the greatest apparent potential impact on court manpower and costs. Other measures may be analyzed as staff resources permit. The analysis of a measure shall be given to the respective committee members prior to the date on which the measure is to be heard by the committee.

The analyses required by this section shall be performed on a nine-month trial basis. Thereafter, the cost and effectiveness of this type of analysis for the specified policy committees shall be evaluated by the three respective committees.

CHAPTER 717

An act to add Section 562 to the Public Utilities Code, relating to public utilities.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 23, 1981]

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

SECTION 1. Section 562 is added to the Public Utilities Code, to read:

562. (a) Whenever the commission, on its own motion or upon the complaint of a public utility, finds that public convenience and necessity require the use by a public utility of all, or any part, of the passenger vessel terminal facilities operated or controlled by the Golden Gate Bridge, Highway and Transportation District, and the district and the public utility are unable to agree upon the use or the terms and conditions or compensation therefor, the commission shall by order direct that the use by the public utility be permitted, and prescribe a reasonable compensation and reasonable terms and conditions to be charged and observed, including, but not limited to, all related costs of construction, capital improvement, leasing or rental, and maintenance.

(b) Notwithstanding Section 27280 of the Streets and Highways Code or any other provision of law, and for purposes of this section

only, the passenger vessel service of the Golden Gate Bridge, Highway and Transportation District is subject to the jurisdiction of the commission and the provisions of this part. The commission shall have no jurisdiction over the operation of passenger vessels by the Golden Gate Bridge, Highway and Transportation District or any other operation of the district except as specifically provided in this section.

(c) The commission shall require that any public utility which provides passenger-ferry or other transportation service for the district first obtain a certificate of public convenience and necessity authorizing such operations.

(d) Any public utility which initiates any complaint pursuant to this section shall reimburse the commission for its reasonable expenses in hearing and determining the complaint.

(e) The commission may establish such rules as it determines necessary to carry out this section.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

CHAPTER 718

An act to amend Sections 9909 and 9910 of the Unemployment Insurance Code, relating to employment.

[Approved by Governor September 23, 1981 Filed with Secretary of State September 24, 1981.]

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

SECTION 1. Section 9909 of the Unemployment Insurance Code is amended to read:

9909. The department shall provide for evaluation studies to determine the effectiveness of the program enacted by this chapter. The department shall report annually on the scope of the program and its impact on reducing the gaps between classroom and on-the-job training, employment opportunities, and skills required by employers. The report shall compare the cost-effectiveness of this program with other employment and training programs, which may, as appropriate, include but not be limited to, vocational education programs operated by educational institutions, apprenticeship programs, the Work Incentive Program (WIN), or programs authorized under the Comprehensive Employment and Training Act (CETA). The department shall submit its evaluation design to the Joint Legislative Budget Committee for review 30 days prior to

the initiation of the program. Annual reports shall be submitted to the Legislature and other interested parties on December 15, 1980, and each year thereafter. State and local workshops may be conducted to utilize the findings of this program for improving vocational education and employment and training planning and budgetary procedures.

SEC. 2. Section 9910 of the Unemployment Insurance Code is amended to read:

9910. This chapter shall remain in effect until December 31, 1984, and as of this date is repealed, unless a later enacted statute deletes or extends this date.

CHAPTER 719

An act to add Chapter 8 (commencing with Section 10650) to Part 2 of Division 2 of the Insurance Code, relating to insurance.

[Approved by Governor September 23, 1981. Filed with Secretary of State September 24, 1981]

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

SECTION 1. Chapter 8 (commencing with Section 10650) is added to Part 2 of Division 2 of the Insurance Code, to read:

CHAPTER 8. DISCRIMINATORY PRACTICES

10650. No insurer issuing any life, accident, or health insurance policy or annuity issued or amended on or after January 1, 1984, shall refuse to insure or continue to insure, or limit the amount, extent, or kind of coverage available to an individual, or charge an individual a different rate for the same coverage solely because of blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual and reasonably anticipated experience.

"Blindness or partial blindness" means central visual acuity of not more than 20/200 in the better eye, after correction, or visual acuity greater than 20/200 but with a limitation in the fields of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees, certified by a licensed physician and surgeon who specializes in diseases of the eye or a licensed optometrist.

CHAPTER 720

An act to amend Section 56368 of, to amend, repeal, and add Section 41405 of, to add Section 41407 to, and to repeal and add Section 41401 of, the Education Code, relating to school employees.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 41401 of the Education Code is repealed.

SEC. 1.5. Section 41401 is added to the Education Code, to read:

41401. For the purposes of this article:

(a) "Administrative employee" means an employee of a school district, employed in a position requiring certification qualifications, but who does not come within the meaning of subdivision (c) or (d).

(b) "Classified employee" means an employee of a school district, employed in a position not requiring certification qualifications.

(c) "Pupil services employee" means an employee of a school district, employed in a position requiring a standard designated services credential, health and development credential, or a librarian credential, and who performs direct services to pupils. "Pupil services employee" shall include, but not be limited to, inschool librarians, school nurses, assistance inschool librarians, audiovisual personnel, counselors, psychologists, psychometrists, guidance and welfare personnel, attendance personnel, school social workers, and all other certificated personnel, school social workers, and all other certificated personnel performing pupil-personnel services, health, or librarian services.

(d) "Teacher" means an employee of a school district, employed in a position requiring certification qualifications and whose duties require him or her to provide direct instruction to pupils in the schools of that district for the full time for which he or she is employed. "Teacher" shall include, but not be limited to, teachers of special classes, teachers of exceptional children, teachers of physically handicapped minors, teachers of mentally retarded minors, substitute teachers, instructional television teachers, specialist mathematics teachers, specialist reading teachers, home and hospital teachers, and learning disability group teachers.

SEC. 1.7. Section 41405 of the Education Code is amended to read:

41405. For the purposes of this article the Superintendent of Public Instruction shall require the submission, by school districts, of such reports at such times and in such form as he or she may deem necessary for the effective performance of his or her responsibilities. Such reports shall include all of the following:

(a) The number of certificated employees in each school district who satisfy the criteria specified in subdivision (a) or (b) of Section

41403.

(b) The number of certificated employees in each school district who do not satisfy the criteria specified in subdivision (a) or (b) of Section 41403.

(c) The number of instructional aides in each school district.

This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 2. Section 41405 is added to the Education Code, to read:

41405. For the purposes of this article the Superintendent of Public Instruction shall require the submission, by school districts, of such reports at such times and in such form as he or she may deem necessary for the effective performance of his or her responsibilities.

This section shall become operative on January 1, 1988.

SEC. 3. Section 41407 is added to the Education Code, to read:

41407. The Superintendent of Public Instruction shall prepare an annual a report on administrative ratios, utilizing the information submitted pursuant to Section 41405. The Superintendent of Public Instruction shall transmit a copy of this report to the Legislature and to any agency or individual who requests it.

SEC. 4. Section 56368 of the Education Code is amended to read:

56368. (a) A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized indepth knowledge in one or more areas of major handicapping conditions in preschool handicapped, or career vocational development.

(b) A program specialist shall do all of the following:

(1) Observe, consult with, and assist resource specialists, designated instruction and services instructors, and special class teachers.

(2) Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.

(3) Participate in each school's staff development, program development, and innovation of special methods and approaches.

(4) Provide coordination, consultation and program development primarily in one specialized area or areas of his or her expertise.

(5) Be responsible for assuring that pupils have full educational opportunity regardless of the district of residence.

(c) At least one program specialist shall be provided for every 560 individuals with exceptional needs served by a district, special education services region, or county office.

(d) For purposes of Section 41403, a program specialist shall be considered a pupil services employee, as defined in subdivision (c) of Section 41401.

SEC. 5. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose

of making reimbursement 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 721

An act to add Chapter 11.3 (commencing with Section 42920) of Part 24 of the Education Code, relating to youth, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Chapter 11.3 (commencing with Section 42920) is added to Part 24 of the Education Code, to read:

CHAPTER 11.3. EDUCATIONAL SERVICES

42920. (a) The Legislature finds as follows:

(1) It is essential to recognize, identify and plan for the critical and unique needs of children residing in licensed community care facilities.

(2) A high percentage of these foster children are working substantially below grade level, are being retained at least one year in the same grade level, and become school dropouts.

(3) Without programs specifically designed to meet their individual needs, foster children are frequently dysfunctional human beings at great penal and welfare costs.

(4) Funding for foster children services that was provided in four school districts is being continued pursuant to subdivision (b) of Section 42241.

(b) The Legislature further finds and declares that the instruction, counseling and related services for foster children which provide program effectiveness and potential cost savings shall be a state priority. It is therefore necessary to demonstrate program effectiveness and potential cost savings of school-centered programs which systematically have provided foster children services.

42921. Any school district, other than the four school districts specified in paragraph (4) of subdivision (a) of Section 42920 may provide educational services for children who reside in a regularly established licensed foster home, located within the boundaries of the school district, pursuant to a commitment for placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of the Welfare and Institutions Code.

42922. Any school district which provides educational services for foster children pursuant to Section 42921 shall receive funding in any fiscal year for those services only by such sums as may be specifically appropriated by the annual Budget Act of the Legislature for that fiscal year for support of those school-centered foster children services which provide program effectiveness and potential cost savings to the state.

42923. (a) Each of the four school districts specified in paragraph (4) of subdivision (a) of Section 42920 which continues to provide educational services for foster children shall, by January 1, 1982, and by January 1 of each even-numbered year thereafter, report to the Secretary for Health and Welfare, Superintendent of Public Instruction, and Director of the Youth Authority such information as may be required jointly and severally by the Secretary for Health and Welfare, the Superintendent of Public Instruction, and the Director of the Youth Authority for the purpose of subdivision (b).

(b) The Secretary for Health and Welfare shall, by February 15, 1982, and by February 15 of each even-numbered year thereafter, report to the Legislature and the Governor on the foster children services provided by school districts.

(1) The report made pursuant to this subdivision shall be prepared jointly by the Secretary for Health and Welfare, the Superintendent of Public Instruction, and the Director of the Youth Authority.

(2) The report made pursuant to this subdivision shall include, but not be limited to, recommendations regarding the continuation of services, the effectivess of the services, and broadening of the application of those services, including recommending specific school districts for inclusion in the program.

42924. Any funds allocated to school districts for foster children services pursuant to subdivision (b) of Section 42241 or Section 42922 shall be used only for foster children services and any funds not used by districts for those services shall revert to the state General Fund.

SEC. 2. (a) The Legislature finds that even though Section 903 of the Welfare and Institutions Code establishes parental liability for the cost of the care, support, and maintenance of a child in a county institution or other place in which the child is placed, detained, or committed pursuant to an order of the juvenile court, the collection of child support for juveniles who have been placed in out-of-home care as dependents or wards of the juvenile court under Sections 300, 601, and 602 of the Welfare and Institutions Code is generally the lowest priority of district attorneys and, not infrequently, the collection of support in these cases is not pursued at all. On the other hand, collection of child support in AFDC-FG families is a matter of high priority, as a parent is subject to contempt of court proceedings for nonpayment. Other major states have succeeded in securing the collection of as much as eight times the percentage of support for juveniles in out-of-home care that California has collected. In addition, in recent years the amount collected in California has

remained almost constant, thus not reflecting any significant portion of the rate of inflation.

It is the purpose of this act to substantially increase income to the state General Fund and to counties through court-ordered parental reimbursement for support of juveniles who are in out-of-home placement. In this regard, the Legislature finds that the costs of collection will be offset by the additional income derived from the increased effectiveness of the parental support program.

(b) In any case in which a juvenile court orders a minor who is or has been adjudged a dependent child or a ward of the court pursuant to Section 300, 601, or 602 of the Welfare and Institutions Code to be placed outside the home of the minor's parent the court shall do all of the following:

(1) Inform the parent that Section 903 of the Welfare and Institutions Code establishes the liability of a parent for the cost of the care, support, and maintenance of his or her minor child in any county institution or any other place in which the child is placed, detained, or committed pursuant to order of the juvenile court.

(2) Inform the parent that the district attorney will inform the parent in writing within five days of the amount the district attorney has determined the parent is financially able to pay for the support of the minor.

(3) Require the district attorney to request the court to enter an order for support of the minor in the amount that the district attorney has determined the parent is financially able to pay.

(4) State that the court will order the parent to pay the amount determined by the district attorney unless, within five days from the date of receipt by the parent of the written notice from the district attorney, the parent requests the court to review the determination of the district attorney.

(5) Inform the parent of his or her right to request a modification of the order in the event of a change in circumstances.

(6) Enter an order directing the parent to pay an amount for support in accordance with the request of the district attorney or, where the parent has requested a review of the amount requested by the district attorney, the amount that the court determines the parent is financially able to pay.

(7) Require the district attorney to notify the probation office or the county director of social welfare of the amount of support ordered by the court.

(8) It is the intent of the Legislature that funding for foster youth programs pursuant to Chapter 11.3 (commencing with Section 42920) of Part 24 of the Education Code shall be included in the annual Budget Act to the extent funds are available and necessary from the increase in income to the state General Fund as a result of the enforcement of parental financial responsibility pursuant to this section.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the

California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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. 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 the necessity are:

In order that the provisions of this act shall achieve maximum implementation, it is necessary that this act take effect at the earliest possible date.

CHAPTER 722

An act to amend Section 18852 of, and to add Section 19827.2 to, the Government Code, relating to state government.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 18852 of the Government Code is amended to read:

18852. (a) Salary ranges shall consist of minimum and maximum salary limits. The board shall provide for intermediate steps within such limits to govern the extent of the salary adjustment which an employee may receive at any one time; provided, that in classes and positions with unusual conditions or hours of work or where necessary to meet the provisions of state law recognizing differential statutory qualifications within a profession or prevailing rates and practices for comparable services in other public employment and in private business, the board may establish more than one salary range or rate or method of compensation within a class.

(b) 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 require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 2. Section 19827.2 is added to the Government Code, to read:

19827.2. (a) The Legislature, having recognized December 1980 statistics from the U.S. Department of Labor, finds: that 60 percent of all women 18 to 64 are in the workforce, that two-thirds of all those women are either the head of household or had husbands whose earnings were less than ten thousand dollars ($10,000), and that most

women are in the workforce because of economic need; that the average working woman has earned less than the average working man, not only because of the lack of educational and employment opportunities in the past, but because of segregation into historically undervalued occupations where wages have been depressed; and that a failure to reassess the basis on which salaries in state service are established will perpetuate these pay inequities, which have a particularly discriminatory impact on minority and older women; and, therefore, it is the intent of the Legislature in enacting this statute to establish a state policy of setting salaries for female-dominated jobs on the basis of comparability of the value of the work.

(b) The department shall review and analyze existing information, including those studies from other jurisdictions relevant to the setting of salaries for female-dominated jobs. This information shall be provided on an annual basis to the appropriate policy committee of the Legislature and to the parties meeting and conferring pursuant to Section 3517.

(c) For the purpose of implementing this section, the following definitions apply:

(1) "Salary" means, except as otherwise provided in Section 18539.5, the amount of money or credit received as compensation for service rendered, exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses incurred in the performance of the state's business, but including the reasonable value of board, rent, housing, lodging, or similar advantages received from the state.

(2) "Comparability of the value of the work" means the value of the work performed by an employee, or group of employees within a class or salary range, in relation to the value of the work of another employee, or group of employees, to any class or salary range within state service.

(3) "Skill" means the skill required in the performance of the work, including any type of intellectual or physical skill acquired by the employee through experience, training, education, or natural ability.

(4) "Effort" means the effort required in the performance of the work, including any intellectual or physical effort.

(5) "Responsibility" means the responsibility required in the performance of the work, including the extent to which the employer relies on the employee to perform the work, the importance of the duties, and the accountability of the employee for the work of others and for resources.

(6) "Working conditions" means the conditions under which the work of an employee is performed, including physical or psychological factors.

(d) 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 the 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.

CHAPTER 723

An act to amend Sections 18319 and 18320 of the Financial Code, relating to industrial loan companies.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. 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 15 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. The commissioner by rule or by order issued pursuant to Section 18315, may limit the amount of outstanding investment certificates of an industrial loan company.

SEC. 2. 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 (exclusive of those hypothecated with the company issuing them) in an aggregate sum in excess of three times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for 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 operation the industrial loan company may file an application with the commissioner seeking authority to increase the aggregate sum of its investment certificates which (exclusive of those investment certificates hypothecated with the company issuing them) in no event shall exceed six times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends pursuant to Section 18319.

(c) After 36 months of operation as an industrial loan company under this division and during the next 24 months of operation the company may file an application with the commissioner seeking

authority to increase the aggregate sum of its investment certificates which (exclusive of those investment certificates hypothecated with the company issuing them) in no event shall exceed 10 times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends pursuant to Section 18319.

(d) After 60 months of operation as an industrial loan company under this division, the company may file an application with the commissioner seeking authority to increase the aggregate sum of its investment certificates which it may have outstanding, which (exclusive of those investment certificates hypothecated with the company issuing them) in no event shall exceed fifteen times the aggregate amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends pursuant to Section 18319, and which may exceed 10 times the amount of its paid-up and unimpaired capital and unimpaired surplus not available for dividends pursuant to Section 18319 only if both of the following requirements are met:

(1) A company shall maintain a liquidity reserve in cash, or cash equivalent, equal to 1½ percent of its total investment certificates outstanding. Cash equivalent is defined as investments legal for commercial banks under the laws of this state, with a maturity of not more than 12 months.

(2) In addition to the reserve for losses required by the commissioner pursuant to Section 18343, a company shall establish and maintain such special reserves for losses as the commissioner, by rule or order, may require.

(e) Whenever the commissioner deems it reasonable and necessary or advisable for the protection of the public, the commissioner 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), (c), or (d), or none at all.

(f) The request for authority filed with the commissioner pursuant to subdivisions (b), (c), and (d) shall be set forth in an application in such form and containing such information as the commissioner may require.

(g) 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.

(h) If the commissioner does not within 60 days of the filing of 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 (e) 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.

CHAPTER 724

An act to amend Sections 6854 and 10133.1 of the Business and Professions Code, to amend Sections 1632 and 2945.1 of the Civil Code, to amend Section 9203 of the Commercial Code, to amend Sections 12100, 18027 and 22050 of, to add Division 10 (commencing with Section 24000) to, and to repeal Division 10 (commencing with Section 24000) of, and to repeal Sections 24451.1 and 24451.3 of, the Financial Code, to amend Section 1643 of the Insurance Code, to amend Section 639 of the Penal Code, and to amend Section 23184 of the Revenue and Taxation Code, relating to loans.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 6854 of the Business and Professions Code is amended to read:

6854. "Collection agency" does not include any of the following unless they are conducting collection agencies:

(a) Members of the State Bar of California.

(b) Persons collecting accounts for not more than one employer if all collection efforts are carried on in the name of the employer and if an employer-employee relationship exists.

(c) Common carriers.

(d) Duly licensed real estate brokers or agents doing real estate business.

(e) Duly licensed personal property brokers and consumer finance lenders.

(f) Any savings and loan association subject to the jurisdiction of the Savings and Loan Commissioner of the State of California or the Federal Home Loan Bank Board.

(g) Any industrial loan company subject to the jurisdiction of the Corporations Commissioner of the State of California.

(h) Any title insurance company or underwritten title company as defined in Section 12340.5 of the Insurance Code.

"Collection agency" does not include any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

SEC. 2. 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, Article 5 (commencing with Section 10230), Article 6 (commencing with Section 10237), and Article 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 54001) of Division 20 of the Food and 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 or as a consumer finance lender 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. 2.5. 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, Article 5 (commencing with Section 10230), Article 6 (commencing with Section 10237), and Article 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 54001) of Division 20 of the Food and 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 or as a consumer finance lender 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; or

(3) Such person is a corporation licensed as an escrow agent under Division 6 (commencing with Section 17000) of the Financial Code.

(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. 3. Section 1632 of the Civil Code is amended to read:

1632. (a) Any person engaged in a trade or business who negotiates primarily in the Spanish language orally or in writing in the course of entering into:

(1) A contract or agreement subject to the provisions of Title 2 (commencing with Section 1801) of, and Chapter 2b (commencing with Section 2981) and Chapter 2d (commencing with Section 2985.7) of Title 14 of, Part 4 of Division 3;

(2) A loan or extension of credit secured other than by real property, or unsecured, for use primarily for personal, family or household purposes;

(3) A lease, sublease, rental contract or agreement, or other term of tenancy contract or agreement, for a period of longer than one month, covering a dwelling, an apartment, or mobilehome, or other dwelling unit normally occupied as a residence; or

(4) Notwithstanding paragraph (2), a loan or extension of credit for use primarily for personal, family or household purposes where such loan or extension of credit is subject to the provisions of Article 7 (commencing with Section 10240), Chapter 3, Part 1, Division 4 of the Business and Professions Code, or Division 7 (commencing with Section 18000), or Division 9 (commencing with Section 22000) or Division 10 (commencing with Section 24000) of the Financial Code; or

(5) A contract or agreement, containing a statement of fees or charges, entered into for the purpose of obtaining legal services, when the person who is engaged in business is currently licensed to practice law pursuant to Chapter 4 (commencing with Section 6000) of Division 3 of the Business and Professions Code;

shall, upon the request of any party to such contract or agreement and prior to the execution thereof, deliver an unexecuted

Spanish-language translation of the contract or agreement, except that for a loan subject to this part and to the provisions of Article 7 (commencing with Section 10240), Chapter 3, Part 1 of Division 4 of the Business and Professions Code, the making available upon request of a party to such loan or extension of credit, a Spanish-language translation of the statement to borrower required by Section 10240 of the Business and Professions Code, shall be deemed compliance with this subdivision. At the time and place where a contract or agreement described in this paragraph is entered into, a Spanish-language notice shall be provided to the lessee or tenant.

(b) At the time and place where a contract or agreement described in paragraph (1) or (2) of subdivision (a) is entered into, a Spanish-language notice shall be provided and conspicuously displayed to the effect that the person described in subdivision (a) is required to make available upon request an unexecuted Spanish-language contract or agreement. If a person described in subdivision (a) does business at more than one location or branch, the requirements of this section shall apply only with respect to the location or branch at which the Spanish language is used.

(c) The term "contract" or "agreement," as used in this section, means the document creating the rights and obligations of the parties and includes any subsequent document making substantial changes in the rights and obligations of the parties. The term "contract" or "agreement" does not include any subsequent documents authorized or contemplated by the original document such as periodic statements, sales slips or invoices representing purchases made pursuant to a credit card agreement, a retail installment contract or account or other revolving sales or loan account, memoranda of purchases in an add-on sale, or refinancing of a purchase as provided by, or pursuant to, the original document.

The term "contract" or "agreement" does not include a home improvement contract as defined in Sections 7151.2 and 7159 of the Business and Professions Code, nor does it include plans, specifications, description of work to be done and materials to be used, or collateral security taken or to be taken for the retail buyer's obligation contained in a contract for the installation of goods by a contractor licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, if such home improvement contract or installation contract is otherwise a part of a contract described in subdivision (a).

Matters ordinarily incorporated by reference in contracts or agreements as described in paragraph (3) of subdivision (a), including but not limited to rules and regulations governing a tenancy and inventories of furnishings to be provided by the person described in subsection (a) are not included in the term "contract" or "agreement."

(d) This section shall not apply to any person engaged in a trade or business who negotiates primarily in the Spanish language as

described by subdivision (a) if the party with whom he is negotiating is a buyer of goods or services, or receives a loan or extension of credit, or enters an agreement obligating himself as a tenant, lessee, or sublessee, or similarly obligates himself by contract or lease, and such party negotiates the terms of the contract, lease, or other obligation through his own interpreter.

As used in this subdivision, "his own interpreter" means a person able to speak fluently and read with full understanding the English and Spanish languages, and who is not employed by, or whose service is made available through, the person engaged in the trade or business.

(e) The terms of the contract or agreement which is executed in English shall determine the rights and obligations of the parties. However, the Spanish-language translation of the contract shall be admissible in evidence only to show that no contract was entered into because of a substantial difference in the material terms and conditions of the contract and the translation.

(f) Upon a failure to comply with the provisions of this section, the person aggrieved may rescind the contract or agreement in the manner provided by this chapter. When the contract for a consumer credit sale or consumer lease which has been sold and assigned to a financial institution is rescinded pursuant to this subdivision, the consumer shall make restitution to and have restitution made by the person with whom he made the contract, and shall give notice of rescission to the assignee. Notwithstanding that the contract was assigned without recourse, the assignment shall be deemed rescinded and the assignor shall promptly repurchase the contract from the assignee.

(g) A person engaged in a trade or business may submit to the Department of Consumer Affairs and the department shall then verify the accuracy of Spanish-language translations of contracts, agreements, and notices.

(h) Notwithstanding any other provision of law, the liability of the Department of Consumer Affairs and its employees in verification of the translation of contracts from English to Spanish is limited to misrepresentations in such translations and the liability of the Department of Consumer Affairs and employees is controlled by Sections 815.2 and 822.2 of the Government Code.

(i) No advertisement, announcement, publication or other representation either oral or written that a contract or agreement translation from English to Spanish has been verified by the Department of Consumer Affairs may be made by any person, business or employee utilizing such translated contracts or agreements.

(j) Immediately upon the enactment of this provision the Department of Consumer Affairs shall prepare a schedule of fees for translation verification as set forth herein.

SEC. 4. 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 licensed to make loans pursuant to Division 9 (commencing with Section 22000) or 10 (commencing with Section 24000) 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.

(8) 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. 5. Section 9203 of the Commercial Code is amended to read:

9203. (1) Subject to the provisions of Section 4208 on the security interest of a collecting bank and Section 9113 on a security interest arising under the division on sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless

(a) The collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

(b) Value has been given; and

(c) The debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subdivision (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by Section 9306.

(4) A transaction, although subject to this division, is also subject to the Retail Installment Sales Act, Title 2 (commencing with Section 1801) of Part 4, Division 3 of the Civil Code; the Automobile Sales Finance Act, Chapter 2b (commencing with Section 2981) of Title 14, Part 4, Division 3 of the Civil Code; the Industrial Loan Law, Division 7 (commencing with Section 18000) of the Financial Code; the Pawnbroker Law, Division 8 (commencing with Section 21000) of the Financial Code; the Personal Property Brokers Law, Division 9 (commencing with Section 22000) of the Financial Code; and the Consumer Finance Lenders Law, Division 10 (commencing with

Section 24000) of the Financial Code, and in the case of conflict between the provisions of this division and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

SEC. 6. Section 12100 of the Financial Code, as amended by Chapter 67 of the Statutes of 1981, 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 consumer finance lenders subject to Division 10 (commencing with Section 24000) of the Financial Code.

(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 disbursal 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 function 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 Chapter 14 (commencing with Section 1800) 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. 7. Section 18027 of the Financial Code is amended to read:

18027. Corporations subject to this division are not subject to the provisions or regulations of the Personal Property Brokers Law,

Division 9 or the Consumer Finance Lenders Law, Division 10.

SEC. 8. Section 22050 of the Financial Code is amended to read:

22050. This division does not apply to any person 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, credit unions, consumer finance lenders, small business investment companies, or licensed pawnbrokers.

SEC. 9. Division 10 (commencing with Section 24000) of the Financial Code is repealed.

SEC. 10. Division 10 (commencing with Section 24000) is added to the Financial Code, to read:

DIVISION 10. CONSUMER FINANCE LENDERS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

24000. This division is known and may be cited as the "Consumer Finance Lenders Law."

24000.1. This division shall be liberally construed and applied to promote its underlying purposes and policies, which are:

(a) To assure an adequate supply of credit to consumers in this state.

(b) To simplify, clarify, and modernize the law governing consumer loans and consumer finance lenders.

(c) To foster competition among consumer finance lenders.

(d) To protect consumers against unfair practices by some lenders, having due regard for the interests of legitimate and scrupulous lenders.

(e) To permit and encourage the development of fair and economically sound consumer lending practices.

(f) To encourage and foster a sound economic climate in this state.

24000.2. To accomplish its underlying purposes and policies, this division creates and authorizes a class of persons pursuant to Section 1 of Article XV of the Constitution.

24001. Unless the context otherwise requires, the definitions given in this article govern the construction of this division.

24002. "Broker" includes all who are engaged in the business of negotiating or performing any act as a broker in connection with loans made by a consumer finance lender.

24003. "Charges" include the aggregate interest, fees, bonuses, commissions, brokerage, discounts, expenses, and other forms of costs charged, contracted for, or received by a licensee or any other person in connection with the investigating, arranging, negotiating, procuring, guaranteeing, making, servicing, collecting, and enforcing of a loan or forbearance of money, credit, goods, or things in action, or any other service rendered.

24004. "Charges" include any profit or advantage of any kind that any licensee may contract for, collect, receive or obtain by a collateral sale, purchase, or agreement, in connection with the negotiating, arranging, making or otherwise in connection with any loan.

24005. "Charges" do not include commissions received as a licensed insurance agent or broker in connection with insurance written as provided in Section 24458.

24006. "Commissioner" means the Commissioner of Corporations of the State of California.

24007.5. "Consumer loan" means a loan, whether secured by real or personal property, or unsecured, the proceeds of which are intended by the borrower for use primarily for personal, family or household purposes. For purposes of determining whether a loan is a consumer loan, the lender may rely on any written statement of intended purposes signed by the borrower. The statement may be a separate statement signed by the borrower or may be contained in a loan application or other document signed by the borrower. The lender shall not be required to ascertain that the proceeds of the loan are used in accordance with the statement of intended purposes.

24008. "Licensee" means any consumer finance lender or broker who receives a license in accordance with this division.

24008.1. "Person" means an individual, a corporation, a partnership, a joint venture, an association, a joint stock company, a trust, an unincorporated organization, a government, or a political subdivision of a government.

24009. "Consumer finance lender" includes all persons who are engaged in the business of making consumer loans.

24010. "Consumer finance lender" and "broker" do not include employees regularly employed at the particular location specified in the license of the consumer finance lender or broker.

Article 2. Exemptions

24050. This division does not apply to any person 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, credit unions, small business investment companies, or licensed pawnbrokers.

24050.1. This division does not apply to any personal property broker or broker licensed under the Personal Property Brokers Law, when transacting business authorized by that law, but any such personal property broker may become a licensee under this division upon compliance with Chapter 2 (commencing with Section 24200).

24051. This division does not apply to the following:

(a) Any nonprofit cooperative association organized under Chapter 1 (commencing with Section 54001) of Division 20 of the Food and Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(b) 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.

(c) 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 "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(d) Any corporation created pursuant to the provisions of Part 4 (commencing with Section 14000) of Division 3 of Title 1 of the Corporations Code.

24051.1. This division does not apply to any loan of credit made by a person not licensed under this division pursuant to a plan having all of the following characteristics:

(a) Credit cards are issued pursuant to written application therefor and to the plan whereby the organization issuing the cards shall be enabled to acquire those certain obligations which its members in good standing incur with those persons with whom the organization has entered into written agreements setting forth the plan, and where the obligations are incurred pursuant to such agreements; or whereby the organization issuing the cards shall be enabled to extend credit to its members.

(b) The fee for the credit cards is designed to cover the administrative costs of the plan and is imposed upon the issuance of the card and on annual renewal dates thereafter.

(c) Any charges, discounts, or fees resulting from the acquisition of the charges shall be paid to the organization issuing the credit cards by the persons, corporations or associations with whom the organization has entered into written agreements.

24051.5. In any proceeding under this law, the burden of proving an exemption is upon the person claiming it.

24052. This division does not apply to bona fide conditional contracts of sale involving the disposition of personal property, when such forms of sales agreements are not used for the purpose of evading this division.

24052.1. This division does not apply to premium financing as defined in Section 18563.

24053. The following sections of this division do not apply to any loan of a bona fide principal amount of ten thousand dollars ($10,000) or more, or to a duly licensed consumer finance lender in connection with any such loan or loans, if the provisions of this section are not used for the purpose of evading this division: Sections 24004, 24005, 24404, 24405, 24450, 24451, 24451.1, 24451.2, 24452, 24453, 24454, 24455, 24458, 24458.1, 24458.2, 24459, 24460, 24462, 24463, 24464, 24470, 24480, 24651, and 24652.

24054. In determining under Section 24053 whether a loan is a loan of a bona fide principal amount of ten thousand dollars ($10,000)

or more and whether the provisions of that section are used for the purpose of evading this division, the following principles apply:

(a) If a borrower applies for a loan in a principal amount of less than ten thousand dollars ($10,000) and a loan to that borrower of a principal amount of ten thousand dollars ($10,000) or more is made by a licensed consumer finance lender, and

(1) No adequate economic reason for the increase in the size of the loan exists, and

(2) By prearrangement or understanding between the borrower and the licensee a substantial payment is to be made upon the loan with the effect of reducing the principal amount of the loan to less than ten thousand dollars ($10,000) within a short time after the making of the loan other than by reason of a requirement that the loan be paid in substantially equal periodical installments, then the loan shall not be deemed to be a loan of the bona fide principal amount of ten thousand dollars ($10,000) or more and the provisions of Section 24053 shall be deemed to be used for the purpose of evading this division unless the loan complies with the provisions of this division relating to loans of less than ten thousand dollars ($10,000).

(b) An individual advance of money of less than ten thousand dollars ($10,000) pursuant to a revolving loan agreement or similar agreement between a borrower and a licensed consumer finance lender, or a loan agreement providing for the making of advances to the borrower from time to time up to an aggregate maximum amount, shall be deemed to be a loan of a principal amount of ten thousand dollars ($10,000) or more if the total unpaid principal amount of all loans owing by the borrower to the licensed consumer finance lender after any such advance, including the additional advance, is ten thousand dollars ($10,000) or more.

(c) If a loan made by a licensed consumer finance lender is in a principal amount of ten thousand dollars ($10,000) or more, the fact that the transaction is in the form of a sale of accounts, chattel paper, contract rights, goods or instruments or a lease of goods or in the form of an advance on the purchase price of any of the foregoing shall not be deemed to affect the loan or the bona fides of the amount thereof or to indicate that the provisions of Section 24053 are used for the purpose of evading this division.

24055. This division does not apply to any loans made or arranged by any person licensed as a real estate broker by the State of California and secured by liens on real property, or to any licensed real estate broker.

24056. This division does not apply to any cemetery broker licensed under the Cemetery Act, Chapter 19 (commencing with Section 9600) of Division 3 of the Business and Professions Code, when transacting business as authorized by the Cemetery Act.

CHAPTER 2. LICENSING

Article 1. Generally

24200. No person shall engage in the business of a consumer finance lender or broker and make or negotiate loans in connection with which charges in excess of 10 percent per annum are contracted for, charged or received, without obtaining a license from the commissioner.

24201. 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 24202. A license issued pursuant to an application filed under this section shall be designated a master license.

24201.1. (a) A person licensed pursuant to an application filed under Section 24201 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 24202. 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.

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.

24203. The applicant shall file with the application financial statements prepared in accordance with generally accepted accounting principles and acceptable to the commissioner which indicate a net worth of a least twenty-five thousand dollars ($25,000). A licensee shall maintain a net worth of at least twenty-five thousand dollars ($25,000) at all times.

24206. Upon the filing of an application pursuant to Section 24201 or 24201.1 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 24210, the commissioner shall issue and deliver a license to the applicant to engage in business in accordance with the provisions of this division.

24207. 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 24201.1, 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 consumer finance lender or a broker.

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 neither 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 the licensee. If, after 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. However, the revocation, suspension or surrender of a certificate shall not affect the powers of the commissioner as provided in this division.

24209. The commissioner may by regulation require licensees to file at such times as he may specify such information as he may reasonably require regarding any changes in the information provided in any application filed pursuant to this division.

24210. (a) Upon reasonable notice and opportunity to be heard, the commissioner may deny the application for any of the following

reasons: (1) a false statement of a material fact has been made in the application; (2) any officer, director, or member of the applicant has, within the last 10 years, (i) been convicted of or pleaded nolo contendere to a crime, or (ii) committed any act involving dishonesty, fraud, or deceit, which crime or act is substantially related to the qualifications, functions, or duties of a person engaged in business in accordance with the provisions of this division; (3) the applicant or any officer, director, or member of the applicant has violated any provision of this division or the rules thereunder or any similar regulatory scheme of a foreign jurisdiction.

(b) The application shall be considered withdrawn within the meaning of this section if the applicant fails to respond to a written notification of a deficiency in the application within 90 days of the date of the notification.

(c) The commissioner shall within 60 days from the filing of a full and complete application for a license with the fees, either issue a license or file a statement of issues prepared in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

24211. The proceedings for a denial of a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner has all the powers granted therein.

24212. All money paid or collected under this division shall be deposited in the State Treasury to the credit of the General Fund. The administration of this division shall be supported out of the General Fund.

CHAPTER 3. REGULATIONS

Article 1. General Regulations

24400. The commissioner may make general rules and regulations and specific rulings, demands, and findings for the enforcement of this division, in addition to, and within the general purposes of this division.

24401. (a) A license shall be conspicuously posted in the place of business authorized by the 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 the death, withdrawal, or admission dissolves the partnership to which the license was issued.

24402. A licensee shall maintain only one place of business under a duplicate or original license issued pursuant to Section 24201.1. 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.

24403. (a) If a licensee desires to change its place of business to a street address other than that designated in its license, such person shall give written notice to the commissioner at least 10 days prior to such change. The commissioner shall then attach a written approval of the change and the date of the approval.

(b) If notice is not given at least 10 days prior to the change as required by subdivision (a), the commissioner may assess a civil penalty on the licensee of not to exceed five hundred dollars ($500).

24404. No licensee shall conduct the business of making loans under this division within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except as authorized in writing by the commissioner upon the commissioner's finding that the character of the other business is such that the granting of the authority would not facilitate evasions of this division or of the rules and regulations made pursuant to this division. An authorization once granted remains in effect until revoked by the commissioner.

24405. No licensee shall transact the business licensed or make any loan provided for by this division under any other name or at any other place of business than that named in the license.

24406. Licensees shall keep and use in their business, books, accounts, and records which will enable the commissioner to determine if the licensee is complying with the provisions of this division and with the rules and regulations made by the commissioner. On any loan secured by real property in which loan proceeds were disbursed to an independent escrow holder, licensees shall retain records and documents as set forth by rule of the commissioner adopted pursuant to Section 24400.

Upon request of the commissioner, licensees shall file an authorization for disclosure to the commissioner of financial records of the licensed business pursuant to Section 7473 of the Government Code.

24407. Licensees shall preserve their books, accounts, and records, including cards used in the card system, if any, for at least two years after making the final entry on any loan recorded therein.

24408. Each licensee shall file a report with the commissioner annually on or before the 15th day of March, giving such relevant information as the commissioner reasonably requires concerning the business and operations during the preceding calendar year of each licensed place of business within the state conducted by the licensee. The individual annual reports filed pursuant to this section shall be made available to the public for inspection.

24409. The commissioner shall require that information pertaining to loans be stated separately in the annual reports as follows:

(a) For loans of principal amount of less than ten thousand dollars ($10,000) not secured by real property.

(b) For loans of less than ten thousand dollars ($10,000) secured by real property.

(c) For loans of ten thousand dollars ($10,000) or more and any other business.

(d) The commissioner may permit information pertaining to expenses in the annual report to be reported in totals by categories without separation as to types of loans, and may make such other rules from time to time as may be necessary to obtain adequate information pertaining to the licensee.

The report shall be made under oath and in the form prescribed by the commissioner.

24410. The commissioner shall make and file annually with the Department of Corporations as a public record a composite of the annual reports and any comments on the reports that he deems in the public interest.

24411. No person shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast in any manner, any statement or representation with regard to the business subject to the provisions of this division, including the rates, terms or conditions for making or negotiating loans, which is false, misleading, or deceptive, or which omits to state material information that is necessary to make the statements therein not false, misleading or deceptive, or, in the case of a licensee, which refers to the supervision of such business by the state or any department or official of the state.

24412. The commissioner may require that rates of charge, if stated by a licensee, be stated fully and clearly in such manner as the commissioner deems necessary to prevent misunderstanding by prospective borrowers.

24413. If any person engaged in the business regulated by this division refers in any advertising to rates of interest, charges, or cost of loans, the commissioner shall require that they are stated fully and clearly in such manner as he deems necessary to give adequate information to prospective borrowers. If the rates or costs advertised do not apply to loans of all classes made or negotiated by such person, this fact shall be clearly indicated in the advertisement.

24414. No advertising copy shall be used after its use has been disapproved by the commissioner and the licensee is notified in writing of the disapproval.

24415. The commissioner may require licensees to maintain a file of all advertising copy for a period of 90 days from the date of its use. The file shall be available to the commissioner upon request.

24416. A licensed consumer finance lender may act as a broker as defined in Section 24002 at its licensed place of business without obtaining an additional license as a broker under this division provided the licensee has obtained authority in writing from the commissioner.

The commissioner may grant such authority upon the commissioner's finding that evasions of this division cannot reasonably be expected to occur. An authorization once granted remains in effect until revoked by the commissioner.

Article 2. Loan Regulations

24450. No licensee shall directly or indirectly charge, contract for, or receive any interest or charge of any nature unless a loan is made.

24450.1. (a) No licensee shall directly or indirectly charge, contract for, or receive any interest or charge of any nature with respect to a loan of ten thousand dollars ($10,000) or more unless the loan is made.

(b) Notwithstanding subdivision (a), when a loan of ten thousand dollars ($10,000) or more is not consummated because of the borrower's failure to disclose outstanding liens or other information essential to making the loan or solely because of the borrower's failure to complete the loan in accordance with the loan application, a licensee may charge, contract for, and receive an amount equal to the actual expenses incurred by the licensee in connection with the preparation for the loan.

24451. Every licensee who lends any sum of money may contract for and receive charges at a rate not exceeding the sum of the following:

(a) Two and one-half percent per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of two hundred twenty-five dollars ($225).

(b) Two percent per month on that portion of the unpaid principal balance in excess of two hundred twenty-five dollars ($225) up to, including, but not in excess of nine hundred dollars ($900).

(c) One and one-half percent per month on that part of the unpaid principal balance in excess of nine hundred dollars ($900) up to, including, but not in excess of one thousand six hundred fifty dollars ($1,650).

(d) One percent per month on any remainder of such unpaid balance in excess of one thousand six hundred fifty dollars ($1,650).

24451.1. As an alternative to the charges authorized by Section 24451 a licensee may contract for and receive charges at the greater of:

(a) A rate not exceeding 1.6 percent per month on the unpaid principal balance.

(b) A rate not exceeding five-sixths of 1 percent per month plus a percentage per month equal to one-twelfth of the annual rate prevailing on the 25th day of the second month of the quarter preceding the quarter in which the loan is made as 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 for advances, the closest counterpart of this rate as shall be designated by the Superintendent of Banks of the State of California. Charges shall be calculated on the unpaid principal balance.

In order to facilitate the evaluation of the adequacy of the discount rate index and differential provided in subdivision (b) by the

Commissioner of Corporations, this section shall remain in effect until January 1, 1984, and as of that date is repealed.

24451.2. As an alternative to the charges authorized by Section 24451 a licensee may contract for and receive charges at a rate not exceeding 1.6 percent per month on the unpaid principal balance.

This section shall become operative on January 1, 1984.

24451.3. In addition to the charges authorized by Section 24451 or 24451.1 a licensee may contract for and receive an acquisition fee, which shall be fully earned immediately upon making the loan, with respect to a loan of a principal amount of not more than two thousand five hundred dollars ($2,500) at a rate not in excess of 5 percent of the principal amount or fifty dollars ($50), whichever is lesser. Only one acquisition fee may be contracted for or received until the loan has been repaid in full. No acquisition fee may be contracted for or received in connection with refinancing a loan with respect to which an acquisition fee has been received.

In order to facilitate the evaluation of the adequacy of the acquisition fee provided in this section by the Commissioner of Corporations, this section shall remain in effect until January 1, 1984, and as of that date is repealed.

24452. (a) As used in this division, "open end loan" means a loan or loans made by a licensee pursuant to a loan agreement which expressly states that it is made pursuant to this section and pursuant to which:

(1) The licensee may permit the borrower to obtain advances of money from the licensee from time to time or the licensee may advance money on behalf of the borrower from time to time as directed by the borrower.

(2) The amount of each advance and the charges and other permitted costs are debited to an account.

(3) The charges are computed from time to time on the unpaid balances of the borrower's account, excluding from the computation any unpaid charges other than permitted fees, costs and expenses.

(4) The borrower has the privilege of paying the account in full at any time or in monthly installments.

(b) Subject to the written approval of the commissioner of the licensee's plan of business for making open end loans as not being misleading or deceptive and subject to regulations the commissioner may promulgate with respect to open end loans under Section 24400, a licensee may make open end loans pursuant to this section and may contract for and receive thereon charges as set forth in Sections 24451, 24451.1, and 24454.1. These charges may be calculated on an amount not exceeding the greater of:

(1) The actual daily unpaid balances of the open end account in the billing cycle for which the charge is made, in which case one-thirtieth of the monthly rate may be charged for each day the unpaid balance is outstanding.

(2) The average daily unpaid balance of the open end account in the billing cycle for which the charge is made, which is the sum of

the amount unpaid each day during that cycle divided by the number of days in that cycle. The amount unpaid on a day is determined by adding to any balance unpaid as of the beginning of that day all advances and other debits and deducting all payments and other credits made or received as of that day.

The billing cycle shall be monthly. A billing cycle is monthly if the closing date of the cycle is the same date each month or does not vary by more than four days from the regular date.

(c) No licensee shall enter into any agreement for an open end consumer loan that provides for a minimum monthly payment that would result in the full repayment of principal over more than the maximum periods set forth below opposite the respective size of loans.

Principal amount of loan	Maximum period
Less than $1,500	24 months and 15 days
$1,500 but less than $2,500	36 months and 15 days
$2,500 but less than $4,000	48 months and 15 days
$4,000 but less than $6,000	60 months and 15 days
$6,000 but less than $10,000	84 months and 15 days

The minimum payment shall be determined by the amount of the initial loan advance and shall continue at that amount until a subsequent loan advance is made, at which time the minimum payment shall be determined by the amount of the unpaid balance of the loan after the advance and including the advance. Minimum payments after each advance shall be determined in the same manner.

(d) On open end loans the licensee may contract for and receive the fees, costs, and expenses permitted on other loans, including those permitted by subdivisions (a), (b), (c), and (d) of Section 24458 and subdivision (d) of Section 24458.1, except that the charge for credit life insurance under Section 24458.1 shall be on a monthly basis and shall be actuarially consistent with the single premium rate for the same coverage approved or fixed by the Insurance Commissioner under Section 24458.1, or in accordance with a schedule of monthly rates filed with and not disapproved by the Insurance Commissioner.

(e) A licensee may not take real property as security, in whole or in part, for an open end loan under this section.

(f) Sections 24454 and 24455 shall apply to open end loans with the following variations:

(1) To comply with Section 24454, the loan contract shall provide for payment of minimum payments complying with subdivision (c).

(2) To comply with Section 24455, the licensee shall deliver to the borrower at the time of each loan advance an amount equal to the face value of the advance.

(g) In lieu of subdivision (a) of Section 24458.1, Section 24468, and subdivision (a) of Section 24473, the following provisions shall apply

to open end loans:

(1) A licensee may provide insurance on the life of one or more borrowers, with his or her consent, the form to be approved by the Insurance Commissioner, and in an amount not in excess of the amount of the indebtedness. If life insurance is provided, and if the insured dies when there is an outstanding open end loan indebtedness, the insurance shall be sufficient to pay the total amount due on the loan outstanding on the date of his or her death without any exception, reservation or limitation. Any such life insurance as is provided shall be in force as soon as the loan is made or coverage is agreed upon, whichever is later. No credit life insurance written in connection with an open end loan shall be canceled by the lender because of delinquency of the borrower in the making of the minimum payments thereon unless one or more of such payments is past due for a period of 90 days or more, and the lender shall advance to the insurer the amounts required to keep the insurance in force during such period, which amounts may be debited to the borrower's account.

(2) The open end loan agreement shall contain the name, address and license number of the consumer finance lender and shall disclose the nature of the security taken, if any, the method of determining the minimum payments which will be required to repay the initial advance and any subsequent advances on the loan, and the agreed rate of charge.

(3) Except in the case of an account which the licensee deems to be uncollectible, or with respect to which delinquency collection procedures have been instituted, the licensee shall deliver or cause to be delivered to the borrower, or any one thereof, for each billing cycle at the end of which there is an outstanding balance in the account or with respect to which a finance charge is imposed, a statement setting forth the outstanding balance in the account at the beginning of the billing cycle, the date and amount of any subsequent loan advance during the period, the amounts and dates of crediting to the account during the billing cycle for payments, the amount of any finance charge debited to the account during the billing cycle, the annual percentage rate of finance charge determined under Regulation Z promulgated by the Board of Governors of the Federal Reserve System under the Federal Consumer Credit Protection Act, the balance on which the finance charge was computed, the closing date of the billing cycle, the outstanding balance on that date, and the minimum monthly payment required in the absence of any additional advance. If there has been any change in the nature of the security for the loan since the next preceding advance, the statement shall contain or be accompanied by a statement of the nature of the security for the loan after such change.

(h) Subdivision (e) of Section 24473 shall not apply to an open end loan with respect to which there is no balance outstanding if the open end loan agreement continues in effect.

(i) Section 24480 shall not apply to open end loans.

(j) Nothing in this section may be construed to limit the authority of the commissioner to disapprove advertising with respect to open end loans pursuant to Section 24414.

(k) This section shall not apply to loans other than open end loans.

24453. No amount in excess of that allowed by this article shall be directly or indirectly charged, contracted for, or received by any person, and the total charges of the consumer finance lender and broker and any other person in the aggregate shall not exceed the maximum rate provided for in this article.

24454. Except as provided in Section 24451.3 and in Article 3 (commencing with Section 24480), all charges on loans made under this division shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, and shall be so expressed in every obligation signed by the borrower. The charges on loans shall be computed on the basis of the number of days actually elapsed, for the purpose of which computations a month is any period of 30 consecutive days. The loan contract shall provide for payment of the aggregate amount contracted to be paid in substantially equal periodical installments, the first of which shall be due not less than 15 days nor more than 1 month and 15 days from the date the loan is made.

24454.1. Notwithstanding Section 24454, 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 24451 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 24454; 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.

24455. Except as provided in Article 3 (commencing with Section 24480) no charges on loans made pursuant to this division shall be paid, deducted, or received in advance, or compounded. The licensee shall deliver to the borrower at the time of making the loan an amount to be retained by the borrower equal to the face value of the loan and the note evidencing the loan.

24456. No person in connection with or incidental to the making of any loan regulated by this division may require the borrower to contract for, purchase, or agree to purchase any other thing in connection with the loan. Insurance of the type specified in Section 24458 and credit life and disability insurance is not prohibited by this section.

24457. No person in connection with or incidental to the making of such loan shall require the borrower to enter into any collateral

sales agreements or contracts, other than the contract of pledge, assignment, or mortgage of personal property, or when otherwise permitted by this division, the deed of trust, mortgage or lien on real property, by the borrower to the lender as security for the repayment of the loan and charges thereon. Insurance of the type specified in Section 24458 and credit life and credit disability insurance is not prohibited by this section.

24458. Insurance on tangible personal or real property offered as security shall not be deemed to be a collateral sale, purchase, or agreement within the terms of Section 24004, 24456 or 24457, when all of the following are met:

(a) The insurance is sold at standard rates through licensed insurance brokers or agents.

(b) The policy is written to cover the property offered as security for a loan.

(c) The property is reasonably insured against loss for a reasonable term considering the circumstances of the loan.

(d) The policy relating to personal property is made payable to the borrower or any member of his family even though the customary mortgagee clause is attached or the mortgagee is a coassured.

(e) Except in the case of purchase money encumbrances the amount of title insurance shall not exceed the principal amount of the loan which is secured by a deed of trust, mortgage or lien on real property which is the subject of the policy of title insurance.

(f) The policy of title insurance insures the lender or is made payable jointly to the lender and the borrower as their interests may appear.

(g) Title insurance is placed through a title insurance company, duly authorized to do business in the state in which the real property is located, at rates comparable to rates being used by other title insurance companies duly authorized to do business in that state.

(h) Title insurance is placed in connection with the renewal or extension of a loan only when the additional cash advance is at least one thousand dollars ($1,000).

24458.1. Credit life insurance on the life of a borrower and credit disability insurance shall not be deemed to be a collateral sale, purchase, or agreement within the terms of Section 24004, 24456 or 24457 when such insurance is provided in accordance with the provisions of the Insurance Code and this section.

(a) A licensee may provide insurance on the life of one or more borrowers and credit disability insurance to provide indemnity for payments becoming due on the indebtedness, with his or her consent, the form to be approved by the Insurance Commissioner and in an amount not in excess of the amount of the indebtedness and may collect from the borrower an amount not in excess of that permitted by subdivision (d) of this section. If the loan is prepaid in full by cash, a new loan, refinancing or otherwise (except by the insurance) before the final installment date the borrower shall

receive a rebate of the amount computed in accordance with the formula approved by the Insurance Commissioner pursuant to Section 779.14 of the Insurance Code. When charges for the loan are precomputed in accordance with Section 24480, any permitted deferment charge may be computed on the combined total of the precomputed charge and the life or credit disability insurance charge. Only one such amount may be collected in connection with any loan contract irrespective of the number of borrowers, and only one borrower need be insured. Such amount may be deducted from the principal of the loan. If life or disability insurance is provided, and if the insured borrower dies or becomes disabled during the term of the loan contract, the insurance shall be sufficient to pay the total amount due on the loan (excluding unearned charges) outstanding on the date of his death, or all amounts which become due on the loan thereafter during the period of disability, as the case may be, without any exception, reservation or limitation, subject, however, to the provisions of Section 24458.2. Any life or disability insurance provided shall be in force as soon as the loan is made.

(b) No licensee shall decline new or existing insurance which meets or exceeds the standards set forth in this section, nor prevent any borrower from obtaining such insurance coverage from other sources. A licensee shall not require credit life or disability insurance as a condition of making a loan.

(c) If a borrower procures such insurance by or through a licensee, the statement required by Section 24473 shall disclose the cost thereof to the borrower, and the licensee shall deliver or cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. In the event a licensee provides credit disability insurance pursuant to this division, the licensee shall also deliver an understandable written statement to the borrower detailing the conditions when the borrower will be entitled to make a claim under the insurance policy and the procedure to be followed in making the claim. This statement shall be first approved by the commissioner.

(d) The amount charged to the borrower for such insurance shall not exceed in the case of credit life insurance the amount provided in paragraph (1) or paragraph (2), whichever is less, or, in the case of credit disability insurance, unless a regulation has been promulgated and established pursuant to subdivision (e), in which case the amount charged shall not exceed the amount prescribed by the regulation, the amount provided in paragraph (1):

(1) The premium rate filed with the Insurance Commissioner for the coverage provided pursuant to Article 5.9 (commencing with Section 779.1) of Chapter 1 of Part 2 of Division 1 of the Insurance Code and which has not been disapproved by him, or

(2) Fifty cents ($0.50) per year per one hundred dollars ($100) of indebtedness (and in the same proportion for longer or shorter maturities and larger or smaller amounts) or such different maximum as shall have been fixed by the Insurance Commissioner

by a valid and effective regulation and applicable to all licensees under this division.

(e) The Insurance Commissioner shall study data available to him concerning California credit life and disability insurance experience and shall promulgate and establish a general regulation fixing the maximum which may be charged for insurance by licensees hereunder having due regard to the relation of the total amount of death and disability claims paid to the amounts at risk during the same period, and a reasonable margin for contingencies and cost and compensation to licensees for providing and servicing the insurance, plus the premium taxes payable on the probable premiums to be charged by insurers, plus the probable, but not unreasonable, markup to be added by insurers to the risk cost. Any such changed maximum rate of premium or identifiable charge shall not affect any insurance then in force on borrowers. Any regulation under this section shall be adopted after a hearing and in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

24458.2. Credit disability insurance written pursuant to Section 24458.1 shall not provide indemnity against the risk of a borrower becoming disabled for a period of less than 14 days. The insurance may provide indemnity for any single period of continuous disability of 14 days or longer, after which the risk may become compensable. In no event shall any credit disability insurance provide for retroactive coverage to an earlier date based upon the disability having continued for a period stated in the policy, or for any other reason. Credit disability insurance, if made available by a licensee, shall be available on a monthly or annual premium basis, and the premium by the month shall not exceed a pro rata relationship to the annual premium. Credit disability insurance need not be offered for a period less than the term of the loan to which it is applicable and no credit disability insurance shall be written for a period in excess of the term of the loan to which it is applicable.

24458.3. A licensee may collect the cost of a lot book report purchased in lieu of title insurance provided for in Section 24458. The cost is not included in charges as defined in this article or in determining the applicable maximum charges which may be made under this article.

24458.4. On any loan made which is secured by real property, an appraisal fee not to exceed the actual cost of the appraisal or 1 percent of the face amount of the loan, whichever is less, may be charged by the licensee if a written appraisal is rendered to the licensee by a qualified appraiser. However, if the appraiser is an employee of the licensee or of an affiliate, the fee shall not exceed an amount established by rule of the commissioner adopted pursuant to Section 24400. Only one fee for appraising the same real property may be collected unless the borrower has obtained a new or additional loan and more than one year has elapsed since the prior appraisal. The fee is not included in charges as defined in this article

or in determining the applicable maximum charges which may be made under this article.

24458.5. On any loan made which is secured by real property, an escrow fee of a reasonable amount may be charged. The fee shall be considered reasonable when paid to a company licensed to do business under the Escrow Law, Division 6 (commencing with Section 17000), or any person exempted by the Escrow Law, provided that the fees are comparable to fees being charged by escrow companies authorized to do business in this state. The fee is not included in charges as defined in this article or in determining the applicable maximum charges which may be made under this article.

24458.6. On any loan which is secured by real property the fee of the trustee for reconveyance of the trust deed may be collected by the licensee for transmittal to the trustee. The fee is not included in charges as defined in this article or in determining the applicable maximum charges which may be made under this article.

24459. A loan lawfully made outside the state may be enforced in this state as to the unpaid principal balance of the loan together with the interest, consideration, brokerage, and all other charges, to the extent of but not to exceed the unpaid principal balance and the aggregate amount of interest, consideration, brokerage, and all other charges permitted by this division in connection with a loan of the same amount made within this state.

24460. Any person who collects or attempts to collect in this state the unpaid principal balance of a loan made outside the state, and a greater aggregate amount of interest, consideration, brokerage, and all other charges in connection with the loan than is permitted by this division in connection with a loan of the same amount made within this state, is subject to the provisions of this division.

24461. Any person who contracts for or negotiates in this state a loan to be made outside the state for the purpose of evading or avoiding this division is subject to the provisions of this division

24462. Every licensee shall display prominently in each licensed place of business a full and accurate schedule of the charges to be made and the method of computing the charges. The schedule is subject to the approval of the commissioner.

24463. No person, except as authorized by this division, shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit. This section applies to any person, who by any device, subterfuge, or pretense charges, contracts for, or receives greater interest, consideration, or charges than is authorized by this division for any loan, use, or forbearance of money, goods, or things in action or for any loan, use, or sale of credit.

24464. No licensee shall knowingly induce any borrower to split

up or divide any loan with any other licensee. No licensee shall induce or permit any borrower to be or to become obligated directly or indirectly, or both, under more than one contract of loan at the same time with the same licensee for the purpose or with the result of obtaining a higher rate of charge than would otherwise be permitted by this article.

For the purposes of this section, "borrower" includes any husband and wife whether jointly or severally obligated.

24466. No licensee shall take a deed of trust, mortgage or lien upon real property as security for any loan of a principal amount of less than five thousand dollars ($5,000) made under this division, except such lien as is created by law upon the recording of an abstract of judgment. A loan that is secured by a lien on real property may not be secured by a lien on personal property as well.

24467. No licensee shall take any confession of judgment or any power of attorney, except a power of attorney taken to effectuate the transfer of the ownership of any motor vehicle or mobilehome at the time of making the loan.

24468. No licensee shall take any note or promise to pay that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate or rates of charge or the annual percentage rate pursuant to Regulation Z promulgated by the Board of Governors of the Federal Reserve System.

24469. No licensee shall take any instrument in which blanks are left to be filled in after execution.

24470. No licensee shall enter into any contract for a loan that provides for a scheduled repayment of principal over more than the maximum terms set forth below opposite the respective size of loans.

Principal amount of loan	Maximum term
Less than $1,500	24 months and 15 days
$1,500 but less than $2,500	36 months and 15 days
$2,500 but less than $4,000	48 months and 15 days
$4,000 but less than $6,000	60 months and 15 days
$6,000 but less than $10,000	84 months and 15 days

24471. The payment by any person in money, credit, goods, or things in action as consideration for any sale or assignment of, or order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, is for the purpose of regulation under this division, a loan secured by such assignment, and the amount by which the assigned compensation exceeds the amount of the consideration actually paid is interest and charges upon or for the loan from the date of payment to the date the compensation is payable. This section shall not be construed as modifying or affecting existing statutes governing wage assignments in the state, or as authorizing such assignments.

24472. This article does not prohibit any licensee from contracting for, collecting, or receiving the statutory fee paid by the

licensee to any public officer for acknowledging, filing, recording, or releasing in any public office any instrument securing the loan or executed in connection with the loan. Such fees are not included in determining the applicable maximum charges which may be made under this article.

24473. Each licensed consumer finance lender shall:

(a) Deliver or cause to be delivered to the borrower, or any one thereof, at the time the loan is made, a statement showing in clear and distinct terms the name, address, and license number of the consumer finance lender and the broker, if any. The statement shall show the date, amount, and maturity of the loan contract, how and when repayable, the nature of the security for the loan, if any, and the agreed rate or rates of charge or the annual percentage rate pursuant to Regulation Z promulgated by the Board of Governors of the Federal Reserve System.

(b) Obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan. If the statement discloses that a broker or other person has participated, then the consumer finance lender shall obtain a full statement of all sums paid or payable to the broker or other person. The consumer finance lender shall keep these statements for a period of two years from and after the date the loan has been paid in full, or has matured according to its terms, or has been charged off.

(c) Permit payment to be made in advance in any amount on any contract of loan at any time. The licensee may apply the payment first to any agreed prepayment penalty, then to all charges due, including charges at the agreed rate or rates up to the date of payment, not to exceed the applicable maximum rate permitted by this article.

(d) Deliver or cause to be delivered to the person making any cash payment, or to the person who requests a receipt at the time of making any payment, at the time payment is made on account of any loan, a plain and complete receipt showing the total amount received, and identifying the loan contract upon which the payment is applied.

(e) Upon repayment of any loan in full, release all security for the loan, endorse and return any certificate of ownership, cancel or plainly mark "paid" and return to the borrower or person making final payment, any note, mortgage, security agreement, trust deed, assignment, or order signed by the borrower, except such as are a part of the court record in any action, or such as have been delivered to a third person for the purpose of carrying out their terms, or a security agreement which secures any other indebtedness of a borrower to the licensee. When a trust deed on real property has been taken, as security for a loan that has been subsequently paid in full, a duly executed request for reconveyance shall be delivered to the trustor or trustee for the purpose of recording a reconveyance. A termination statement, furnished to the borrower as provided for

in Section 9404 of the Commercial Code, shall be deemed a release of the security when a financing statement has been filed pursuant to Section 9401 of the Commercial Code.

24474. Each licensed broker shall:

(a) Deliver to the borrower, or any one thereof, at the time the final negotiation or arrangement is made, a statement showing in clear and distinct terms the name, address, and license number of the broker and the consumer finance lender. The statement shall show the date, amount, and terms of the agreement with the broker, and all amounts paid or to be paid to the broker and to any person other than the consumer finance lender.

(b) Deliver to the consumer finance lender making the loan a copy of the statement referred to and described in subdivision (a).

(c) Deliver to the person making any payment to the broker to be retained by the broker, a plain and complete receipt for each payment made, at the time it is made, showing the total amount received, and identifying the brokerage agreement and the loan contract upon which the payment is applied. If the payment is made by a person other than the consumer finance lender, a copy of the receipt shall be delivered to the consumer finance lender.

(d) When the borrower pays the loan in full, see that the consumer finance lender fully complies with subdivision (e) of Section 24473.

24475. Nothing contained in this article shall be construed to deny to any licensee hereunder the right of taking and using a security agreement which, in addition to securing an original obligation, may secure the repayment of sums that may be advanced to, or expenditures that may be made at the direction of, the borrower subsequent to the execution of the security agreement and prior to the satisfaction thereof.

Article 3. Charges on Scheduled Balances

24480. This article applies only to loan contracts payable in substantially equal and consecutive monthly installments of principal and charges combined, the first of which is due not less than 15 days nor more than one month and 15 days from the date the loan is made. In lieu of computing charges and applying payments as provided in Section 24454, a licensee may precompute charges and apply payments as follows:

(a) The total charges which would be earned if the contract were repaid exactly according to its terms, at the monthly rate stated in the contract, may be precomputed when the loan is made and added to the principal of the loan. For the purpose of computation a month shall be that period of time from any date in one month to the corresponding date in the next month and if there is no corresponding date, then to the last day of the next month. The principal amount of the loan shall be its face value as referred to in Section 24455. Every payment may be applied to the combined total

of principal and precomputed charges until the contract is fully paid. The acceptance of payment of charges on loans made under the provisions of this article shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under Section 24455. Precomputed charges shall be subject to the following adjustments:

(1) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made for a first period of more than one month, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(2) If the loan contract is paid in full by cash, a new loan, refinancing or otherwise, the borrower shall receive a rebate of that portion of the precomputed charge which is the difference between the total precomputed charge and the charges at the contract rate computed in accordance with the provisions of Section 24454 or 24454.1. The tender, by the borrower or at his request, of an amount equal to the unpaid balance less the required rebate must be accepted by the licensee in full payment of the contract.

(3) If three or more, but not all, installments are prepaid in full at any one time all of the prior charges for the loan shall be recalculated and all subsequent charges for the remaining term of the loan shall be recalculated by applying each payment first to charges and the remainder to principal in accordance with the provisions of Section 24454 or 24454.1.

(4) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. The deferment charge shall not exceed the portion of precomputed charge applicable, prior to deferment, to the first deferred monthly installment period multiplied by the number of months the maturity of the contract is deferred. Such number of months shall not exceed the number of full installments which are in default on the date of deferment or which may become due within 15 days of such date. When a deferment charge is made, no portion of the precomputed charge shall apply to the installment periods in which no installment payment is required by reason of the deferment. In computing any default charge or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract. However, if the payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default

and the applicable default charge, it shall be first so applied and any such installment shall not be deferred nor subject to the deferment charge.

(5) In the event of default of more than 10 days in the payment of one-half or more of any scheduled installment, the licensee may charge and collect a default charge not exceeding an amount equal to the portion of the precomputed charge applicable to the final installment period. The charge may not be collected more than once for the same default and may be collected at the time of the default or at any time thereafter. If the default charge is deducted from any payment received after default occurs, and the deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

(6) A borrower and licensee may agree that the first installment due date may be not more than 15 days more than one month and the amount of the installment may be increased by one-thirtieth of the portion of the precomputed charge applicable to a first installment of one month for each extra day.

(b) The statement to be given to the borrower as provided in subdivision (a) of Section 24473 and the contract shall disclose in addition to other required information the principal amount of the loan exclusive of charges and the basis for computing the refund of precomputed charges in case of prepayment in full or acceleration of maturity and for computing default and deferment charges. The delivery of a receipt for each payment showing the total amount of each payment complies with subdivision (d) of Section 24473.

(c) If the maturity of the contract when the charges are precomputed is accelerated for any reason, the licensee shall make the same refund or credit as would be required if the contract was paid in full on the date of acceleration and the unpaid balance shall be treated as the unpaid principal balance and thereafter the unpaid balance of the contract shall bear charges at the agreed rate of charge if the loan contract so provides.

24481. With respect to precomputed loans, licensees shall be subject only to, comply only with and derive authority only from Section 24480, notwithstanding any other provision of law which is not within this division.

24482. When charges on a loan of an original bona fide principal amount of ten thousand dollars ($10,000) or more have been precomputed in a manner similar to that provided in Section 24480, and the loan is prepaid in full by cash, a new loan, refinancing or otherwise, or the maturity of the loan contract is accelerated for any reason, the borrower shall receive a rebate or credit of that portion of the precomputed charge which is the difference between the total precomputed charge and the charges at the contract rate computed in accordance with the provisions of Section 24454 or 24454.1 or on the basis of 12 equal months of 30 days each, on the assumption that all payments were received by the licensee on their respective due dates. This section does not apply to charges paid by the borrower

to the lender or others such as charges which are computed as a percentage of the loan and which are fully earned upon making the loan.

CHAPTER 4. REVOCATION AND PENALTIES

Article 1. Revocation and Suspension of Licenses

24600. Licenses issued under this division remain in force and effect until they are surrendered, revoked, or suspended.

24601. For the purpose of discovering violations of this division or securing information required by him in the administration and enforcement of this division, the commissioner may at any time investigate the loans and business and examine the books, accounts, records, and files used in the business, of every person engaged in the business of a consumer finance lender or broker, whether such person acts or claims to act as principal or agent, or under or without the authority of this division. For the purpose of examination the commissioner and his representatives shall have free access to the offices and places of business, books, accounts paper, records, files, safes, and vaults of all such persons.

24602. In making any examination or investigation the commissioner may, for a reasonable time, not exceeding 30 days, take possession of the books, records, accounts, and other papers pertaining to the business and place a keeper in exclusive charge and custody of the books, records, accounts, and other papers in the office or place where they are usually kept. During possession no person shall remove or attempt to remove any of the books, accounts, papers, records, files, safes, and vaults, or any part thereof, except in compliance with a court order or written consent of the commissioner.

24603. The officers, employees, partners, directors and stockholders may inspect and examine the books, accounts, papers, records, files, safes and vaults while they are in the custody of the commissioner and employees may make entries therein reflecting current operations or transactions.

24604. The power of investigation and examination by the commissioner is not terminated by the surrender, suspension, or revocation of any license issued by him.

24605. Whenever the commissioner deems it necessary for the general welfare of the public, he has continuous authority to exercise the powers set forth in this division whether or not an application for a license has been filed with the commissioner, any license has been issued, or if issued, has been suspended or revoked.

24606. The commissioner may require the attendance of witnesses and examine under oath all persons whose testimony he requires relative to loans or business regulated by this division or to the subject matter of any examination, investigation, or hearing.

24608. The actual cost of each examination of a licensee or a

person subject to this division shall be paid to the commissioner by the licensee or person examined, and the commissioner may maintain an action for the recovery of the cost in any court of competent jurisdiction. For the purpose of this section only, no person other than a licensee shall be deemed to be a person subject to this division unless and until the person is determined to be a person subject to this division by an administrative hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or by a judicial hearing in any court of competent jurisdiction.

24609. After an examination, investigation or hearing under this division, if the commissioner deems it of public interest or advantage, he may certify a record to the proper prosecuting official of the county or city in which the act complained of, examined, or investigated, occurred.

24610. The commissioner may require the production for examination in this state of all books, records and supporting data used by the licensee in the preparation of reports to the commissioner. The books, records, and supporting data shall be made available for examination by the commissioner within 10 days after written demand.

24611. The commissioner may upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

24612. Any licensee may surrender any license by delivering to the commissioner written notice that he surrenders his license, but surrender of the license does not affect the licensee's civil or criminal liability for acts committed prior to surrender of the license.

24613. Whenever in the opinion of the commissioner any person is engaged in business as a broker, or consumer finance lender as defined in this division without a license from the commissioner, or any licensee is violating any provision of this division, the commissioner may order that person or licensee to desist and to refrain from engaging in the business or further violating this division. If, after the order is made, a written request for a hearing is filed and no hearing is held within 30 days thereafter, the order is rescinded.

24614. Whenever the commissioner believes from evidence satisfactory to the commissioner that any person has violated or is about to violate any provision of this division, or any provision of any order, license, decision, demand, or requirement, the commissioner may bring an action, or the commissioner may request the Attorney General to bring an action in the name of the people, against that person, to enjoin that person from continuing the violation or engaging therein or doing any act in furtherance thereof. In the action the court may enter an order or judgment awarding such preliminary or final injunction as is proper.

24615. (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 the license, reasonably would have warranted the commissioner in refusing originally to issue the license.

(4) There has been repeated failure by the consumer finance lender when making or negotiating loans to take into consideration in determining the size and duration thereof the financial ability of the borrower to repay the loan in the time and manner provided in the loan contract or to refinance the loan at maturity.

(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 the order.

24615.7. The commissioner may by order summarily suspend or revoke the license of any licensee if that person fails to file the report required by Section 24408 within 10 days after notice by the commissioner that such report is due and not filed. If, after 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.

24616. The revocation, suspension, expiration, or surrender of any license does not impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

24617. Except in cases in which the time for setting the hearing is shortened as provided in this division, the proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the commissioner has all the powers granted therein.

24618. Every order, decision, license, or other official act of the commissioner is subject to judicial review in accordance with law.

Article 2. Penalties

24651. (a) If any amount other than or in excess of the charges permitted by this division is charged, contracted for, or received, the contract of loan is void, and no person has any right to collect or receive any principal, charges, or recompense in connection with the transaction.

(b) Subdivision (a) shall not apply to an error in computation if

(1) the licensee shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error, and (2) within 15 days of discovering the error the licensee notifies the borrower of the error and makes whatever adjustments in the account are necessary to correct the error.

24652. (a) Except as provided in Section 24651, if any provision of this division is violated in the making or collection of a loan, the contract of loan is void, and no person has any right to collect or receive any principal, interest, or charges in connection with the transaction.

(b) Subdivision (a) shall not apply to a violation if (1) the licensee shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error, and (2) within 15 days of discovering the error the licensee notifies the borrower of the error and rectifies the error by making the appropriate changes in the documents or account and by taking other action necessary to correct the error.

24653. Any person including the several members, officers, directors, agents and employees of licensees, who willfully violates or participates in the violation of any provision of the rules, orders, and regulations of the commissioner, or the provisions of this division is guilty of a misdemeanor.

SEC. 11. Section 1643 of the Insurance Code is amended to read:

1643. No bank, or bank holding company, subsidiary, or affiliate thereof, or any officer or employee of a bank, bank holding company, subsidiary, or affiliate, may be licensed as an insurance agent or broker or act as an agent or broker for insurance, in this state, or control a licensed insurance agent or broker, except that a bank or a bank holding company subsidiary, or affiliate of a bank, may be issued a license to act as a life and disability agent limited to the transaction of credit life and disability insurance, and a commercial bank may be licensed to sell insurance or act as an insurance broker as provided in Section 1208 of the Financial Code. This section shall not apply to any bank or bank holding company which, under the authorization of the Federal Reserve Board, had prior to January 1, 1976, a subsidiary or affiliate licensed to sell insurance (except that subsequent authorization to expand such activities shall be subject to this section), or to any bank holding company owning a state-chartered bank which had, prior to January 1, 1976, a subsidiary or affiliate licensed to sell insurance. This section shall not apply to any person authorized or licensed to make loans pursuant to Division 7 (commencing with Section 18000), Division 9 (commencing with Section 22000), or Division 10 (commencing with Section 24000) of the Financial Code.

For the purposes of this section, the following definitions shall apply:

(a) "Bank" means any institution in this state defined in Section 102 of the Financial Code except that such term 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 or a trust company controlled by or under common control with a title insurance company.

(b) "Bank holding company" means the same as the definition of that term set forth in Section 2 of the Federal "Bank Holding Company Act of 1956," as amended, but limited to holding companies which control a bank authorized to accept deposits in this state.

(c) "Subsidiary" means any corporation, association, or partnership, owned in whole or part by a bank or bank holding company.

(d) "Affiliate" means any corporation, association, or partnership connected through the ownership of a 10-percent or greater interest by a common parent.

(e) "Credit life, health, and accident insurance" means insurance on the life and health of a borrower from a bank issued to secure the repayment of the amount borrowed.

(f) "Control" means the possession, by any means, of the power to direct or cause the direction of the management or activities of a licensed insurance agent or broker.

SEC. 12. Section 639 of the Penal Code is amended to read:

639. Every person who gives, offers, or agrees to give to any director, officer, or employee of a financial institution any emolument, gratuity, or reward, or any money, property, or thing of value for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person a loan or extension of credit from such financial institution is guilty of a felony.

As used in this section and Section 639a, "financial institution" means any person or persons engaged in the business of making loans or extending credit or procuring the making of loans or extension of credit, including, but not limited to state and federal banks, savings and loan associations, trust companies, industrial loan companies, personal property brokers, consumer finance lenders, credit unions, small loan brokers, escrow companies, title insurance companies, insurance companies, small business investment companies, pawnbrokers, and retirement funds.

As used in this section and Section 639a the word "person" includes any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind.

SEC. 13. Section 23184 of the Revenue and Taxation Code is amended to read:

23184. (a) Financial corporations may offset against the franchise tax the amounts paid during the income year to this state or to any county, city, town, or other political subdivisions of the state as personal property taxes, or as license fees or excise taxes for the following privileges:

(1) Operating as personal property brokers or brokers as defined in the Personal Property Brokers Law provided for in Division 9 (commencing with Section 22000) of the Financial Code, or as consumer finance lenders or brokers as defined in the Consumer Finance Lenders Law provided for in Division 10 (commencing with Section 24000) of the Financial Code. Fees paid pursuant to Sections 22202 and 24202 of the Financial Code may not be offset against the franchise tax.

(2) Engaging in the business of loaning money, advancing credit, or loaning credit or arranging for the loan of money or advancing of credit or loaning of credit.

(3) Storing, using or otherwise consuming in this state of tangible personal property by savings and loan associations. This paragraph does not apply to amounts incurred and paid beginning on and after January 1, 1980.

(b) The offset allowed to any financial corporation for any income year as provided in this section may, at the election of that financial corporation, be offset, in whole or in part, against its franchise tax for that income year or offset in whole or in part against its franchise tax in one or more of the next four succeeding years of its selection, until such time as the total amount of such offset is so utilized; provided, however, that for such purposes, offsets elected to be utilized against the franchise tax of a succeeding year shall be applied in the order of their respective years of origin and prior to the application of the offset which might otherwise be allowable for amounts paid during that income year.

(c) Notwithstanding anything to the contrary contained in this section, the tax on financial corporations after the allowance of all offsets provided for herein shall not be less than 7.6 percent of its net income for the preceding income year nor less than the following minimum tax:

(1) In the case of financial corporations, other than credit unions whose gross income is twenty thousand dollars ($20,000) or less, one hundred dollars ($100).

(2) In the case of credit unions whose gross income is twenty thousand dollars ($20,000) or less, twenty-five dollars ($25).

(d) For purposes of this section, with respect to calendar or fiscal years ending after June 30, 1973, the tax on financial corporations after the allowance of all offsets shall not be less than 9 percent of its net income nor less than the minimum tax as provided by subdivision (c).

(e) For income years beginning after December 31, 1971, the one hundred dollars ($100) specified in paragraph (1) of subdivision (c) shall be two hundred dollars ($200) instead of one hundred dollars ($100).

(f) Any offset which a financial corporation was entitled to apply against its franchise tax for the 1980 income year but which could not be applied during such income year because of the limitations otherwise set forth or because such amounts were not paid because

they were contested or not timely assessed, shall be applied, in whole or in part, against its franchise tax for the 1981 income year, and any unused offset shall be applied in like manner against its franchise tax for the next six succeeding income years.

(g) Notwithstanding anything to the contrary contained in this section, the tax on financial corporations after the allowance of all offsets provided for herein shall not be less than the tax on net income provided by Section 23151, or the minimum franchise tax, whichever is greater.

SEC. 14. It is the intention of the Legislature in enacting this act that any reference in any statute of this state, other than Division 9 (commencing with Section 22000) of the Financial Code and Division 10 (commencing with Section 24000) of the Financial Code, to personal property brokers (whether by that name, by citation of the Personal Property Brokers Law, by citation of Division 9 (commencing with Section 22000) of the Financial Code, or otherwise) shall also be a reference to consumer finance lenders as defined by the Consumer Finance Lenders Law, Division 10 (commencing with Section 24000) of the Financial Code.

SEC. 15. (a) Any person licensed as a personal property broker on the effective date of this act may:

(1) Surrender his or her license and receive a license as a consumer finance lender upon payment of a five dollar ($5) transfer fee.

(2) Without surrendering his or her license, may apply for and receive a license as a consumer finance lender upon payment of a two hundred dollar ($200) application fee.

(b) Applications pursuant to this section shall not be subject to the application and fee provisions of the Consumer Finance Lenders Law.

(c) This section shall be repealed on January 1, 1983, and shall be of no force or effect on and after that date.

SEC. 16. Any person licensed as a consumer finance lender pursuant to paragraph (1) of subdivision (a) of Section 15 may continue to collect and enforce any loan made as a personal property broker in accordance with the provisions of Division 9 (commencing with Section 22000) of the Financial Code.

SEC. 17. It is the intent of the Legislature, if this bill and Senate Bill 333 are both chaptered and become effective January 1, 1982, both bills amend Section 10133.1 of the Business and Professions Code, and this bill is chaptered after Senate Bill 333, that the amendments to Section 10133.1 proposed by both bills be given effect and incorporated in Section 10133.1 in the form set forth in Section 2.5 of this act. Therefore, Section 2.5 of this act shall become operative only if this bill and Senate Bill 333 are both chaptered and become effective January 1, 1982, both amend Section 10133.1, and this bill is chaptered after Senate Bill 333, in which case Section 2 of this act shall not become operative.

SEC. 18. No appropriation is made and no reimbursement is

required by this act ursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 725

An act to amend Section 11908.1 of the Public Utilities Code, to amend Sections 21166, 30507, 34741, 40355, 55305, 60143, 71255, and 74208 of the Water Code, to amend Section 58 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), to amend Section 7 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), to amend Section 9 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), to amend Section 12 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), to amend Sections 7.4 and 7.5 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), and to amend Section 3.11 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), relating to special districts.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 11908.1 of the Public Utilities Code is amended to read·

11908.1. Notwithstanding Section 11908, each director of a board having seven directors may receive compensation in an amount not to exceed one hundred dollars ($100) per day for each day's attendance at public 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 incurred in the performance of his or her duties required or authorized by the board.

SEC. 1.5. Section 21166 of the Water Code is amended to read:

21166. A director, for sitting on the board or acting under its orders, shall receive not exceeding:

(a) One hundred dollars ($100) per day, not exceeding six days in any calendar month, except in districts containing over 500,000 acres which shall be governed by Section 22840.

(b) Actual and necessary expenses when acting under the orders of the board.

(c) In districts producing or distributing electric power, one

hundred dollars ($100) per day or, in lieu thereof, a monthly salary of not to exceed five hundred dollars ($500) per month except in districts containing over 500,000 acres which shall be governed by Section 22840.

SEC. 2. Section 30507 of the Water Code is amended to read:

30507. Each director shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 3. Section 34741 of the Water Code is amended to read:

34741. Until their compensation is fixed by the adoption of bylaws, the officers shall receive the following compensation for their services:

(a) The secretary, tax collector, treasurer, and assessor, such sums as shall be fixed by the board.

(b) Each director shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 4. Section 40355 of the Water Code is amended to read:

40355. A director, when sitting on the board or acting under its orders, shall receive not exceeding:

(a) One hundred dollars ($100) per day, not exceeding six days in any calendar month.

(b) Ten cents ($0.10) per mile for each mile traveled from his place of residence to the office of the board.

(c) Actual and necessary expenses while engaged in official business under the order of the board.

SEC. 5. Section 55305 of the Water Code is amended to read:

55305. The board of directors may fix the compensation of its members for their services as such directors not to exceed ten dollars ($10) for each meeting attended, not exceeding two meetings in any calendar month. If allowed by the board, a director shall also receive for performing duties for the district other than attending board meetings the following:

(a) An amount not to exceed one hundred dollars ($100) for each day performing such duties.

(b) Traveling and other expenses incurred by him in performing his duties.

SEC. 6. Section 60143 of the Water Code is amended to read:

60143. Each director shall receive compensation in an amount not exceeding one hundred dollars ($100) 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 six days in

any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 7. Section 71255 of the Water Code is amended to read:

71255. Each director shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 8. Section 74208 of the Water Code is amended to read:

74208. Each director shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 9. Section 58 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 58. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances, the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Antelope Valley-East Kern Water Agency as follows:". Each director shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board. Any vacancy in the board of directors shall be filled pursuant to the provisions of Section 1780 of the Government Code; provided, however, that the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office pursuant to the provisions of Section 1780 of the Government Code.

SEC. 10. Section 7 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927) is amended to read:

Sec. 7. Each trustee shall receive compensation not exceeding one hundred dollars ($100) per day for attendance at each meeting of the board of trustees or for each day's service rendered as a trustee at the request of the board; provided, however, that no trustee shall receive pay for more than six days in any calendar month. No trustee

shall receive any other compensation by reason of being a trustee of the district, except that each trustee shall receive necessary expenses incurred by him in the performance of his duties. The board of trustees shall elect one of their own number president. They shall establish and maintain an office within the district for the transaction of the business thereof, at which office all books, records, and papers of the district shall be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by resolution prescribe. Special meetings may be held at such times and places and in such manner as may be provided by rules and regulations adopted by the board of trustees.

SEC. 11. Section 9 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 9. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances, the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and motions may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Crestline-Lake Arrowhead Water Agency as follows:". Each director shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

SEC. 12. Section 12 of the Desert Water Agency Law (Chapter 1069 of the Statues of 1961) is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances, the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows:". The board of directors may enact any ordinance which adopts any code by reference following the procedures, definitions, and provisions of Article 2 (commencing with Section 50020) of Chapter 1, Part 1, Division 1, Title 5 of the Government

Code so far as they may be applicable. Each director shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director of the agency and shall hold office for the remainder of the unexpired term.

SEC. 13. Section 7.4 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 7.4. Each member of the board of directors shall be entitled to receive compensation not to exceed one hundred dollars ($100) for each meeting attended, not exceeding four meetings per month, plus actual, necessary, and reasonable traveling expenses. Each member of the board of supervisors, when acting pursuant to Section 7.3, shall be entitled to receive from the agency the sum of twenty-five dollars ($25) for each meeting attended, plus actual, necessary, and reasonable traveling expenses.

SEC. 14. Section 7.5 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 7.5. If allowed by the board, a director shall also receive for performing duties for the agency other than attending board meetings:

(a) Not to exceed fifty dollars ($50) for each day.

(b) Traveling and other expenses incurred by him in his employment.

SEC. 15. Section 3.11 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973) is amended to read:

Sec. 3.11. Each of the members of the board shall receive compensation in an amount not to exceed one hundred dollars ($100) 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 six days in any calendar month.

In addition to his compensation for attendance at meetings of the board, each member of the board shall be allowed his actual, necessary and reasonable expenses incurred in carrying out his duties.

CHAPTER 726

An act to amend Sections 782 and 1103 of the Evidence Code, relating to evidence.

98—2592

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 782 of the Evidence Code is amended to read:

782. (a) In any prosecution under Section 261, 264.1, 286, 288a, or 289 of the Penal Code, or for assault with intent to commit, attempt to commit, or conspiracy to commit any crime defined in any such section, except where the crime is alleged to have occurred in a local detention facility, as defined in Section 6031.4, or in a state prison, as defined in Section 4504, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of the complaining witness under Section 780, the following procedure shall be followed:

(1) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the complaining witness proposed to be presented and its relevancy in attacking the credibility of the complaining witness.

(2) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated.

(3) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and at such hearing allow the questioning of the complaining witness regarding the offer of proof made by the defendant.

(4) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant pursuant to Section 780, and is not inadmissible pursuant to Section 352 of this code, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(b) As used in this section, "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this section.

SEC. 2. Section 1103 of the Evidence Code is amended to read:

1103. (a) In a criminal action, evidence of the character or a trait of character (in the form of an opinion, evidence of reputation, or evidence of specific instances of conduct) of the victim of the crime for which the defendant is being prosecuted is not made inadmissible by Section 1101 if such evidence is:

(1) Offered by the defendant to prove conduct of the victim in conformity with such character or trait of character.

(2) Offered by the prosecution to rebut evidence adduced by the defendant under paragraph (1).

(b) (1) Notwithstanding any other provision of this code to the

contrary, and except as provided in this subdivision, in any prosecution under Section 261 or 264.1 of the Penal Code, or under Section 286, 288a, or 289 of the Penal Code, or for assault with intent to commit, attempt to commit, or conspiracy to commit a crime defined in any such section, except where the crime is alleged to have occurred in a local detention facility, as defined in Section 6031.4, or in a state prison, as defined in Section 4504, opinion evidence, reputation evidence, and evidence of specific instances of the complaining witness' sexual conduct, or any of such evidence, is not admissible by the defendant in order to prove consent by the complaining witness.

(2) Paragraph (1) shall not be applicable to evidence of the complaining witness' sexual conduct with the defendant.

(3) If the prosecutor introduces evidence, including testimony of a witness, or the complaining witness as a witness gives testimony, and such evidence or testimony relates to the complaining witness' sexual conduct, the defendant may cross-examine the witness who gives such testimony and offer relevant evidence limited specifically to the rebuttal of such evidence introduced by the prosecutor or given by the complaining witness.

(4) Nothing in this subdivision shall be construed to make inadmissible any evidence offered to attack the credibility of the complaining witness as provided in Section 782.

(5) As used in this section, "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this subdivision.

CHAPTER 727

An act to amend Section 1203.1 of the Penal Code, and to amend Section 730.5 of the Welfare and Institutions Code, relating to probation.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 1203.1 of the Penal Code is amended to read:

1203.1. The court or judge thereof, in the order granting probation, may suspend the imposing, or the execution of the sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine. The court, or judge thereof, in the order granting probation and as a condition thereof may imprison the defendant in the county jail for a period not exceeding the

maximum time fixed by law in the instant case; provided, however, that where the maximum possible term of such sentence is five years or less, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over five years; may fine the defendant in such sum not to exceed the maximum fine provided by law in such case; or may in connection with granting probation, impose either imprisonment in county jail, or fine, or both, or neither; may provide for reparation in proper cases; and may require bonds for the faithful observance and performance of any or all of the conditions of probation.

The court shall consider whether the defendant as a condition of probation shall make restitution to the victim or the Indemnity Fund if assistance has been granted to the victim pursuant to Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code. In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in such camp, farms, or other public work instead of in jail, and Section 25359 of the Government Code shall apply to probation and the court shall have the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work as therein provided; and supervisors of the several counties are hereby authorized to provide public work and to fix the scale of compensation of such adult probationers in their respective counties. In all cases of probation the court is authorized to require as a condition of probation that the probationer go to work and earn money for the support of his or her dependents or to pay any fine imposed or reparation condition, to keep an account of his or her earnings, to report the same to the probation officer and apply such earnings as directed by the court.

In all such cases if as a condition of probation a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve sentence at intermittent periods such sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of his or her maintenance shall be a county charge.

The court may impose and require any or all of the above-mentioned terms of imprisonment, fine and conditions and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach and generally and specifically for the reformation and rehabilitation of the probationer, that should the probationer violate any of the terms or conditions imposed by the court in the instant matter, it shall have authority to modify and change any and all such terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. Upon the defendant being released from the county jail under the terms of probation as originally granted or

any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation; provided, however, that upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. In counties and cities and counties in which there are facilities for taking fingerprints, such marks of identification of each probationer must be taken and a record thereof kept and preserved.

Any other provision of law to the contrary notwithstanding, all fines collected by a county probation officer in any of the courts of this state, as a condition of the granting of probation, or as a part of the terms of probation, shall be paid into the county treasury and placed in the general fund, for the use and benefit of the county.

If the court orders restitution to be made to the victim, the board of supervisors may add a fee to cover the actual administrative cost of collecting restitution but not to exceed 2 percent of the total amount ordered to be paid. The fees shall be paid into the general fund of the county treasury for the use and benefit of the county.

SEC. 2. Section 730.5 of the Welfare and Institutions Code is amended to read:

730.5. When a minor is adjudged a ward of the court on the ground that he or she is a person described in Section 602, in addition to any of the orders authorized by Section 726, 727, 730, or 731, the court may levy a fine against the minor not to exceed two hundred fifty dollars ($250), if the court finds that the minor has the financial ability to pay the fine. Section 1464 of the Penal Code applies to fines levied pursuant to this section.

CHAPTER 728

An act to add Section 13108.5 to the Health and Safety Code, and to add Section 4291.5 to the Public Resources Code, relating to wildland fire prevention and protection.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 13108.5 is added to the Health and Safety Code, to read:

13108.5. The State Fire Marshal shall adopt, amend, and repeal rules and regulations for roof coverings and openings into the attic areas of buildings in those fire hazard severity zones identified by the Director of Forestry pursuant to Section 4291.5 of the Public

Resources Code.

The rules and regulations shall be consistent with the rules and regulations adopted by the Commission of Housing and Community Development pursuant to Section 17922 and shall apply to buildings subject to the provisions of this part located in hazardous wildland fire zones within state responsibility areas. The rules and regulations shall be enforced by the agency responsible for enforcement of the provisions of this part within each hazardous wildland fire zone.

The State Fire Marshal shall consider the recommendations of the Director of Forestry for each of the fire hazard severity zones.

The rules and regulations adopted pursuant to this section are applicable to new buildings constructed and to existing buildings when 50 percent or more of the roof area is reroofed pursuant to a building permit when the application for the permit is filed after the effective date of the rules and regulations. When there is no building permit, the rules and regulations are applicable to buildings constructed and to buildings where 50 percent or more of the roof area is reroofed after the effective date of the rules and regulations.

SEC. 2. Section 4291.5 is added to the Public Resources Code, to read:

4291.5. For the purpose of preventing the ignition and rapid spread of wildfire, the director shall designate hazardous wildland fire zones within state responsibility areas and identify fire hazard severity classes within the zones. These zones shall include those locations which are critical and hazardous due to the threat of encroaching wildland fire to life and property.

Fuel loading, fire weather, and slope shall be the primary criteria for identifying fire hazard severity classes.

No zone shall be designated within a county until a public hearing has been held in the county seat of the county affected.

The director's designation shall be transmitted to the board of supervisors of each affected county. The amendment or repeal of any designated zone may be petitioned for pursuant to Sections 11347 and 11347.1 of the Government Code.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

CHAPTER 729

An act to add Section 99157.5 to the Education Code, and to amend Section 6254.7 of the Government Code. relating to postsecondary education.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 99157.5 is added to the Education Code, to read.

99157.5. (a) Within 90 days of the release to the test subject of the results of a standardized test as specified in subdivision (c), and upon the request of the test subject, the test sponsor shall provide to the test subject an opportunity to examine operational test questions and answers under closely monitored conditions. The examination shall occur at places to be designated by the test sponsor. Test sponsors shall establish a number of such places geographically designated throughout the state.

Unless authorized by the test sponsor, neither questions nor answers, nor copies of questions or answers, shall be removed from the facility, except by a representative of the test sponsor. Actual costs of an examination of test materials shall be borne by the test subject. During the examination of test materials, the test subject may file with a representative of the test sponsor, and with an educational institution, or institutions, seeking results of the test examined, a written protest to any question or answer.

(b) As an alternative to the procedure described in subdivision (a), and within 90 days of the release of the results of any standardized test score to the test subject, and upon request of the test subject, the test sponsor shall make available to the test subject the test materials, including operational test sections (questions), a copy of the test subject's answer sheet or a record of the test subject's response to each question, the test subject's raw scores, a copy of scoring and scaling instructions, a copy of the correct responses, and a copy of the conversion factor or table, or both.

Each test sponsor shall, prior to the administration of a test, give written notification to the test subject of his or her right to request and receive test disclosure as provided in this section, if the request is made within 90 days of the release of the test score to the test subject.

(c) Except for test administrations described in subdivision (d), the test sponsor shall provide to test subjects the test materials specified in subdivisions (a) and (b) for not fewer than 50 percent of regular test administrations, as determined by the test sponsor. If the application of 50 percent results in a number which includes a fraction, the number shall be rounded to the nearest larger whole number.

(d) In order to accommodate test subjects who, because of religion are unable to participate in regular test administrations, the test sponsor shall provide test materials specified in subdivisions (a) and (b) to test subjects of not fewer than one non-Saturday test administration during every 12-month period.

(e) Each test sponsor shall, prior to the administration of a test, give written notification to the test subjects of their right to request and receive test material as provided in subdivisions (a), (b), and (c), provided that such request has been made within 90 days of the release of the test score to the test subject.

(f) The test sponsors may charge a nominal fee, not to exceed the direct costs thereof, for test materials provided pursuant to this section.

(g) For the purposes of this section only, a "standardized test" or "test" means any test administered in California to at least 3,000 individuals during a testing year and which is designed for and formally required by institutions of postsecondary education in California for the purposes of admission to those institutions for undergraduate studies. The provisions of this section shall not apply to College Board Achievement Tests, or to the test of English as a foreign language.

SEC. 2. Section 6254.7 of the Government Code is amended to read:

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to such notices and orders, are public records.

(d) Except as otherwise provided in subdivision (e) and Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code, trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(e) Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in subdivision (d), are public records. Data used to calculate emission data are not emission data for the purposes of

this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

SEC. 3. Section 1 of this act shall become operative July 1, 1982.

CHAPTER 730

An act to amend Section 1210 of the Health and Safety Code, relating to health.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 1210 of the Health and Safety Code is amended to read:

1210. The director shall appoint a statewide Advisory Committee on Primary Care Clinics consisting of 16 members to advise him on the delivery of care and services through community clinics, free clinics, and employee clinics. The members shall be appointed from among persons recommended to the director by persons and organizations concerned with the delivery of health care in this state. At least one member shall be a licensed physician and surgeon in private practice. If a licensed physician and surgeon in private practice is not a member on January 1, 1982, such a licensed physician shall be appointed to the first vacancy which occurs on or after that date.

The term of office of all members of the advisory committee shall be four years, except for the initial appointments, of which eight members shall serve for two-year terms and eight members who shall serve for four-year terms. In the event of a vacancy due to resignation, death, or absence from three consecutive meetings, the director shall fill the vacancy within 30 days following receipt of written notification by the chairperson of the advisory committee that such vacancy has occurred.

The advisory committee shall conduct regular meetings not less than once every two calendar months or as often on the call of the chairperson as necessary to carry out the purposes and duties of the advisory committee Nothing in this chapter shall prohibit the advisory committee from conducting meetings of committees on a regional basis to assist it in conducting its affairs, and such meetings shall not be considered as a regular advisory committee meeting.

The members of the advisory committee shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the actual performance of their duties. For the purposes of budgeting support for the advisory committee, including the expenses of the members of the committee and necessary staff, the committee shall be organizationally located within the State

Department of Health Services. To the extent sufficient funds have been appropriated in the Budget Act, the State Department of Health Services may provide staff support to the advisory committee as the state department may deem is necessary for the conduct of the advisory committee's business.

CHAPTER 731

An act to amend Section 10195 of the Insurance Code, relating to insurance.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 10195 of the Insurance Code is amended to read:

10195. "Insurance policies to supplement Medicare" refers to disability insurance policies and nonprofit hospital service plan contracts which are designed primarily to supplement Medicare, or are advertised, marketed, or otherwise purported to be a supplement to Medicare and, which are issued on a group or individual basis.

(a) Insurance policies to supplement Medicare shall:

(1) Meet the minimum benefit standards as established by the Insurance Commissioner.

(2) Notwithstanding Section 10276, or any other provision of law, provide an examination period of 30 days for purposes of review of the contract at which time the subscriber may return the contract. Such return 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.

(3) Require insurers and plans to explain the relationship of the coverage of their policies to the benefits provided by Medicare.

(4) Not be limited to coverage exclusively for a single disease or affliction.

(5) Comply with the provisions of subdivision (b) of Section 10291.5 and Chapter 7 (commencing with Section 10600) of Part 2 of Division 2, regardless of the situs of the contract.

(b) The commissioner shall issue reasonable regulations to establish specific standards for policy provisions of insurance policies to supplement Medicare. Such standards shall be in addition to and in accordance with applicable laws of this state, including provisions of subdivision (b) of Section 10291.5 and Chapter 7 (commencing with Section 10600) of Part 2 of Division 2.

(c) The commissioner may issue reasonable regulations that

specify prohibited policy provisions not otherwise specifically authorized by statute which, in the opinion of the commissioner, are unjust, unfair, or unfairly discriminatory to any person insured or proposed for coverage under insurance policies to supplement Medicare.

(d) Notwithstanding any other provision of law, insurance policies to supplement Medicare shall not deny a claim for losses incurred more than six months from the effective date of coverage for a preexisting condition. A policy shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(e) Insurance policies to supplement Medicare shall return to policyholders benefits which are reasonable in relation to the premium charged. The commissioner shall issue reasonable regulations to establish minimum standards for loss ratios of insurance policies to supplement Medicare on the basis of incurred claims experience and earned premiums for the entire period for which rates are computed to provide coverage and in accordance with accepted actuarial principles and practices. The commissioner may establish different loss ratios for group policies of insurance than for individual policies of insurance. For purposes of regulations issued pursuant to this section, insurance polices to supplement Medicare issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be considered individual policies.

(f) In addition to Chapter 7 (commencing with Section 10600) of Part 2 of Division 2, and in order to provide for full and fair disclosure in the sale of Medicare supplemental policies, no insurance policy to supplement Medicare shall be delivered or issued for delivery in this state and no certificate shall be delivered pursuant to a group Medicare supplemental policy delivered or issued for delivery in the state unless an outline of coverage is delivered to the applicant at the time application is made

(g) The commissioner shall prescribe the format and content of the outline of coverage required by subdivision (f). For purposes of this section, "format" means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. Such outline of coverage shall include all of the following:

(1) A description of the principal benefits and coverage provided in the policy.

(2) A statement of the exceptions, reductions, and limitations contained in the policy

(3) A statement of the renewal provisions including any reservation by the insurer of a right to change premiums.

(4) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted

to determine governing contractual provisions.

(h) The commissioner may prescribe by regulation a standard form, and the contents of, an informational brochure for persons eligible for Medicare by reasons of age which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of Medicare. Except in the case of direct response insurance policies, the commissioner may require by regulation that the information brochure be provided to any prospective insured eligible for Medicare concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the commissioner may require by regulation that the prescribed brochure be provided upon request to any prospective insured eligible for Medicare by reason of age, but in no event later than the time of policy delivery.

(i) The commissioner may promulgate reasonable regulations for captions or notice requirements, determined to be in the public interest and designed to inform prospective insureds that particular insurance coverages are not insurance policies to supplement Medicare, for all accident and sickness insurance policies sold to persons eligible for Medicare by reason of age, other than insurance policies to supplement Medicare, disability income policies, basic, catastrophic, or major medical expense policies or single premium, nonrenewable policies.

(j) The commissioner may promulgate reasonable regulations to govern the full and fair disclosure of information in connection with the replacement of accident and sickness policies, subscriber contracts, or certificates by persons eligible for Medicare by reason of age.

This section shall not apply to policies issued to one or more employers or labor organizations, or to the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organization.

This section shall not apply to individual policies or contracts issued pursuant to a conversion privilege under a policy or contract of group or individual insurance when the group or individual policy or contract includes provisions which are inconsistent with the requirements of this section.

CHAPTER 732

An act to amend Section 12021.5 of the Penal Code, relating to firearms and ammunition.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 12021.5 of the Penal Code is amended to read:

12021.5. (a) A minor may not possess a concealable firearm unless he or she has the written permission of his or her parent or guardian to have such firearm or is accompanied by his or her parent or guardian while he or she has such firearm in his or her possession.

(b) A minor may not possess live ammunition unless he or she has the written permission of his or her parent or guardian or is accompanied by his or her parent or guardian, except while going to or from an organized lawful recreational or competitive shooting activity or a lawful hunting activity.

(c) Violation of this section is a misdemeanor.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 733

An act to amend Section 14310 of the Government Code, relating to public contracts.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 14310 of the Government Code is amended to read:

14310. The department may, and on contracts the estimated cost of which exceeds three hundred thousand dollars ($300,000) the department shall, require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in performing public works. When completed, the questionnaire and financial statement shall be verified under oath by the bidder in the manner in which pleadings in civil actions are verified.

This section shall not apply to prospective bidders on contracts for the Department of Transportation.

CHAPTER 734

An act to amend Section 227p of the Civil Code, relating to adoption.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 227p of the Civil Code is amended to read:

227p. (a) Any adult person may adopt any other adult person younger than himself or herself, except the spouse of the adopting person, by an agreement of adoption approved by a decree of adoption of the superior court of the county in which either the person adopting or the person adopted resides, as provided in this section. The agreement of adoption shall be in writing and shall be executed by the person adopting the person to be adopted, and shall set forth that the parties agree to assume toward each other the legal relation of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relation.

A married person not lawfully separated from his or her spouse cannot adopt an adult person without the consent of the spouse of the adopting person, if the spouse, not consenting, is capable of giving the consent. A married person not lawfully separated from his or her spouse cannot be adopted without the consent of the spouse of the person to be adopted if the spouse, not consenting, is capable of giving such consent. Neither the consent of the natural parent or parents of the person to be adopted, nor of the State Department of Social Services, nor of any other person shall be required.

The adopting person and the person to be adopted may file in the superior court of the county in which either resides a petition praying for approval of the agreement of adoption by the issuance of a decree of adoption. The court shall fix a time and place for hearing on the petition, and both the person adopting and the person to be adopted shall appear at the hearing in person, unless an appearance is impossible, in which event an appearance may be made for either or both of the persons by counsel, empowered in writing to make the appearance. The court may require notice of the time and place of the hearing to be served on any other interested persons, and any such interested person may appear and object to the proposed adoption. No investigation or report to the court by any public officer or agency is required, but the court may require the county probation officer or the State Department of Social Services to investigate the circumstances of the proposed adoption and report thereon, with recommendations, to the court prior to the hearing.

At the hearing the court shall examine the parties, or the counsel of any party not present in person. If the court is satisfied that the adoption will be for the best interests of the parties and in the public

interest, and that there is no reason why the petition should not be granted, the court shall approve the agreement of adoption, and make a decree of adoption declaring that the person adopted is the child of the person adopting him or her; otherwise, the court shall withhold approval of the agreement and deny the petition.

A married minor child may be adopted pursuant to the provisions of this section if he or she has the written consent of his or her spouse to the adoption.

(b) (1) The petition for adoption shall state the length and nature of the relationship between the person seeking to adopt and the proposed adoptee; the degree of kinship, if any; the reason the adoption is sought, together with a statement as to why the adoption would be in the best interests of the person seeking to adopt, the proposed adoptee, and the public; the names and addresses of any living parents or adult children of the proposed adoptee; and whether the person seeking to adopt or his or her spouse has previously adopted any other adult person and, if so, the names of any such person, together with the date and place of the adoption.

(2) No person shall adopt more than one unrelated adult person within one year of his or her adoption of an unrelated adult unless the person to be adopted is the sibling by birth of a person previously adopted pursuant to this section, or unless the person to be adopted is disabled or physically handicapped. No person shall adopt an unrelated adult person within one year of any adoption of an unrelated adult by his or her spouse, unless the person to be adopted is the sibling by birth of a person previously adopted pursuant to this section.

(3) A hearing with regard to the adoption of a person or the termination of a parent and child relationship established pursuant to this section may, in the discretion of the court, be open and public.

(4) In determining whether or not the adoption of any person pursuant to this subdivision is in the public interest or the best interests of the persons seeking the adoption, the court may consider evidence, oral or written, whether or not it is in conformity with the Evidence Code.

(5) Any person who has been adopted under the provisions of this section may, upon written notice to the adoptive parent, file a petition to terminate the relationship of parent and child. The petition shall indicate the name and address of the petitioner, the name and address of the adoptive parent, the date and place of the adoption, and the circumstances upon which the petition is based. If the adoptive parent consents in writing to the termination, an order terminating the relationship of parent and child may be issued by the court without further notice.

(6) If the adoptive parent does not consent to the termination, a verified, written response shall be filed within 30 days of the date of mailing of the notice, and the matter shall be set for hearing. The court may require an investigation by the county probation officer or the State Department of Social Services

CHAPTER 735

An act to amend Sections 10202.8, 10203 and 10203.4 of, and to repeal Section 10202.7 of, the Insurance Code, relating to insurance.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 10202.7 of the Insurance Code is repealed.

SEC. 2. Section 10202.8 of the Insurance Code is amended to read:

10202.8. A group life policy conforming to all the following conditions may be issued to the trustees of a fund established by employer members of a trade association, or by a trade association maintained by contributions of such members for the sole benefit of their employees or, by one employer, or by two or more employers in the same industry, or by an association of employers in the same industry, or by one or more labor unions, or by one or more employers and one or more labor unions, or by an association of employers and one or more labor unions, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees, and the individual proprietor or partners if any employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the trustees either: (a) wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both; or (b) partly from such funds and partly from funds contributed by either all of the insured persons or by one or more classes thereof. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured persons specifically for their insurance

A policy on which part of the premium is to be derived from funds

contributed by all of the insured persons may be placed in force only if at least 75 percent of the then eligible employees of any employer unit participating in the trust, or 75 percent of the then eligible members of any participating union if no employer unit is participating in the trust, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons must insure all eligible persons. A policy on which part of the premium is to be derived from funds contributed by one or more classes of insured persons but not from all the insured persons, must insure all eligible persons from whom no contributions are required and must extend insurance to each class from whom contributions are required when 75 percent of the then eligible persons of any such class elect to make the required contributions. Any eligible person as to whom evidence of individual insurability is not satisfactory to the insurer shall be excluded.

(c) The policy must cover at the date of issue at least 50 persons.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection by the insured persons or by the trustees, employers or unions. No policy, except a policy issued to the trustee of a fund established by employer members of a trade association or by a trade association and maintained by contributions of such members for the sole benefit of their employees, may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustee of a fund established in whole or in part by the employers, or any of them, exceeds one hundred thousand dollars ($100,000).

Such insurance may be issued with or without medical examination. For the purpose of this section the word "industry" shall not include licensed professions, such as medicine, dentistry, pharmacy, law and accountancy.

SEC. 2. Section 10203 of the Insurance Code is amended to read:

10203. Life insurance conforming to all of the following conditions is another form of group life insurance:

(a) Written under a policy covering, when issued, not less than 25 members of any of the following:

(1) Any labor union or unions.

(2) The National Guard.

(3) Any association or governmental or public employees.

(4) Any credit union organized and operating under the Federal Credit Union Act of 1934 or Chapter 36 of the California Statutes of 1927 as amended.

(5) Any association of private employees of a common employer, formed for purposes other than obtaining insurance and having been in existence for two years or longer prior to issuance of the policy, and having a membership not less than 75 percent of the number of employees eligible for membership in such association.

(b) Written under a policy issued to one or more such unions,

credit union or association.

(c) The premium on the policy to be paid by the union, credit union, or association or by the union or association and the members thereof jointly or by the insured members alone. Payment of such premium by a third party on behalf of the union member shall be considered payment by the union member.

(d) Insuring only members of such union or unions or members of such credit union or association.

(e) Insuring for amounts of insurance based upon some plan which will preclude individual selection.

(f) Insuring for the benefit of persons other than the union, credit union or association or its officials.

(g) Written under a policy insuring, when issued, not less than 75 percent of all members eligible for insurance under the policy, or 75 percent of such members of any class thereof reasonably determined by conditions pertaining to employment or of any established unit thereof not formed for the purpose of procuring insurance; provided, that if a group policy is intended to insure several such classes or units it may be issued as respects any such class or unit of which 75 percent are covered and extended to other such units or classes as 75 percent thereof express the desire to be covered. In such case, when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts of insurance. If any member fails to become insured under an existing policy when he becomes eligible and later wishes to become insured thereunder, the insurer may require satisfactory evidence of insurability before insurance is granted on such member.

(h) No policy of group life insurance shall be issued to an association of private employees of a common employer unless the employer consents in writing to deduct premiums from wages or salary of insured members.

(i) Written under a policy covering any association having a constitution and bylaws and formed and continuously maintained in good faith for purposes other than that of obtaining insurance, offering insurance to all the eligible members of such association and covering not less than 25 such members or such members together with their dependents or spouses and not less than 75 percent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his or her insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union.

SEC. 3. Section 10203.4 of the Insurance Code is amended to read:

10203.4. Insurance under any group life insurance policy issued pursuant to Sections 10202, 10202.7, 10202.8, 10203, 10203.1, and 10203.7 may, if 75 percent of the insured employees elect, be extended to insure the dependents, or any class or classes thereof, of each insured employee who so elects, in amounts in accordance with some plan which precludes individual selection and which shall not be in excess of 50 percent of the insurance on the life of such insured employee or five thousand dollars ($5,000), whichever is less; provided, however, in the case of a dependent whose age at death is under six months, the amount shall not be in excess of five hundred dollars ($500).

"Dependent" includes the member's spouse and all unmarried children from birth through 20 years of age, or through age 22, if the dependent child is attending an educational institution, or a child 21 years of age or over who is both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the employee for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the employee within 31 days of the child's attainment of the limiting age and subsequently as may be required by the insurer, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

The premiums for the insurance on such dependents may be paid by the employer or by the employee or by the employer and the employee jointly.

CHAPTER 736

An act to amend Sections 1136, 1163, 1190, and 6060 of the Harbors and Navigation Code, relating to harbors.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 1136 of the Harbors and Navigation Code is amended to read:

1136. (a) Every pilot licensed pursuant to the terms of this division shall take an oath of office in the manner prescribed by law and shall, once each month, on forms furnished by the board, render a verified account to the board of all moneys received by him as a result of pilotage services, or by any other person for him, or on his account; and he shall pay to the board, exclusive of the amounts received that are attributable to the increase in pilotage rates and the

minimum charge for bar pilotage made by the amendments of Section 1190 enacted at the 1975–76 Regular Session of the Legislature, the 1977–78 Regular Session of the Legislature, the 1979–80 Regular Session of the Legislature, and the 1981–82 Regular Session of the Legislature, 5 percent of all bar pilotage fees, or such lesser percentage as is established by the board, with the approval of the Department of Finance, in full compensation of the board for its official services, for the services of its secretary and treasurer, and for all its incidental expenses.

(b) It is the intent of the Legislature that moneys received that are attributable to the increase in pilotage rates and the minimum charge for bar pilotage made by the amendments of Section 1190 enacted at the 1975–76 Regular Session of the Legislature, the 1977–78 Regular Session of the Legislature, the 1979–80 Regular Session of the Legislature, and the 1981–82 Regular Session of the Legislature be used for increased operating and boatbuilding expenses incurred by pilots. It is further the intent of the Legislature that an accounting of such moneys shall be made by every pilot, at no cost to the state, to the board, or to any interested party, upon request.

SEC. 2. Section 1163 of the Harbors and Navigation Code is amended to read:

1163. (a) (1) Each retired or disabled pilot shall receive, as a monthly pension, that amount which is sixty-five dollars ($65) multiplied by the number of full years of service he performed as a pilot licensed under this division.

(2) A pilot who retires or becomes disabled shall not begin to receive his pension until the benefit year next following the date on which he retires or becomes disabled.

(3) No retired pilot shall receive benefits pursuant to the pension plan in any benefit year unless his resignation as an active pilot specifying a proposed date of retirement was submitted, in writing, to the Board of Pilot Commissioners, prior to December if his retirement is to be effective the first day of the following January or prior to June if his retirement is to be effective the first day of the following July. His resignation shall become effective on either January 1 or July 1 as specified in the written resignation.

(4) If a retired or disabled pilot who is receiving a pension dies without a wife surviving him, his successor in interest shall receive the proceeds of the pension for the remainder of the benefit year, after which time it shall cease.

(b) (1) The widow of a deceased pilot who would be eligible for a pension pursuant to subdivision (c) of Section 1164 shall receive, as a monthly pension, one-half of the amount that her deceased husband would have received as a pension pursuant to this section had he lived.

(2) If a retired or disabled pilot receiving a pension dies, his widow shall continue to receive the full pension to which her deceased husband was entitled for the balance of the benefit year,

after which she shall receive the amount specified in paragraph (1) of this subdivision.

(3) When a widow receiving a pension dies, her successor in interest shall receive the proceeds of the pension for the remainder of the benefit year, after which time it shall cease.

(c) For the purposes of the computations described in paragraph (1) of subdivision (a) of this subdivision, six months or more of service by a pilot shall be considered a full year.

SEC. 3. Section 1190 of the Harbors and Navigation Code is amended to read:

1190. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

(a) Seven dollars and thirty-five cents ($7.35) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of 18.75 mills ($0.01875) per high gross registered ton.

(b) A minimum charge for bar pilotage shall be three hundred dollars ($300) for each vessel piloted.

(c) The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

SEC. 4. Section 6060 of the Harbors and Navigation Code is amended to read:

6060. The commissioners shall serve without salary until the yearly gross income of the district, exclusive of taxes levied by the district, exceeds twenty thousand dollars ($20,000) per year, when the board may, by ordinance, fix their salaries which shall not exceed the sum of five hundred dollars ($500) per month each.

In addition to any salary received pursuant to this section, the commissioners shall be allowed any actual and necessary expenses incurred in the performance of their duties.

CHAPTER 737

An act to amend Sections 20331, 20862, and 20863 of, and to add Sections 20571 and 21251.17 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 20331 of the Government Code is amended to read:

20331. Except as otherwise provided in this section, any person who on October 1, 1963, is employed by the university, and is a

member of any retirement system maintained by the university, or who after that date enters university employment, shall be excluded from membership in this system.

A university member who is separated from university employment due to layoff and who is reemployed by the university shall have the right to elect, in accordance with regulations of the board of regents, membership in this system in lieu of membership in any retirement system maintained by the university, if written notice of the election is filed with this system within 30 days after his reemployment.

Any member who is employed as a member of the police department or fire department of the university and who elects, in accordance with regulations of the board of regents, to become a sworn officer member of a retirement system of the university in that employment shall be excluded from membership in this system in that employment after the date upon which he becomes a member of the university system. The election shall not constitute a permanent separation from state service for purposes of a right to refund of accumulated contributions, but shall constitute a discontinuance of employment as a member of this system and entry into employment as a member of the university system within the meaning of Section 20015.5.

SEC. 2. Section 20571 is added to the Government Code, to read:

20571. Notwithstanding any other provision of law, when all or part of an employer's function is transferred to an entity which is not an employer, the board may, by contract between the board, the employer, and the succeeding entity, transfer all or part of the assets and liabilities accumulated in the system by the employer to the succeeding entity.

Members employed by that employer shall have an individual election whether all accumulated contributions shall be transferred to the succeeding entity or left on deposit with the system.

SEC. 3. Section 20862 of the Government Code is amended to read:

20862. One year of service credit shall be granted for service rendered in a fiscal year in full-time employment for any of the following:

(a) One academic year of service for persons employed on an academic year basis, under terms and conditions prescribed by the board.

(b) Ten months of service for persons employed on a monthly basis.

(c) Two hundred fifteen days of such service since June 30, 1951, and 250 days prior to July 1, 1951, for persons employed on a daily basis.

(d) One thousand seven hundred twenty hours of such service for persons employed on an hourly basis.

A fractional year of credit shall be given for service rendered in a fiscal year in full-time employment for less than the time prescribed

in this section.

SEC. 4. Section 20863 of the Government Code is amended to read:

20863. For the purpose of calculating retirement allowances, credit for service rendered on a part-time basis in each fiscal year shall be based on the ratio that the service rendered bears:

(a) To one academic year if rendered on an academic year basis.

(b) To 10 months if rendered on a monthly basis.

(c) To 250 days if the service was rendered prior to July 1, 1951, or to 215 days if the service was rendered after June 30, 1951, for services rendered on a daily basis.

(d) To 1,720 hours if rendered on an hourly basis.

SEC. 5. Section 21251.17 is added to the Government Code, to read:

21251.17. Notwithstanding Section 21251.15, in determining the method of calculation of subsequent retirement benefits on or after December 1, 1979, for a university employee who, on the date of reemployment and reinstatement from retirement, did not have the right to elect membership in the Public Employees' Retirement System, the service rendered under the University of California Retirement System after reemployment and reinstatement shall be considered service rendered under the Public Employees' Retirement System.

CHAPTER 738

An act to amend Section 24603 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 24603 of the Vehicle Code is amended to read:

24603. Every motor vehicle which is not in combination with any other vehicle and every vehicle at the end of a combination of vehicles shall at all times be equipped with stoplamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more stoplamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with two stoplamps, except that trailers and semitrailers manufactured after July 23, 1973, which are less than 30 inches wide, may be equipped with one stoplamp which shall be mounted at or near the vertical centerline of the trailer. If such vehicle is equipped with two

stoplamps, they shall be mounted as specified in subdivision (d).

(c) Stoplamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches nor higher than 72 inches, except that a tow car, in addition to being equipped with the required stoplamps, may also be equipped with two stoplamps which may be mounted not lower than 15 inches nor higher than the maximum allowable vehicle height and as far forward as the rearmost portion of the driver's seat in the rearmost position.

(d) Where two stoplamps are required, at least one shall be mounted at the left and one at the right side, respectively, at the same level.

(e) Stoplamps on vehicles manufactured on or after January 1, 1979, shall emit a red light. Stoplamps on vehicles manufactured before January 1, 1979, shall emit a red or yellow light. All stoplamps shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stoplamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times.

(f) Stoplamps shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brakes. In addition, all stoplamps may be activated by a mechanical device designed to function only upon sudden release of the accelerator while the vehicle is in motion. Stoplamps on vehicles equipped with a manual transmission may be manually activated by a mechanical device when the vehicle is downshifted if the device is automatically rendered inoperative while the vehicle is accelerating. Any device subject to this subdivision shall meet requirements established by the department.

(g) Any vehicle may be equipped with supplemental stoplamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position in addition to the lamps required to be mounted on the rear of the vehicle. The supplemental stoplamp on that side of a vehicle toward which a turn will be made may flash as part of the supplemental turn signal lamp.

CHAPTER 739

An act to add Section 6276 to the Harbors and Navigation Code, relating to port districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 6276 is added to the Harbors and Navigation Code, to read:

6276. (a) In lieu of the benefits afforded pursuant to Division 4 (commencing with Section 3200) and Division 4.7 (commencing with Section 6200) of the Labor Code, the district may agree to provide workers' compensation benefits to its stevedore employees in amounts, and under such conditions, as would be payable to stevedore employees of private employers pursuant to the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901, et seq.).

(b) Such an agreement shall be binding upon the parties only if it is in writing and signed by the employee and by a representative of the district. It shall acknowledge, in writing, that the benefits agreed upon are authorized by this section and are expressly in lieu of any benefits available under Division 4 (commencing with Section 3200) and Division 4.7 (commencing with Section 6200) of the Labor Code.

(c) All claims for benefits against the district which are authorized by this section shall be determined pursuant to law and the rules and regulations of the Workers' Compensation Appeals Board. To the fullest extent possible, the Workers' Compensation Appeals Board shall attempt to apply the Longshoremen's and Harbor Workers' Compensation Act to employees covered by this section in the same manner as applicable to private employees.

(d) Notwithstanding the provisions of Sections 11779 and 11870 of the Insurance Code or any other provision of law, the State Compensation Insurance Fund or any private insurer may provide insurance coverage for the benefits authorized by this 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 the necessity are:

In order to authorize the Port of Stockton to provide workers' compensation benefits to its stevedore employees at the earliest possible time after discontinuance of the existing insurance on these employees, it is necessary that the provisions of this act take effect immediately.

CHAPTER 740

An act to amend Sections 22670 and 23669 of the Water Code, relating to irrigation districts.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 22670 of the Water Code is amended to read:

22670. An action to determine the validity of any contract entered into for a period of more than three years or the levy of any assessment or of bonds, including whether or not the bonds when delivered to the person entitled to them under the terms of a contract will or do constitute valid obligations of the district as against all persons, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 2. 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 12 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. 3. An action brought pursuant to Section 22670 of the Water Code, as amended by Section 1 of this act, to determine the validity of a contract entered into prior to the effective date of this act may be brought within 60 days after this act becomes effective.

CHAPTER 741

An act to amend Sections 3104, 3110, 3111, 3205.5, 3215, 3225, 3227, 3232, 3250, 3251, 3255, 3309, 3350, 3352, 3408, 3420, 3728.5, 3750, 3762, and 3764 of, to add Sections 3227.5 and 3227.6 to, and to repeal Sections 3259 and 3409 of, the Public Resources Code, relating to oil, gas, and geothermal wells.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 3104 of the Public Resources Code is amended to read:

3104. Each district deputy shall be a competent engineer or geologist, registered in the state, and experienced in the development and production of oil and gas.

SEC. 2. Section 3110 of the Public Resources Code is amended to read:

3110. All money paid to the State Treasurer pursuant to Article

7 (commencing with Section 3400) shall be deposited to the credit of the General Fund for expenditure as provided in Section 3401.

SEC. 3. Section 3111 of the Public Resources Code is amended to read:

3111. All money received in repayment of repair work done as provided in this chapter shall be returned and credited to the General Fund for expenditure as provided in Section 3401.

SEC. 4. Section 3205.5 of the Public Resources Code is amended to read:

3205.5. In lieu of the bond required by Sections 3204, 3205, and 3205.1, a person may, with the written approval of the supervisor, file a cash bond in the applicable amount, together with evidence of the deposit in a bank authorized to do business in this state and insured by the Federal Deposit Insurance Corporation or investment certificates or share accounts in the applicable amount issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation. The bond, or security filed in lieu thereof, shall be subject to all conditions set forth in Sections 3204, 3205.1, 3207, and 3208.

SEC. 5. Section 3215 of the Public Resources Code is amended to read:

3215. Upon the completion or abandonment of any well or upon the suspension of operations upon any well, true copies of the log, core record, and history, and, if made, true and reproducible copies of all electrical, physical, or chemical logs, tests, or surveys in such form as the supervisor may approve shall be filed with the district deputy within 60 days after such completion, suspension, or abandonment. Like copies shall be filed upon the completion of additional work in any well. Upon a showing of hardship, the supervisor may extend the time within which to comply with the provisions of this section for a period not to exceed 60 additional days.

SEC. 6. Section 3225 of the Public Resources Code is amended to read:

3225. Whenever the supervisor or a district deputy issues any written order concerning any operation, an appeal may be made from such order pursuant to the procedures contained in Article 6 (commencing with Section 3350).

SEC. 7. Section 3227 of the Public Resources Code is amended to read:

3227. The owner of any well shall file with the supervisor, on or before the last day of each month, for the last preceding calendar month, a statement, in such form as the supervisor may designate, showing all of the following:

(a) The amount of oil and gas produced from each well during the period indicated, together with the gravity of the oil, the amount of water produced from each well, estimated in accordance with methods approved by the supervisor, and the number of days during which fluid was produced from each well.

(b) The number of wells drilling, producing, injecting, or idle,

that are owned or operated by such person.

(c) What disposition was made of the gas produced from each field, including the names of persons, if any, to whom the gas was delivered, and such other information regarding the gas and the disposition thereof as the supervisor may require.

(d) What disposition was made of the water produced from each field, and the amount of fluid or gas injected into each well used for enhanced recovery, underground storage of hydrocarbons, or waste water disposal and such other information regarding such wells as the supervisor may require.

Upon request and making a satisfactory showing therefor, a longer filing period may be established by the supervisor for any particular owner or operator.

SEC. 8. Section 3227.5 is added to the Public Resources Code, to read:

3227.5. The supervisor shall compile from statements filed pursuant to Section 3227 and publish monthly statistics, within 90 days of the end of each calendar month, showing the amount of oil and gas produced in the state by field and pool, together with the number of wells producing or idle, all separately stated as to field and pool, with any other information that the supervisor deems proper.

SEC. 9. Section 3227.6 is added to the Public Resources Code, to read:

3227.6. As used in Sections 3227 and 3227.5, the following terms have the following meaning:

(a) "Field" means the same general surface area which is underlain, or reasonably appears to be underlain, by one or more pools.

(b) "Pool" means an underground reservoir containing, or appearing at the time of determination to contain, a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool.

SEC. 10. Section 3232 of the Public Resources Code is amended to read:

3232. Within 60 days after the completion of abandonment of any well, the owner or operator of the well shall make, in such form as the supervisor or the district deputy may direct, a written report of all work done in connection with the abandonment. The supervisor or the district deputy shall, within 10 days after the receipt of a written report of completion, furnish the owner or operator with a written final approval of abandonment, or a written disapproval of abandonment, setting forth the conditions upon which the disapproval is based.

Failure to abandon in accordance with the approved method of abandonment, or failure to notify the supervisor or the district deputy of any test required by the final approval of abandonment to be witnessed by the supervisor, the district deputy or his inspector, or failure to furnish the supervisor or the district deputy, at his

request, with any information regarding the condition of the well, shall constitute sufficient grounds for disapproval of the abandonment.

SEC. 11. Section 3250 of the Public Resources Code is amended to read:

3250. The Legislature hereby finds and declares that hazardous and certain idle-deserted oil and gas wells, as defined in this article, are public nuisances and that it is essential, in order to protect life, health, and natural resources that such oil and gas wells be abandoned, reabandoned, produced, or otherwise remedied to mitigate, minimize, or eliminate their danger to life, health, and natural resources.

The Legislature further finds and declares that, although the abatement of such public nuisances could be accomplished by means of an exercise of the regulatory power of the state, such regulatory abatement would result in unfairness and financial hardship for certain landowners, while also resulting in benefits to the public. The Legislature, therefore, finds and declares that the expenditure of funds to abate such nuisances as provided in this article is for a public purpose and finds and declares it to be the policy of this state that the cost of carrying out such abatement be charged to this state's producers of oil and gas as provided in Article 7 (commencing with Section 3400).

SEC. 12. Section 3251 of the Public Resources Code is amended to read:

3251. For the purposes of this article, an oil or gas well is a "hazardous well" if the well has been determined by the supervisor to presently pose a danger to life, health, or natural resources and subdivisions (a) and (b) of this section apply. Also, for the purposes of this article, an oil or gas well is an "idle-deserted well" if Section 3237 and subdivisions (a) and (b) of this section apply.

(a) Regulatorv abatement of such a public nuisance is not possible because the last operator that had an economic interest in, or received any benefit from, the well is deceased, defunct, or no longer in business in this state.

(b) The present surface owner and mineral estate owners derived no substantial financial gain from the well. In making the determination respecting financial gain, the supervisor may seek such information and require such proof of these matters as may be desirable or necessary.

SEC. 13. Section 3255 of the Public Resources Code is amended to read:

3255. (a) Notwithstanding any other provision of this division, the supervisor may order that any of the following operations be carried out on any property in the vicinity of which, or on which, is located any well that the supervisor determines to be either a hazardous or an idle-deserted well:

(1) Any inspection or tests necessary to determine what action, if any, would be appropriate to effectuate the purpose of this article.

(2) The abandonment of such a well.

(3) The reabandonment of such a well.

(4) The redrilling and production of an existing well for purposes of remedying, mitigating, minimizing, or eliminating danger to life, health, and natural resources.

(5) The drilling and production of a well for purposes of remedying, mitigating, minimizing, or eliminating danger to life, health, and natural resources.

(6) Any other remedy or oilfield operation calculated to effectuate the purpose of this article.

(b) If, pursuant to this article, the supervisor orders that any operation be carried out with respect to a hazardous or idle-deserted well and such operation will, by virtue of the physical occupation or destruction of all or any part of the property or the extraction of oil or gas from such property, substantially interfere with the enjoyment of the property, the supervisor shall acquire, as provided in Section 3256, such minimal interest in the property as is necessary to carry out such operation. No such acquisition may be made pursuant to this subdivision unless the supervisor finds and determines that the public benefits to be derived therefrom in remedying, mitigating, minimizing, or eliminating danger to life, health, and natural resources will exceed the cost of such acquisition, irrespective of the manner in which such acquisition is to be funded.

(c) An order of the supervisor to carry out any of the operations listed in subdivision (a) may be appealed by the owner of the property pursuant to Article 6 (commencing with Section 3350), except that in the case of an emergency no stay of the supervisor's order shall accompany the appeal.

SEC. 14. Section 3259 of the Public Resources Code is repealed.

SEC. 15. Section 3309 of the Public Resources Code is amended to read:

3309. A copy of the supervisor's order shall be posted in a conspicuous place upon the property affected, and the order shall become final 10 days after posting, unless it is appealed from as provided in Section 3350.

SEC. 16. Section 3350 of the Public Resources Code is amended to read:

3350. The lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, shall within 10 days from the date of the service of any order from the supervisor or a district deputy, other than the order contemplated by Section 3308, either comply with the order or file with the supervisor or the district deputy a written statement that the order is not acceptable, and that appeal from the order is taken to the director under the provisions of this chapter.

Any lessor, lessee, or operator affected by an order made pursuant to Section 3308 may, within 10 days from the posting of the copy of the order, file with the supervisor a written appeal therefrom to the director under the provisions of this chapter.

Any such appeal shall operate as a stay of any order issued pursuant to this chapter.

SEC. 17. Section 3352 of the Public Resources Code is amended to read:

3352. Within 10 days from the taking of the appeal, 10 days' notice in writing shall be given to the appellant of the time and place of the hearing. For good cause, the director may postpone the hearing, on the application of the appellant, the supervisor, or the district deputy, for a period not to exceed 10 days.

SEC. 18. Section 3408 of the Public Resources Code is amended to read:

3408. If any person chargeable under this article fails or refuses to file with the department, within the time prescribed in this article, the verified report provided for in Section 3406, the department shall note his failure or refusal as provided for in Section 3418.

The department shall estimate the amount of taxable oil and gas produced by such person and shall assess such person an assessment based upon the estimated production. A penalty assessment shall be added to the charge pursuant to Section 3420.

SEC. 19. Section 3409 of the Public Resources Code is repealed.

SEC. 20. Section 3420 of the Public Resources Code is amended to read:

3420. The charges levied and assessed under this article are due and payable on the first of July in each year. One-half thereof shall be delinquent if not paid on or before August 15th of each year, and the remaining one-half of the charges shall be delinquent if not paid on or before the first of February next succeeding the day upon which they became due and payable.

Any person who fails to pay any charge within the time required shall pay a penalty of 10 percent of the amount due, plus interest at the rate of 1½ percent per month, or fraction thereof, computed from the delinquent date of the assessment until and including the date of payment.

SEC. 21. Section 3728.5 of the Public Resources Code is amended to read:

3728.5. In lieu of the bond required by Sections 3723.5, 3725, 3725.5, and 3726, a person may, with the written approval of the supervisor, file a cash bond in the applicable amount, together with evidence of the deposit of such amount in a bank authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the applicable amount issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation. The bond, or security filed in lieu thereof, shall be subject to all conditions set forth in Sections 3723.5, 3725, 3725.5, and 3726.

SEC. 22. Section 3750 of the Public Resources Code is amended to read:

3750. Within 60 days after the completion of abandonment of any

well, the owner or operator of the well shall make, in such form as the supervisor or the district deputy may direct, a written report of all work done in connection with the abandonment. The supervisor or the district deputy shall, within 10 days after the receipt of a written report of completion, furnish the owner or operator with a written final approval of abandonment, or a written disapproval of abandonment, setting forth the conditions upon which the disapproval is based.

Failure to abandon in accordance with the approved method of abandonment, or failure to notify the supervisor or the district deputy of any test required by the final approval of abandonment to be witnessed by the supervisor, the district deputy or his inspector, or failure to furnish the supervisor or the district deputy, at his request, with any information regarding the condition of the well, shall constitute sufficient grounds for disapproval of the abandonment.

SEC. 23. Section 3762 of the Public Resources Code is amended to read:

3762. The lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, shall within 10 days from the date of the service of any order from the supervisor or a district deputy, either comply with the order or file with the supervisor or the district deputy a written statement that the order is not acceptable, and that appeal from the order is taken to the Geothermal Resources Board under the provisions of this chapter.

Any such appeal shall operate as a stay of any order issued pursuant to this chapter.

SEC. 24. Section 3764 of the Public Resources Code is amended to read:

3764. Within 10 days from the taking of the appeal, 10 days' notice in writing shall be given to the appellant of the time and place of the hearing. For good cause, the board may postpone the hearing, on the application of the appellant or the supervisor, or the district deputy, for a period not to exceed 10 days.

CHAPTER 742

An act to amend Section 11377 of the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 11377 of the Health and Safety Code is amended to read:

11377. (a) Except as otherwise provided in Article 8 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug or (2) which is specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) or (e) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 licensed to practice in this state, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 743

An act to amend Section 3902 of the Business and Professions Code, to amend Sections 1250, 1250.1, 1265, 1267.7, 1267.8, 1276.5, 1280, and 1337 of, to add Section 1265.5 to, and to add and repeal Section 441.21 of, the Health and Safety Code, relating to health.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 3902 of the Business and Professions Code is amended to read:

3902. "Nursing home" means any institution, facility, place, building or agency, or portion thereof, defined and licensed as a skilled nursing facility or intermediate care facility, except an intermediate care facility/developmentally disabled habilitative, in Chapter 2 (commencing with Section 1250) of Division 2 of the

Health and Safety Code.

SEC. 2. Section 441.21 is added to the Health and Safety Code, to read:

441.21. Intermediate care facilities/developmentally disabled habilitative, as defined in subdivision (a) of Section 1250, shall not be subject to the California Health Facilities Disclosure Act (Part 1.7 (commencing with Section 441) of Division 1).

This section shall remain in effect until January 1, 1987, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1987, deletes or extends such date.

SEC. 3. Section 1250 of the Health and Safety Code is amended to read:

1250. As used in this chapter, "health facility" means any facility, place or building which is organized, maintained and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which such persons are admitted for a 24-hour stay or longer, and includes the following types:

(a) "General acute care hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.

(b) "Acute psychiatric hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care for mentally disordered, incompetent, or other patients referred to in Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code, including the following basic services: medical, nursing, rehabilitative, pharmacy, and dietary services.

(c) "Skilled nursing facility" means a health facility which provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

(d) "Intermediate care facility" means a health facility which provides the following basic services: inpatient care to ambulatory or semiambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability of continuous skilled nursing care.

(e) "Intermediate care facility/developmentally disabled habilitative" means a facility with a capacity of four to 15 beds which provides 24-hour personal care, habilitation, developmental, and supportive health services to 15 or fewer developmentally disabled persons who have intermittent recurring needs for nursing services,

but have been certified by a physician as not requiring availability of continuous skilled nursing care.

(f) "Special hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical or dental staff which provides inpatient or outpatient care in dentistry or maternity.

(g) "General acute care/rehabilitation hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, laboratory, radiology, pharmacy, dietary, occupational therapy, physical therapy, rehabilitation, audiology, speech pathology; surgical and anesthesia services are provided through a contract with another facility having such services.

(h) "Intermediate care facility/developmentally disabled" means a facility which provides 24-hour personal care, habilitation, developmental, and supportive health services to developmentally disabled clients whose primary need is for developmental services and who have a recurring but intermittent need for skilled nursing services.

SEC. 4. Section 1250.1 of the Health and Safety Code is amended to read:

1250.1. The state department shall adopt regulations which define the following bed classifications for health facilities:

(a) General acute care.

(b) General acute care rehabilitation.

(c) Skilled nursing.

(d) Intermediate care—developmental disabilities.

(e) Intermediate care facility/developmentally disabled habilitative.

(f) Intermediate care—other.

(g) Acute psychiatric.

(h) Specialized care, with respect to special hospitals only.

Except as provided in Section 1253.1, beds classified as intermediate care beds, on the effective date of the 1978 Regular Session statute which amends this section, shall be reclassified by the state department as intermediate care—other. Such reclassification shall not constitute a "project" within the meaning of Section 437.10 and shall not be subject to any requirement for a certificate of need under Part 1.5 (commencing with Section 437) of Division 1, and regulations of the department governing intermediate care prior to such effective date shall continue to be applicable to the intermediate care—other classification unless and until amended or repealed by the state department.

SEC. 4.5. Section 1250.1 of the Health and Safety Code, as amended by Section 2 of Assembly Bill 1998, is amended to read:

1250.1. The state department shall adopt regulations which

define the following bed classifications for health facilities:

(a) General acute care,

(b) General acute care rehabilitation,

(c) Skilled nursing,

(d) Intermediate care—developmental disabilities,

(e) Intermediate care—other,

(f) Acute psychiatric,

(g) Specialized care, with respect to special hospitals only,

(h) Chemical dependency recovery,

(i) Intermediate care facility/developmentally disabled habilitative.

Except as provided in Section 1253.1, beds classified as intermediate care beds, on September 27, 1978, shall be reclassified by the state department as intermediate care—other. Such reclassification shall not constitute a "project" within the meaning of Section 437.10 and shall not be subject to any requirement for a certificate of need under Part 1.5 (commencing with Section 437) of Division 1, and regulations of the state department governing intermediate care prior to such effective date shall continue to be applicable to the intermediate care—other classification unless and until amended or repealed by the state department.

SEC. 5. Section 1265 of the Health and Safety Code is amended to read:

1265. Any person, political subdivision of the state, or governmental agency desiring a license for a health facility or approval for a special service under the provisions of this chapter shall file with the state department a verified application on forms prescribed and furnished by the state department, containing:

(a) The name of the applicant and, if an individual, whether the applicant has attained the age of 18 years.

(b) The type of facility or health facility.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members or shareholders thereof, and the person in charge of the health facility for which application for license is made. If the applicant is a political subdivision of the state or other governmental agency, like evidence shall be submitted as to the person in charge of the health facility for which application for license is made.

(f) Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.

(g) Such other information as may be required by the state department for the proper administration and enforcement of this chapter.

(h) Upon submission of an application to the state department by an intermediate care facility/developmentally disabled habilitative, the application shall include a statement of need signed by the chairperson of the area board pursuant to Chapter 4 (commencing with Section 4570) of Division 4.5 of the Welfare and Institutions Code. In the event the area board has not provided the statement of need within 30 days of receipt of the request from the applicant, the state department may process the application for license without the statement.

SEC. 6. Section 1265.5 is added to the Health and Safety Code, to read:

1265.5. Prior to issuing a license to any person or persons to operate or manage an intermediate care facility/developmentally disabled habilitative, the state department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant, facility administrator or manager, or any other adult living in the same location, has ever been convicted of a crime other than a minor traffic violation. If it is found that the applicant, facility administrator or manager, or any other adult living in the same location, has been so convicted, the application shall be denied, unless otherwise approved pursuant to this chapter.

SEC. 7. Section 1267.7 of the Health and Safety Code is amended to read:

1267.7. The State Department of Health Services and the State Department of Developmental Services shall jointly develop and implement licensing and Medi-Cal regulations appropriate to intermediate care facility/developmentally disabled habilitative facilities no later than March 1, 1981. The State Department of Developmental Services and the Office of Statewide Health Planning and Development shall jointly develop and implement construction and certificate of need regulations appropriate for intermediate care facility/developmentally disabled habilitative no later than March 1, 1981. These regulations shall ensure that residents of such facilities are assured appropriate developmental and supportive health services in the most normalized, least restrictive physical and programmatic environment appropriate to individual resident need. Regulations promulgated pursuant to this section shall include provision for maximum utilization of generic community resources in the provision of services to residents and participation of the residents in community activities. Regulations developed pursuant to this section shall include licensing and certificate of need application fee schedules appropriate to facilities, which will encourage their development. Regulations adopted pursuant to this section shall require the Department of Developmental Services to review and approve an applicant's program plan as part of the licensing and certification process. However, nothing in this section is intended to supersede the authority of the State Fire Marshal pursuant to Sections 13113, 13113.5, 13143, and 13143.6 to the extent that such sections are applicable to community care facilities.

SEC. 8. Section 1267.8 of the Health and Safety Code is amended to read:

1267.8. (a) Intermediate care facility/developmentally disabled habilitative shall meet the same fire safety standards adopted by the State Fire Marshal pursuant to Sections 13113, 13113.5, 13143, and 13143.6 that apply to community care facilities, as defined in Section 1502, of similar size and with residents of similar age and ambulatory status. No other state or local regulations relating to fire safety shall apply to such facilities and the requirements specified in this section shall be uniformly enforced by state and local fire authorities.

(b) Intermediate care facility/developmentally disabled habilitative shall meet the same seismic safety requirements applied to community care facilities of similar size with residents of similar age and ambulatory status. No additional requirements relating to seismic safety shall apply to such facilities.

(c) For the purposes of all local zoning and use permit ordinances, intermediate care facility/developmentally disabled habilitative of six beds or less shall be considered to be a community care facility and shall meet the requirements of Section 1520.5. No other state or local requirements relating to zoning and use permits shall apply to such facilities.

SEC. 9. Section 1276.5 of the Health and Safety Code is amended to read:

1276.5. The state department shall adopt regulations setting forth the minimum number of equivalent nursing hours per patient required in skilled nursing and intermediate care facilities.

For the purposes of this section, "nursing hours" means the number of hours of work performed per patient day by aides, nursing assistants, or orderlies plus two times the number of hours worked per patient day by licensed nurses (except directors of nursing in facilities of 60 or larger capacity) who perform direct nursing services for patients in skilled nursing and intermediate care facilities.

Except as otherwise provided by law, the administrator of an intermediate care facility/developmentally disabled habilitative shall be either a licensed nursing home administrator or a qualified mental retardation professional.

SEC. 9.5. Section 1276.5 of the Health and Safety Code is amended to read:

1276.5. The department shall adopt regulations setting forth the minimum number of equivalent nursing hours per patient required in skilled nursing and intermediate care facilities.

For the purposes of this section "nursing hours" means the number of hours of work performed per patient day by aides, nursing assistants, or orderlies plus two times the number of hours worked per patient day by registered nurses and licensed vocational nurses (except directors of nursing in facilities of 60 or larger capacity) and, in the distinct part of facilities providing care for the developmentally disabled or mentally disordered, licensed

psychiatric technicians who perform direct nursing services for patients in skilled nursing and intermediate care facilities.

Notwithstanding Section 1276, the department shall require the utilization of a registered nurse at all times if the department determines that the services of a skilled nursing and intermediate care facility require the utilization of a registered nurse.

Except as otherwise provided by law, the administrator of an intermediate care facility/developmentally disabled habilitative shall be either a licensed nursing home administrator or a qualified mental retardation professional.

SEC. 10. Section 1280 of the Health and Safety Code is amended to read:

1280. The state department may provide consulting services upon request to any health facility to assist in the identification or correction of deficiencies or the upgrading of the quality of care provided by the health facility.

The state department shall notify the health facility of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted hereunder, and the health facility shall agree with the state department upon a plan of corrections which shall give the health facility a reasonable time to correct such deficiencies. If at the end of the allotted time, as revealed by inspection, the health facility has failed to correct the deficiencies, the director may take action to revoke or suspend the license.

Reports on the results of each inspection of a health facility shall be prepared by the inspector or inspector team and shall be kept on file in the state department along with the plan of correction and health facility comments. The inspection report may include a recommendation for reinspection. Inspection reports of intermediate care facility/developmentally disabled habilitative shall be provided by the state department to the appropriate regional center pursuant to Chapter 5 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions Code.

All inspection reports, lists of deficiencies, and plans of correction shall be open to public inspection.

SEC. 11. Section 1337 of the Health and Safety Code is amended to read:

1337. (a) The Legislature finds that the quality of patient care in skilled nursing and intermediate care facilities is dependent upon the competence of the personnel who staff its facilities. The Legislature further finds that direct patient care in skilled nursing and intermediate care facilities is currently rendered largely by persons without adequate training. To assure the availability of trained personnel in skilled nursing and intermediate care facilities, the Legislature intends that all such facilities in this state participate in approved training programs established under this article. This article shall not apply to intermediate care facilities/developmentally disabled habilitative which have staff training programs approved by the State Department of

Developmental Services, general acute care hospitals, acute psychiatric hospitals, or special hospitals.

(b) For the purpose of this article:

(1) "Nurse assistant" means any unlicensed aide, assistant, or orderly, who performs nursing services directed at the safety, comfort, personal hygiene, or protection of patients in a skilled nursing or intermediate care facility.

(2) "Approved training program" means a program for the training of nurse assistants which meets the criteria established by Section 1337.1.

(3) "Certified nurse assistant" means a nurse assistant who is certified as having completed the requirements of Section 1337.3.

SEC. 12. It is the intent of the Legislature, if this bill and Assembly Bill 1998 are both chaptered and become effective on or before January 1, 1982, both bills amend Section 1250.1 of the Health and Safety Code, and this bill is chaptered after Assembly Bill 1998, that Section 1250.1 of the Health and Safety Code, as amended by Section 2 of Assembly Bill 1998, be further amended on the effective date of this act in the form set forth in Section 4.5 of this act to incorporate the changes in Section 1250.1 proposed by this bill. Therefore, if this bill and Assembly Bill 1998 are both chaptered and become effective on or before January 1, 1982, and Assembly Bill 1998 is chaptered before this bill and amends Section 1250.1, Section 4.5 of this act shall become operative on the effective date of this act and Section 4 of this act shall not become operative.

SEC. 13. It is the intent of the Legislature, if this bill and Assembly Bill 592 are both chaptered and become effective January 1, 1982, both bills amend Section 1276.5 of the Health and Safety Code, and this bill is chaptered after Assembly Bill 592, that the amendments to Section 1276.5 proposed by both bills be given effect and incorporated in Section 1276.5 in the form set forth in Section 9.5 of this act. Therefore, Section 9.5 of this act shall become operative only if this bill and Assembly Bill 592 are both chaptered and become effective January 1, 1982, both amend Section 1276.5, and this bill is chaptered after Assembly Bill 592, in which case Section 9 of this act shall not become operative.

CHAPTER 744

An act to amend Section 830.1 of the Penal Code, relating to peace officers.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 830.1 of the Penal Code is amended to read:

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, any police officer of a city, any police officer of a district (including police officers of the San Diego Unified Port District Harbor Police) authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, any constable or deputy constable, regularly employed and paid as such, of a judicial district, or any inspector or investigator regularly employed and paid as such in the office of a district attorney, is a peace officer. The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(b) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and such investigators who are 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.

CHAPTER 745

An act to amend Sections 11699, 11715, 11715.5, and 11716 of the Insurance Code, relating to workers' compensation insurers.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 11699 of the Insurance Code is amended to read:

11699. The bond shall be in an amount:

(a) Not less than the sum of the following amounts computed, less credits and deductions allowable with respect to reinsurance in admitted insurers, as of the close of the last preceding December 31st

in respect to workmen's compensation insurance written subject to the workmen's compensation laws of this state:

(1) The aggregate of the present values at 6-percent interest, of the determined and estimated future payments upon compensation claims not included in paragraph (2) of this subdivision, including in such claims both benefits and loss expenses.

(2) The aggregate of the amounts computed as follows: For each of the preceding three years take 65 percent of the earned compensation premiums for that year and deduct all loss and loss expense payments made upon claims incurred in the corresponding year from such 65 percent; except that the amount for each such year shall not be less than the present value at 6-percent interest of the determined and the estimated unpaid claims incurred in each such year, including both benefits and loss expenses.

(b) Not less than one hundred thousand dollars ($100,000).

(c) If the aggregate amount computed under subdivision (a) exceeds fifty thousand dollars ($50,000), not more than double such aggregate amount.

SEC. 2. Section 11715 of the Insurance Code is amended to read:

11715. (a) Any workers' compensation insurer may, in lieu of and for the same purpose as the bond required by Section 11690, and upon payment of the fee prescribed in this article, deposit cash instruments, letters of credit, or approved interest-bearing securities or approved stocks readily convertible into cash, or investment certificates or share accounts issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation. The deposit shall be made from time to time as demanded by the commissioner and may be made with the State Treasurer or a bank, savings and loan association, or trust company pursuant to the approval of the commissioner under such rules and regulations as he shall promulgate. Such deposit shall be maintained at a deposit value of not less than twenty-five thousand dollars ($25,000), nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1 (commencing with Section 11550), Chapter 1, Part 3, Division 2, relating to loss reserves on workers' compensation business of the insurer in this state, nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

(b) Any workers' compensation insurer electing to bring itself within the provisions of subdivision (a) by submitting securities, stock, investment certificates, or share deposits registered in a depositor's name, shall execute and deliver in duplicate to the commissioner a power of attorney in favor of the commissioner for the purposes specified in Section 11690, supported by a resolution of the depositor's board of directors. Such power of attorney and directors' resolution shall be on forms approved by the commissioner, shall provide that the power of attorney cannot be revoked or withdrawn without the consent of the commissioner, and shall be acknowledged as required by law

SEC. 3. Section 11715.5 of the Insurance Code is amended to read:

11715.5. The fees for filing a schedule of securities with the State Treasurer, and making a deposit of the same, and for each withdrawal, substitution, or any other change in the securities comprising this deposit with the State Treasurer, shall be paid to the commissioner for the costs of review and approval of deposits, and shall be the same as are prescribed by Article 11 (commencing with Section 939) of Chapter 1 of Part 2 of Division 1.

SEC. 4. Section 11716 of the Insurance Code is amended to read:

11716. Such deposit shall be security for the payment of the insurer's obligations on workers' compensation insurance transacted in this state in the same manner as is provided in this article for the use of the bond. Such deposit shall not be withdrawn except upon the written order of the commissioner to use the proceeds thereof in payment of workers' compensation claims, or pursuant to regulations of the commissioner, but shall be forthwith payable by the State Treasurer or the bank, savings and loan association, or trust company approved by the commissioner to the commissioner upon such order. No deposit so placed with a bank or savings and loan association or trust company shall be subject to any lien or claim asserted by it or be subject to any disposition, obligation, demand, liability, cause of action, judgment, or other claim, or cost or expense attendant thereon, other than as is permitted by the commissioner. Irrespective of any other provisions of this code such deposit shall be physically retained by the State Treasurer or the bank, savings and loan association, or trust company approved by the commissioner and only released in accordance with the provisions of this article or pursuant to regulations of the commissioner.

SEC. 5. Any securities deposited with the State Treasurer on the effective date of this act shall be deemed deposited according to the provisions of Article 1 (commencing with Section 11690) of Chapter 3 of Part 3 of Division 2 of the Insurance Code as amended by this act.

CHAPTER 746

An act to amend Section 626.8 of the Penal Code, relating to school disruption

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 626.8 of the Penal Code is amended to read:

626.8. (a) Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent

thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of such school or disrupt the school or its pupils or school activities is guilty of a misdemeanor if he or she:

(1) Remains there after being asked to leave by the chief administrative official of that school or his or her designated representative, or by a person employed as a member of a security department of a school district pursuant to Section 39670 of the Education Code, or a city police officer, or sheriff or deputy sheriff, or California Highway Patrol Officer; or

(2) Reenters or comes upon such place within 72 hours of being asked to leave by a person specified in paragraph (1); or

(3) Has otherwise established a continued pattern of unauthorized entry.

(b) Punishment for violation of this section shall be as follows:

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

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

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

(c) As used in this section:

(1) "Lawful business" means a reason for being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

(2) "Continued pattern of unauthorized entry" means that on at least two prior occasions in the same school year the defendant came into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and his or her presence or acts interfered with the peaceful conduct of the activities of such school or disrupted the school or its pupils or school activities, and the defendant was asked to leave by a person specified in paragraph (1) of subdivision (a).

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a

local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 747

An act to amend Section 113 of, and to repeal Section 25666 of, the Health and Safety Code, relating to radiologic technology.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 113 of the Health and Safety Code is amended to read:

113. (a) The fees or charges for the issuance or renewal of any permit, license, or registration pursuant to Section 1300 of the Business and Professions Code, or Sections 436.53, 543, 544, 545, 546, 547, 1616, 1676, 1677, 4042, 4042.2, 4042.3, 11887, 25694, 25696, 25697, 26688, 27010, 27011, 28126, 28410, 28411, and 28702 of this code, shall be adjusted annually by the percentage change printed in the Budget Act for those items appropriating funds to the department. The percentage change shall be determined by the Department of Finance, and shall include at least the total percentage change in salaries and operating expenses of the department. However, the total increase in amounts collected under this section shall not exceed the total increased cost of the program or service provided.

(b) The department shall annually publish a list of the actual numerical fee charges for each permit, license, certification or registration governed by this section.

(c) The Legislative Analyst shall review any proposed adjustments pursuant to this section, and submit written comments on such proposed adjustments to the Legislature.

SEC. 2. Section 25666 of the Health and Safety Code is repealed.

CHAPTER 748

An act to amend Sections 69599.5 and 69606 of, and to repeal Section 70141.12 of, the Government Code, relating to courts.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 69599.5 of the Government Code is amended to read:

69599.5. (a) In the County of Santa Barbara there shall be nine judges of the superior court.

(b) Notwithstanding Section 247 of the Welfare and Institutions Code, no juvenile court referee or referees may be appointed in the County of Santa Barbara.

SEC. 2. Section 69606 of the Government Code is amended to read:

69606. In the County of Ventura there shall be 13 judges of the superior court.

SEC. 3. Section 70141.12 of the Government Code is repealed.

SEC. 4. It is the intent of the Legislature that no block grant be provided for the eighth or ninth superior court judge in Santa Barbara County or for the twelfth or thirteenth superior court judge in Ventura County because those judge positions in Santa Barbara County replace two existing juvenile court referees and the judge positions in Ventura County replace two existing superior court commissioners.

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.

SEC. 6. This act shall become operative on July 1, 1982.

CHAPTER 749

An act to repeal and add Chapter 2 (commencing with Section 54100) of Part 29 of the Education Code, relating to schools

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Chapter 2 (commencing with Section 54100) of Part 29 of the Education Code is repealed.

SEC. 2. Chapter 2 (commencing with Section 54100) is added to Part 29 of the Education Code, to read:

CHAPTER 2. SPECIAL ELEMENTARY SCHOOL READING INSTRUCTION PROGRAM

Article 1. General Provisions

54100. This chapter may be cited as the Miller-Unruh Basic Reading Act of 1965.

54101. It is the intent and purpose of the Legislature that the reading instruction program provided for in this chapter shall be directed to the prevention of, and the correction of, reading disabilities at the earliest possible time in the educational career of the pupil.

It is further the intent of the Legislature that the reading program in the public schools be of high quality. The Legislature recognizes that early development of reading skills and the early correction of reading disabilities enhances the opportunity of each pupil for success in school and for success in a career upon leaving school. The Legislature further recognizes that to achieve its intent and purpose it will be necessary to provide means to employ specialists trained in the teaching of reading. To carry out its intent and purpose, the Legislature has enacted this chapter to provide salary payments for reading specialists. It is also the intent of the Legislature that the provisions of this chapter shall be administered to provide funds and services first to those school districts and to the schools in those school districts where the need for reading instruction is greatest and the financial ability of the districts to provide it is least. This program is voluntary and any school district may participate or may decline to participate.

It is not the intent of the Legislature to preempt a school district from establishing and maintaining any other special reading program which otherwise complies with the law.

54102. The State Board of Education may have the power to adopt and promulgate all rules and regulations necessary to the effective administration of this chapter, including, but not necessarily limited to, those specifically required to be adopted by particular provisions of this chapter. A school district may request a waiver of any provision of this chapter. The State Board of Education may approve or disapprove the request, depending on whether or not the waiver would further the purposes of this chapter.

Article 2. Employment of Specialists

54120. The governing board of any school district maintaining elementary schools, in order to provide reading instruction under the provisions of this chapter, may appoint any elementary school teacher to a reading specialist position if the appointee has met the following minimum requirements.

(a) Holds a Reading Specialist Credential issued pursuant to Section 44265 or a Miller-Unruh Reading Specialist Certificate.

(b) Has completed three years as a successful teacher in any grades 1 to 6, inclusive.

(c) Is fully credentialed by the State of California to teach in kindergarten or any of grades 1 to 6, inclusive.

(d) Successfully completed the following college or university courses:

(1) A basic course in the teaching of elementary school reading.

(2) A basic course in the teaching of elementary school language.

(3) A basic course in the diagnosis and remediation of reading disabilities.

(4) A course in directed clinical practice in the remediation of reading disabilities. The course may be concurrent with the first year as a reading specialist.

54121. For purposes of issuing the Miller-Unruh Reading Specialist Certificate, the Commission for Teacher Preparation and Licensing shall designate a written examination to be administered to each person seeking the position of reading specialist. The examination shall be one designed to test the knowledge of the nominee concerning the various approaches and techniques of reading which have been determined by competent authority to be most effective in diagnostic and prescriptive instruction for meeting the individual needs of young pupils. The examination shall be administered on a statewide basis once each school year. For these purposes the commission may select an examination prepared by any competent public or private person, organization, or agency.

54122. Persons employed by school districts as reading specialists under this chapter shall be considered as classroom teachers for purposes of all laws dealing with permanent status of certificated employees employed by school districts.

54123. Reading specialists employed by a school district shall be relieved of all regular teaching and administrative responsibilities and shall devote their full time in the performance of the following prioritized responsibilities, which shall be directed toward insuring that pupils attain essential reading skills:

(a) First priority shall be supplementing the reading instruction in kindergarten and grade 1, with an emphasis on the prevention of reading difficulties.

(b) Second priority shall be providing supplementary, specialized diagnostic services and prescriptive instruction to small groups of pupils or to individual pupils in need of special reading instruction in the primary grades.

(c) Final priority shall be providing corrective instruction to individuals and small groups of pupils in grades 4 through 6 after all primary needs are met.

No Miller-Unruh specialist shall maintain a caseload in excess of 60 pupils at any one time, nor shall the daily caseload exceed 40 pupils receiving individual or small group instruction. Each specialist shall be responsible for providing leadership for the total school program, including providing inservice training, demonstrations, and serving

as a reading and language resource specialist for the school.

Adequate time shall be allotted in the specialist's schedule to allow the time needed for diagnostic and prescriptive planning, for staff development, and for self-improvement.

54124. The annual salary of a specialist teacher, employed as such by a school district for a school year, shall be increased by two hundred fifty dollars ($250) over that otherwise payable to him under his regular contract of employment with the district in which he is regularly employed.

Such sum shall be paid by the school district in a lump sum payment to the specialist reading teacher, no later than June 30 of each fiscal year, and the warrant on which the payment is made shall clearly identify the purpose for which the payment is being made with words to the effect of: "Special Stipend for State Basic Reading Program" appearing on the face of the warrant. Partial lump-sum payments for specialist reading teachers employed for a portion of the school year shall be paid no later than 30 days after the specialist teacher leaves the employ of the district.

Article 3. Allowances for Specialists

54140. Allowances under this article shall be made by the Superintendent of Public Instruction in accordance with a system of priorities that he or she shall by rule and regulation adopt, designed to carry out the intent and purpose of the Legislature stated in Section 54101.

The system shall be designed to give priority to districts in the following order:

(a) First, to insure that the districts participating in the program during the preceding school year, which continue to be eligible, will not be required to reduce programs below the level of the preceding year.

(b) Second, to insure that applications for new programs in eligible schools be considered on a priority basis in terms of the percentage of pupils having reading difficulties and the financial ability of the district to provide special instructional assistance.

54141. The allowance for salaries of reading specialists to each district shall be computed by multiplying the number of reading specialists employed by the district by an amount equivalent to the statewide average salary, as determined by the Superintendent of Public Instruction, paid elementary teachers during the preceding fiscal year plus a sum of two hundred fifty dollars ($250) per teacher. The salary allowance so computed shall not be more than the actual salary paid by the district for the services of the reading specialist.

54142. Any school district which receives allowances for programs authorized pursuant to this article may utilize the allowances in kindergarten or any of grades 1 through 6. However, in order to carry out the intent of the Miller-Unruh reading program as a supplementary specialized preventive and corrective program,

the reading specialist shall first fully service pupils enrolled in kindergarten and grades 1 through 3 prior to serving pupils in grades 4 through 6, as provided in Section 54123.

54145. Allowances under this article shall be made by the Superintendent of Public Instruction from funds appropriated therefor by the Legislature. The superintendent shall make no allowances in any year in excess of the amount appropriated by the Legislature for the purposes of this chapter.

CHAPTER 750

An act to add Section 1367.5 to the Health and Safety Code, and to add Sections 10176.6, 10177.7, and 11512.23 to the Insurance Code, relating to health insurance.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. The Legislature hereby finds and declares that teaching diabetic patients to manage their disease will help prevent unnecessary medical expenditures resulting from complications caused by diabetes. The Legislature further finds and declares that preventive education in diabetes self-management will lessen the amount of human suffering caused by the disease, and result in cost savings to the state because complications of the disease will often be controlled, and hospital admissions will therefor be greatly decreased.

SEC. 2. Section 1367.5 is added to the Health and Safety Code, to read:

1367.5. On and after January 1, 1982, every health care service plan which is issued, amended, delivered, or renewed that covers hospital, medical, or surgical expenses on a group basis shall offer coverage for diabetic daycare self-management education programs, under such terms and conditions as may be agreed upon between the plan and the subscriber group, subject to utilization controls.

Coverage shall only apply to programs directed and supervised by a licensed physician who is board certified in internal medicine or pediatrics. Covered diabetic daycare self-management and education programs shall be provided by health care professionsals including, but not limited to, physicians, registered nurses, registered pharmacists, and registered dieticians who are knowledgeable about the disease process of diabetes and the treatment of diabetic patients.

As used in this section, diabetic daycare self-management education programs means instruction which will enable diabetic patients and their families to gain an understanding of the diabetic

disease process, and the daily management of diabetic therapy thereby avoiding frequent hospitalizations and complications.

Nothing in this section shall be construed to require the offering of programs whose sole or primary purpose is weight reduction.

This section shall not apply to health maintenance organizations which are federally qualified and regulated under the Federal Public Health Service Act.

SEC. 3. Section 10176.6 is added to the Insurance Code, to read:

10176.6. On and after January 1, 1982, every policy of disability insurance which is issued, amended, delivered, or renewed that covers hospital, medical, or surgical expenses on a group basis shall offer coverage for diabetic daycare self-management education programs, under such terms and conditions as may be agreed upon between the insurer and the group policyholder, subject to utilization controls.

Coverage shall only apply to programs directed and supervised by a licensed physician who is board certified in internal medicine or pediatrics. Diabetic daycare self-management and education programs shall be provided by health care professionals including, but not limited to, physicians, registered nurses, registered pharmacists, and registered dieticians who are knowledgeable about the disease process of diabetes and the treatment of diabetic patients.

As used in this section, diabetic daycare self-management education programs means instruction which will enable diabetic patients and their families to gain an understanding of the diabetic disease process, and the daily management of diabetic therapy thereby avoiding frequent hospitalizations and complications.

Nothing in this section shall be construed to require the offering of programs whose sole or primary purpose is weight reduction.

SEC. 4. Section 10177.7 is added to the Insurance Code, to read:

10177.7. On and after January 1, 1982, every self-insured employee welfare benefit plan which is issued, amended, delivered, or renewed that covers hospital, medical, or surgical expenses on a group basis shall offer coverage for diabetic daycare self-management education programs, under such terms and conditions as may be agreed upon between the plan and the group policyholder, subject to utilization controls.

Coverage shall only apply to programs directed and supervised by a licensed physician who is board certified in internal medicine or pediatrics. Covered diabetic daycare self-managment and education programs shall be provided by health care professionals including, but not limited to, physicians, registered nurses, registered pharmacists, and registered dietitians who are knowledgeable about the disease process of diabetes and the treatment of diabetic patients.

As used in this section, diabetic daycare self-management education programs means instruction which will enable diabetic patients and their families to gain an understanding of the diabetic disease process, and the daily management of diabetic therapy thereby avoiding frequent hospitalizations and complications.

Nothing in this section shall be construed to require the offering of programs whose sole or primary purpose is weight reduction.

SEC. 5. Section 11512.23 is added to the Insurance Code, to read:

11512.23. On and after January 1, 1982, every nonprofit hospital service plan which is issued, amended, delivered, or renewed that covers hospital, medical, or surgical expenses on a group basis shall offer coverage for diabetic daycare self-management education programs, under such terms and conditions as may be agreed upon between the plan and the subscriber group, subject to utilization controls.

Coverage shall only apply to programs directed and supervised by a licensed physician who is board certified in internal medicine or pediatrics. Covered diabetic daycare self-management and education programs shall be provided by health care professionals including, but not limited to, physicians, registered nurses, registered pharmacists, and registered dietitians who are knowledgeable about the disease process of diabetes and the treatment of diabetic patients.

As used in this section, diabetic daycare self-management education programs means instruction which will enable diabetic patients and their families to gain an understanding of the diabetic disease process, and the daily management of diabetic therapy thereby avoiding frequent hospitalizations and complications.

Nothing in this section shall be construed to require the offering of programs whose sole or primary purpose is weight reduction.

This section shall not apply to health maintenance organizations which are federally qualified and regulated under the Federal Public Health Service Act.

CHAPTER 751

An act to amend Section 40227 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 40227 of the Health and Safety Code is amended to read:

40227. Each member of the bay district board shall receive actual and necessary expenses incurred in the performance of board duties, and may receive compensation, to be determined by the bay district board, not to exceed one hundred dollars ($100) for each day attending the meetings of the bay district board and committee meetings thereof, or, upon authorization of the bay district board, while on official business of the bay district, but the compensation

shall not exceed three thousand six hundred dollars ($3,600) in any one year. Compensation pursuant to this section shall be fixed by ordinance.

CHAPTER 752

An act to amend Sections 10270.97, 10293, 10506, and 12923 of the Insurance Code, relating to insurance.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 10270.97 of the Insurance Code is amended to read:

10270.97. Selected group disability insurance is that form of disability insurance conforming to the following conditions:

(a) Written under individual policies

(1) Issued to not less than five employees of the federal or state government, or of any federal or state agency, political subdivision or district, or of any public, governmental, or municipal corporation, or of any unit, agency, or department thereof, or of any corporation, copartnership or individual employer; or

(2) Issued to not less than 10 members of any association, which shall have been in existence for at least two years, having a constitution and bylaws and formed and continuously maintained in good faith for purposes other than that of obtaining insurance; and

(3) For amounts of insurance based upon individual selection by the insured employee or member, as the case may be.

(b) Notwithstanding the provisions of Section 10401 insurers may be permitted to file (for use in connection with selected group disability insurance), rate schedules that reflect a differential from the rates charged for identical policies issued on the individual basis, provided they do not make or permit any discrimination between selected groups.

SEC. 2. Section 10293 of the Insurance Code is amended to read:

10293. (a) The commissioner shall, after notice and hearing, withdraw approval of an individual or mass-marketed policy of disability insurance if after consideration of all relevant factors the commissioner finds that the benefits provided under such policy are unreasonable in relation to the premium charged. The commissioner shall, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary to establish the standard or standards by which he shall withdraw approval of any such policy. Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5

(commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and shall be effective 90 days after adoption by the commissioner.

(b) Unless the commissioner specifies otherwise in writing in the withdrawals, or subsequent thereto, grants an extension, any such withdrawal shall be effective prospectively and not retroactively on the 91st day following the mailing or delivery of the withdrawal.

(c) As used in this section:

(1) "Mass-marketed policy" means any group or blanket disability insurance policy which is offered by means of direct response solicitation through a sponsoring organization, or through the mails or other mass communications media and under which a person insured pays all or substantially all of the cost of his or her insurance.

(2) "Direct response solicitation" means any offer by an insurer to persons in this state, either directly or through a third party, to effect health insurance coverage which enables the individual to apply or enroll for the insurance on the basis of the offer. It shall not include solicitation for insurance through an employer benefit plan which is defined in Public Law 93-406, nor shall it include such a solicitation through the individual's creditor with respect to credit health insurance.

SEC. 3. Section 10506 of the Insurance Code is amended to read:

10506. (a) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, or with a variable life insurance policy, and which are to be, or may be, applied in payment or in making provision for payment of proceeds or benefits under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement without regard to any requirements or limitations prescribed by the laws of this state governing the investments of insurance companies. However, with regard to variable life insurance separate accounts and accumulations thereon, a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1, or without limitation in all or any portion of the shares of an investment company or companies (as defined by the Investment Company Act of 1940, Title 15, U.S.C Sec. 80a-1 et seq.). The limitations contained in Sections 1192.4 and 1198 are not applicable

to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement. The company shall not hold itself out to be a trustee in respect to such amounts.

(b) In addition to amounts otherwise allocated to separate accounts, a domestic life insurer may allocate to such account or accounts amounts which otherwise would be subject to investment in accordance with Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The aggregate of such additional amounts shall not, however, exceed 1 percent of its admitted assets as of the preceding December 31, or 5 percent of the excess of its admitted assets over its liabilities and required reserves as of the preceding December 31, whichever is the smaller. Such company shall be entitled to withdraw at any time, in whole or in part, its participation in any separate account to which funds have been allocated as provided in this subdivision and to receive, upon withdrawal, its proportionate share of the value of the assets of the separate account at the time of withdrawal.

(c) In addition to the allocations to separate accounts provided for in subdivision (a) of this section, a domestic insurer may, at the request of a policyholder or contract holder or the beneficiary of a policy or contract, allocate to any such separate account or accounts death payments, proceeds of matured endowments, dividends, or surrender values.

(d) Except with the approval of the commissioner, and under such conditions as to investments and other matters as he may prescribe, which shall recognize the guaranteed nature of the benefits provided, reserves for (1) benefits guaranteed as to dollar amount and duration and (2) funds guaranteed as to principal amount or stated rate of interest, shall not be maintained in a separate account.

(e) Unless otherwise approved by the commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or, if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account. Unless otherwise approved by the commissioner, the portion of any of the assets of such separate account equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in subdivision (d) of this section shall be valued in accordance with the rules otherwise applicable to the company's assets

(f) No sale, exchange, or other transfer of assets may be made by

a company between any of its separate accounts, or between any other of its investment accounts and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account is made (1) by a transfer of cash, or (2) by a transfer of securities having a readily determinable market value, and such transfer of securities is approved by the commissioner. The commissioner may approve other transfers among such accounts if, in his opinion, such transfer would not be inequitable.

(g) Any domestic life insurance company which establishes one or more separate accounts pursuant to this section may provide for special voting rights and procedures for participants in such separate account relating to investment policy, investment advisory services, and selection of certified public accountants in relation to the administration of the assets in any such separate account. Such voting rights shall be in addition to, and shall not affect, voting rights of mutual insurers.

(h) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, or policies of variable life insurance, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state and, in the case of a foreign or alien insurer, that it meets the conditions prescribed in Section 716, for the issuance of a certificate of authority. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (1) the history of the company; (2) the character, responsibility and general fitness of the officers and directors of the company; (3) the regulation of a foreign company by its state of domicile; (4) the adequacy of the investment management which the company is providing; and (5) the company's arrangements for the supervision of the marketing of such contracts. The commissioner may make such reasonable rules and regulations as he considers necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which

the separate accounts shall be administered and which types of such policies and contracts, if any, shall be subject to his or her approval prior to issue.

However, no company may provide variable benefits in its contracts unless it is an admitted insurer having and maintaining a combined capital and surplus of at least two million dollars ($2,000,000).

(i) (1) Any contract providing benefits payable in variable amounts delivered or issued for delivery in this state on or after the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature shall contain a statement of the essential features of the procedures to be followed by an insurance company in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a grouped contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount shall so vary, and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis. Except for Article 3a (commencing with Section 10159.1) of Chapter 1 of Part 2 of Division 2, in the case of a variable life insurance policy, and except as otherwise provided in this section, all pertinent provisions of this code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance contract, delivered or issued for delivery in this state on or after the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, shall contain such nonforfeiture provisions as are appropriate to such a contract.

(2) The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

SEC. 4. Section 12923 of the Insurance Code is amended to read:

12923. (a) With respect to all classes of insurance (1) to (20), inclusive, as defined in Sections 101 to 120, inclusive, the term actuary, for the purposes of this section, means:

(1) A member of the American Academy of Actuaries, or

(2) An individual who has demonstrated by training and experience actuarial competence to the satisfaction of the Insurance Commissioner.

(b) The commissioner shall, after notice and hearing, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, promulgate reasonable rules and regulations (1) describing the documents which must be signed by an actuary when such documents are filed with the commissioner, and (2) implementing the provisions of paragraph (2) of subdivision (a) of this section.

CHAPTER 753

An act to amend Section 206 of the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 206 of the Welfare and Institutions Code is amended to read:

206. No person taken into custody solely upon the ground that he or she is a person described in Section 300 or adjudged to be such and made a dependent child of the juvenile court pursuant to this chapter solely upon that ground shall, in any detention under this chapter, be brought into direct contact or personal association with any person taken into custody on the ground that he or she is a person described by Section 601 or 602, or who has been made a ward of the juvenile court on either such ground.

Separate, segregated facilities for the persons alleged to be within the description of Section 300, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground shall be provided by the board of supervisors. The separate, segregated facilities may be provided in the juvenile hall or elsewhere.

The facilities required by such section shall, with regard to minors alleged or adjudged to come within subdivision (a), (b), or (d) of Section 300 be nonsecure. The facilities provided to minors alleged or adjudged to come within subdivision (c) of Section 300 shall be secure.

For the purposes of this section, the term "secure facility" means a facility which is designed and operated so as to insure that all entrances to and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents. The term "nonsecure facility" means a facility that is not characterized by the use of physically restricting construction, hardware, and procedures and which provides its residents access to the surrounding community with minimal supervision. A facility shall not be deemed secure solely due to any of the following conditions: (1) the existence within the facility of a small room for the protection of individual residents from themselves or others; (2) the adoption of regulations establishing reasonable hours for residents to come and go from the facility based upon a sensible and fair balance between allowing residents free access to the community and providing the staff with sufficient authority to maintain order, limit

unreasonable actions by residents, and to insure that minors placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time; and (3) staff control over ingress and egress no greater than that exercised by a prudent parent. The State Department of Social Services may adopt regulations governing the use of small rooms pursuant to this section.

No record of the detention of such a person shall be made or kept by any law enforcement agency or the Department of Justice as a record of arrest.

CHAPTER 754

An act to amend Section 103 of the Fish and Game Code, relating to the Fish and Game Commission.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 103 of the Fish and Game Code is amended to read:

103. Each of the commissioners shall receive fifty dollars ($50) for each day of actual service performed in carrying out his or her official duties pursuant to law, but the amount of this compensation shall not exceed for any one commissioner the sum of two hundred fifty dollars ($250) for any one calendar month. In addition to this compensation the commissioners shall receive their actual and necessary expenses incurred in the performance of their duties.

The compensation and expenses provided in this section shall be paid out of the Fish and Game Preservation Fund.

CHAPTER 755

An act to add and repeal Sections 11002.5 and 11006.4 of, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 11002.5 is added to the Welfare and Institutions Code, to read:

11002.5. No aid under Chapter 2 (commencing with Section 11200) of this part shall be mailed to any recipient at an address outside of the United States of America.

Aid payments withheld pursuant to this section shall be made to a recipient upon his or her return to this state subsequent to the execution by the recipient of a statement, under penalty of perjury, that the recipient received no aid payments during his or her travel outside the United States.

This section shall remain in effect only until January 1, 1985, and shall have no force or effect on or after such date, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends such date.

SEC. 2. Section 11006.4 is added to the Welfare and Institutions Code, to read:

11006.4. Notwithstanding any other provision of law, when payment of aid under Chapter 2 (commencing with Section 11200) of this part is made by mail, the envelope shall bear on its face.

(a) A statement that it is not to be forwarded.

(b) A statement that address correction is requested.

This section shall remain in effect only until January 1, 1985, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends such date.

SEC. 3. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 756

An act to amend Section 25186 of, and to add and repeal Chapter 6.8 (commencing with Section 25300) to Division 20 of, the Health and Safety Code, and to add Part 22 (commencing with Section 43001) to Division 2 of the Revenue and Taxation Code, relating to hazardous substances, and making an appropriation therefor.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 25186 of the Health and Safety Code is amended to read:

25186. (a) The director, after a public hearing, may suspend or revoke any registration or permit issued pursuant to the provisions of this chapter based on any of the following:

(1) A violation of any provision of this chapter or any applicable requirement promulgated by the department pursuant to this

chapter.

(2) The aiding or abetting the violation of any provision of this chapter or any requirement promulgated by the department pursuant to this chapter.

(3) An act or omission associated with the transportation of hazardous wastes that could cause or allow hazard to public health or safety, domestic livestock, or wildlife.

(4) The misrepresentation or omission of a significant fact either in the application for the registration or in information subsequently reported to the department.

(5) Noncompliance with an order issued by the director.

(6) A violation of any provision contained in Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(b) In addition to the remedies provided in Section 25168.2, the director may temporarily suspend any certification of a truck, trailer, vacuum tank, cargo tank, or other container used to transport hazardous waste and may suspend the registration of a hazardous waste hauler issued pursuant to the provisions of this chapter prior to any hearing when, in the director's opinion, such action is necessary to prevent an imminent and substantial danger to health or the environment. The director shall notify the holder of the certification or registration of the temporary suspension and the effective date thereof and at the same time shall serve such person with an accusation. Upon receipt of a notice of defense to the accusation, the director shall set the matter for a hearing which shall be held as soon as possible but not later than 10 days after receipt of such notice of defense. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the merits, which in any event shall be made within 10 days after the completion of the hearing. If such determination is not transmitted within 10 days after the hearing is completed, the temporary suspension shall be of no further effect.

SEC. 2. Chapter 6.8 (commencing with Section 25300) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 6.8. HAZARDOUS SUBSTANCE ACCOUNT

Article 1. Short Title and Legislative Intent

25300. This chapter shall be known and may be cited as the Carpenter-Presley-Tanner Hazardous Substance Account Act.

25301. It is the intent of the Legislature to:

(a) Establish a program to provide for response authority for releases of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to the public health or the environment.

(b) Compensate persons, under certain circumstances, for out-of-pocket medical expenses and lost wages or business income

resulting from injuries proximately caused by exposure to releases of hazardous substances.

(c) Make available adequate funds in order to permit the State of California to assure payment of its 10 percent share of the costs mandated pursuant to Section 104(c)(3) of the federal act (42 U.S.C. 9604 (c)(3)).

Article 2. Definitions

25310. The definitions set forth in this article shall govern the interpretation of this chapter. Unless the context requires otherwise and except as provided in this article, the definitions contained in Section 101 of the federal act (42 U.S.C. 9601) shall apply to the terms used in this chapter.

25312. "Department" means the State Department of Health Services.

25313. "Director" means the Director of Health Services.

25315. "Federal act" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, P.L. 96-510 (42 U.S.C. 9601, et seq.).

25316. "Hazardous substance" means:

(a) Any substance designated pursuant to Section 1321 (b)(2)(A) of Title 33 of the United States Code.

(b) Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the federal act (42 U.S.C. 9602).

(c) Any hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by act of Congress.

(d) Any toxic pollutant listed under Section 1317 (a) of Title 33 of the United States Code.

(e) Any hazardous air pollutant listed under Section 7412 of Title 42 of the United States Code.

(f) Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action pursuant to Section 2606 of Title 15 of the United States Code.

(g) Any hazardous waste or extremely hazardous waste as defined by Sections 25117 and 25115, respectively, unless expressly excluded.

25317. "Hazardous substance" does not include:

(a) Petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in subdivisions (a) to (f), inclusive, of Section 25316, and natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), or the ash produced by a resource recovery facility utilizing a municipal solid waste stream

(b) Nontoxic, nonflammable, noncorrosive stormwater run-off

drained from underground vaults, chambers, or manholes into gutters or stormsewers.

25320. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

25321. "Release" does not include any of the following:

(a) Any release which results in exposure to persons solely within a workplace, with respect to a claim such exposed persons may assert against their employer.

(b) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine.

(c) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 2210 of Title 42 of the United States Code or, for the purposes of Section 104 of the federal act (42 U.S.C. 9604) or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under Section 7912(a)(1) or 7942(a) of Title 42 of the United States Code, which sections are a part of the Uranium Mill Tailings Radiation Control Act of 1978.

(d) The normal application of fertilizer, plant growth regulants, and pesticides.

25322. "Remedy" or "remedial action" includes those actions which are consistent with a permanent remedy, that are taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous substance into the environment, as further defined by Section 101 (24) of the federal act (42 U.S.C. 9601 (24)), except that any reference in Section 101(24) of the federal act (42 U.S.C. 9601(24)) to the President, relating to determinations regarding the relocation of residents, businesses, and community facilities shall, for the purposes of this chapter, be deemed to be a reference to the Governor and any other reference in that section to the President shall, for the purposes of this chapter, be deemed a reference to the Governor, or the director, if designated by the Governor.

25323. "Remove" or "removal" includes the cleanup or removal of released hazardous substances from the environment or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage which may otherwise result from a release or threatened release, as further defined by Section 101 (23) of the federal act (42 U.S.C. 9601 (23)).

25324. "State account" means the Hazardous Substance Account established pursuant to Section 25330.

25325. "Federally permitted release" shall have the same meaning as that term is defined in Section 101 (10) of the federal act (42 U.S.C. 9601 (10)).

25326. "A release authorized or permitted pursuant to state law"

means any release into the environment which is authorized by statute, ordinance, regulation, or rule of any state, regional, or local agency or government or by any specific permit, license, or similar authorization from any such agency, including one of the foregoing which recognizes a standard industry practice, including variances obtained from any such agency which allow operations for facilities during a period of time when releases from such facilities do not conform with relevant statutes, ordinances, regulations, or rules. The term includes a federally permitted release, as defined by Section 25325, and releases which are in accordance with any court order or consent decree.

Article 3. Hazardous Substance Account

25330. There is in the General Fund a Hazardous Substance Account which shall be administered by the director. In addition to any other moneys appropriated by the Legislature to the account, the following amounts shall be deposited in the account:

(a) All moneys recovered by the state account pursuant to Section 25360.

(b) Any moneys recovered by the State Board of Control pursuant to Section 25380.

(c) Any fines or civil penalties collected pursuant to Section 25343.

(d) The taxes collected pursuant to Article 4 (commencing with Section 25340).

(e) Any interest earned upon money deposited in the state account.

(f) Any moneys received from the federal government pursuant to the federal act.

25331. The state account may sue and be sued in its own name.

25332. The sum of two million dollars ($2,000,000) is hereby appropriated from the contingency reserve for economic uncertainties, which reserve is continued in existence by Section 12.30 of the Budget Act of 1981 (Ch. 99, Stats. 1981), as a loan to the state account for expenditures therefrom authorized by this chapter.

25333. The principal amount of the loan specified in Section 25332 shall be repaid in annual amounts of not less than four hundred thousand dollars ($400,000), plus interest, with the total loan to be repaid on or before January 1, 1986. The loan shall be repaid with interest charged at the rate for the Pooled Money Investment Account in the General Fund for the 1981–82 fiscal year. The Director of Finance may prescribe additional terms and conditions for this loan.

Article 4. Tax

25340. "Board," as used in this article, means the State Board of Equalization.

25341. (a) "Dispose" or "disposal," as used in this article, means

to abandon, deposit, inter, or otherwise discard waste into or on land as a final action after use has been achieved and no intended beneficial use or reuse can be demonstrated by any person.

(b) "Dispose" or "disposal" shall not include any injection of fluids or other materials for the purpose of stimulating or treating wells for the production of crude oil, natural gas, water or geothermal energy or for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or fluids or other materials which are brought to the surface in conjunction with the production of geothermal resources, crude oil or natural gas and which are reinjected.

25342. On or before March 1 of each year every person who submitted for disposal offsite, or who disposed of onsite, hazardous waste or extremely hazardous waste in the state during the preceding year shall report to the board the following information:

(a) The total amount of hazardous or extremely hazardous waste, as defined by Sections 25117 and 25115, respectively, the federal regulation of which has been suspended under the Solid Waste Disposal Act (42 U.S.C. 6901) by act of Congress, which that person has disposed of, or submitted for disposal, in the state, plus the total amount of waste and material, on a total wet weight basis, and which that person has transferred to a surface impoundment in the state for purposes of reducing the water content of such waste and material by evaporation, exclusive of that waste specified in subdivision (d).

(b) The total amount of hazardous waste disposed of, or submitted for disposal, in the state by such person, exclusive of that waste specified in subdivisions (a) and (d).

(c) The total amount of extremely hazardous waste disposed of, or submitted for disposal, in the state by such person, exclusive of that waste specified in subdivisions (a) and (d).

(d) The total amount of hazardous or extremely hazardous waste that person has disposed of, or submitted for disposal, in the state from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from mining of uranium ore.

25343. Any person who fails to file the report required by Section 25342 shall be liable for a civil penalty not to exceed five hundred dollars ($500) for each day the violation continues. In addition, any person who knowingly fails to file such report shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars ($25,000) for each day the violation continues, or by imprisonment in the county jail for a period not to exceed one year, or both.

25344. On March 15th of each year the board shall certify to the Governor:

(a) The total amount of waste and material specified by all persons pursuant to subdivision (a) of Section 25342.

(b) The total amount of waste specified by all persons pursuant to subdivision (b) of Section 25342.

(c) The total amount of waste specified by all persons pursuant to

subdivision (c) of Section 25342.

(d) The total amount of waste specified by all persons pursuant to subdivision (d) of Section 25342.

(e) The total amount of taxes to be collected pursuant to this chapter.

25345. (a) There is hereby imposed a tax, payable annually, and to be collected by the board, upon each ton or fraction thereof, of waste and material specified in Section 25342, according to the formula specified herein. The board shall set the base tax rate upon the waste and material specified in Section 25342 in accordance with the following formula:

$$\text{Base tax rate} = \frac{(\$10{,}000{,}000\text{-}M)}{(0.15W_1 + W_2 + 2W_3 + 0.01W_4)}$$

where:

(1) "M" is the existing unobligated balance in the fund on December 31 of the immediately preceding year. (M shall equal zero (0) for December 31, 1981.)

(2) W_1 is the total amount in tons of waste and material specified in subdivision (a) of Section 25344.

(3) W_2 is the total amount in tons of waste specified in subdivision (b) of Section 25344.

(4) W_3 is the total amount in tons of waste specified in subdivision (c) of Section 25344.

(5) W_4 is the total amount in tons of waste specified in subdivision (d) of Section 25344.

(b) On or before June 1 of each year, using the formula specified in subdivision (a), the board shall determine the base tax rate for the current year.

(c) The tax imposed upon each person subject to Section 25342 shall be assessed according to the following formula:

$$\text{Tax} = (\text{base tax rate}) \times (0.15\ P_1 + P_2 + 2P_3 + 0.01P_4)$$

where:

(1) "Base tax rate" equals the figure determined pursuant to subdivision (c).

(2) P_1 is the amount in tons of waste and material specified by such person pursuant to subdivision (a) of Section 25342.

(3) P_2 is the amount in tons of waste specified by such person pursuant to subdivision (b) of Section 25342.

(4) P_3 is the total amount in tons of waste specified by such person pursuant to subdivision (c) of Section 25342.

(5) P_4 is the total amount in tons of waste specified by such person pursuant to subdivision (d) of Section 25342.

(d) On or before June 1 of each year, the board shall send to each person subject to Section 25342 a notice of assessment by means of

registered or certified mail.

(e) On or before July 1 of each year each person subject to Section 25342 shall pay to the board the amount of such assessment as stated in the notice. The tax under this chapter shall not be imposed again on hazardous waste or extremely hazardous waste if such waste, or any portion thereof, is removed subsequently to another place for disposal; provided that such person shall have paid the amount of assessment for such waste in accordance with this section before the removal thereof.

25346. The taxes collected pursuant to this article shall be deposited in the state account.

25347. After deducting the loan payments specified in Section 25333, the total taxes collected pursuant to this chapter, when combined with the existing unobligated balance in the state account, shall not exceed that amount necessary to maintain a maximum average annual balance in the state account of ten million dollars ($10,000,000). In no event shall the total taxes collected in any one fiscal year pursuant to this chapter exceed the difference between ten million dollars ($10,000,000) less the existing unobligated balance in the state account, or ten million dollars ($10,000,000) whichever is less.

25348. The board shall enforce the provisions of this article and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this article.

Article 5. Uses of the State Account

25350. For response actions taken pursuant to the federal act, only those costs for actions which are consistent with the priorities, guidelines, criteria, and regulations contained in the national contingency plan, as revised and republished pursuant to Section 105 of the federal act (42 U.S.C. 9605), shall qualify for appropriation by the Legislature and expenditure by the director pursuant to Sections 25351, 25352, and 25354. For response actions not taken pursuant to the federal act or for response actions taken which are not specifically addressed by the priorities, guidelines, criteria, and regulations contained in the national contingency plan, as revised and republished, the costs thereof shall also qualify for appropriation by the Legislature and expenditure by the department pursuant to Sections 25351, 25352, and 25354 provided they are, to the maximum extent possible, consistent with the priorities, guidelines, criteria, and regulations contained in the national contingency plan for similar releases, situations, or events. No response actions taken pursuant to this chapter by the department or regional or local agencies shall duplicate federal response actions.

25351. Consistent with the requirements of Section 114(c) of the federal act (42 U.S.C. 9614(c)), moneys in the state account may be expended by the director, upon appropriation by the Legislature, for the following purposes:

(a) The costs and expenses reasonably necessary for, and incidental to, the administration of this chapter by the department.

(b) The state share mandated pursuant to Section 104(c)(3) of the federal act (42 U.S.C. 9604(c)(3)).

(c) The purchase by the state, or by any local agency with the prior approval of the director, of hazardous substance response equipment and other preparations for response to a release of hazardous substances. However, all equipment shall be purchased in a cost-effective manner after consideration of the adequacy of existing equipment owned by the state or the local agency, and the availability of equipment owned by private contractors.

(d) For reimbursement of all costs of removal and remedial action incurred by the state, or by any local agency with the approval of the director, in response to a release or threatened release of a hazardous substance to the extent the costs are not reimbursed by the federal act.

(e) All costs incurred in cooperation with the Agency for Toxic Substances and Disease Registry established pursuant to Section 104(i) of the federal act (42 U.S.C. 9604(i)) and all costs of health effects studies undertaken regarding specific sites or specific substances at specific sites. Funds appropriated for this purpose shall not exceed five hundred thousand dollars ($500,000) in any single fiscal year. However, such actions shall not duplicate reasonably available federal actions and studies.

(f) All federal funds deposited in the state account shall be expended for the purposes for which they were provided to the state.

(g) The department shall adopt any regulations necessary to carry out its responsibilities pursuant to this chapter, including, but not limited to, regulations governing the expenditure of, and accounting procedures for, moneys allocated to state, regional, and local agencies pursuant to this chapter.

25352. Money deposited in the state account may also be appropriated by the Legislature to the department on a specific site basis for the following purposes:

(a) For all costs incurred in restoring, rehabilitating, replacing, or acquiring the equivalent of, any natural resource injured, degraded, destroyed, or lost as a result of any release of a hazardous substance, to the extent the costs are not reimbursed pursuant to the federal act and taking into account processes of natural rehabilitation, restoration, and replacement.

(b) For all costs incurred in assessing short-term and long-term injury to, degradation or destruction of, or any loss of any natural resource resulting from a release of a hazardous substance, to the extent that the costs are not reimbursed pursuant to the federal act. No costs may be incurred for any release of a hazardous substance from any facility or project pursuant to subdivisions (a) or (b) for injury, degradation, destruction, or loss of any natural resource where such injury, degradation, destruction, or loss was specifically identified as an irreversible and irretrievable commitment of natural

resources in an environmental impact statement prepared under the authority of the National Environmental Policy Act (42 U.S.C. 4341, et seq.), or was identified as a significant environmental effect to such natural resources which cannot be avoided in an environmental impact report prepared pursuant to the provisions of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, and a decision to grant a permit, license, or similar authorization for any facility or project is based upon a consideration of such significant environmental effects to such natural resources, and the facility or project was otherwise operating within the terms of its permit, license, or similar authorization at the time of release.

(c) Notwithstanding the provisions of Section 25355, the Governor, or the authorized representative of the state, shall act on behalf of the public as trustee of such natural resources to recover costs expended pursuant to subdivision (a) or (b).

25353. (a) No money shall be available for remedial action with respect to facilities, owned or operated by a government entity at the time of disposal to the extent that the governmental entity would otherwise be liable for such costs.

(b) No money may be used for the purposes specified in Section 25352 where the injury, degradation, destruction, or loss to natural resources, or the release of a hazardous substance from which such damages to natural resources resulted, has occurred prior to the effective date of this chapter.

25354. (a) There is hereby continuously appropriated from the state account to the department, without regard to fiscal years, the sum of one million dollars ($1,000,000) for each fiscal year as a reserve account for emergencies. The department may expend moneys available in the reserve account for the purpose of taking immediate corrective action necessary to remedy or prevent an imminent substantial danger to the public health or the environment caused by the release or threatened release of a hazardous substance.

(b) Notwithstanding any other provision of law, the department may enter into written contracts for corrective action taken or to be taken pursuant to subdivision (a), and may enter into oral contracts, not to exceed two thousand dollars ($2,000) in obligation, when in the judgment of the department immediate corrective action is necessary to remedy or prevent an imminent substantial danger to the public health, domestic livestock, wildlife, or the environment. Such contracts, whether written or oral, may include provisions for the rental of tools or equipment, either with or without operators furnished, and for the furnishing of labor and materials necessary to accomplish the work. Any such contract by the department shall be exempt from approval by the Department of General Services pursuant to the provisions of Section 14780 of the Government Code.

(c) Any disbursement made pursuant to subdivision (a) shall be reported to the Director of Finance within 72 hours of commencement of the corrective action taken.

(d) Once the appropriation made pursuant to subdivision (a) is fully expended, the director shall file a report with the Legislature if it is in session, or if it is not in session, with the Committee on Rules of the Assembly and the Senate as to the moneys expended pursuant to this section. The Legislature may appropriate moneys from the state account, in addition to those appropriated pursuant to subdivision (a), to the department for the purpose of taking corrective action pursuant to subdivision (a).

25355. (a) The Governor shall be responsible for the coordination of all state response actions for sites identified in Section 25356 in order to assure the maximum use of available federal funds.

(b) The director shall not initiate removal or remedial action pursuant to this chapter unless the director determines that such actions will not be done properly or in a timely fashion by any responsible party.

25356. On or prior to April 1, 1982, the department shall publish by regulation a ranking of sites requiring remedial action taking into account pertinent factors related to substantial protection of the public health and the environment and the criteria established pursuant to Section 105 (8) of the federal act (42 U.S.C. 9605 (8)). Funds appropriated to the department for remedial action shall be expended according to the priority listing of sites. However, no such funds shall be expended for remedial action reimbursed under the federal act.

25357. Expenditures from the state account shall not be made in excess of the total amount of money in the state account at any one time. Expenditures in excess of such amount may be made only when additional money is collected or otherwise added to the state account.

25358. The state shall actively seek to obtain all federal funds to which it is entitled under the federal act and shall take all actions necessary to enter into contractual or cooperative agreements under Sections 104 (c) (3) and 104 (d) (1) of the federal act (42 U.S.C. 9604 (c) (3) and 42 U.S.C. 9604 (d) (1)).

Article 6. Recovery Actions

25360. Any costs incurred and payable from the state account shall be recovered by the department from the liable person or persons. In addition, such person or persons shall be liable to the department for administrative costs in an amount equal to 10 percent of the reasonable cost actually incurred, or five hundred dollars ($500), whichever is greater. The amount of cost determined pursuant to this section shall be recoverable in a civil action. Nothing in this section shall deprive a party of any defense he or she may have. Moneys recovered by the department pursuant to this section shall be deposited in the state account.

25361. The state account shall be a party in any action for recovery of costs or expenditures under this chapter.

25362. Upon motion and sufficient showing by any party, the court shall join to the action any person who may be liable for costs or expenditures of the type recoverable under this chapter.

25363. (a) Any party found liable for any costs or expenditures recoverable under this chapter who establishes by a preponderance of the evidence that only a portion of such costs or expenditures are attributable to his or her actions, shall be required to pay only for such portion.

(b) If the trier of fact finds the evidence insufficient to establish each party's portion of costs or expenditures under subdivision (a), the court shall apportion such costs or expenditures, to the extent practicable, according to equitable principles, among the defendants.

(c) The state account shall pay any portion of the judgment in excess of the aggregate amount of costs or expenditures apportioned under subdivisions (a) and (b).

25364. No indemnification, hold harmless, conveyance, or similar agreement shall be effective to transfer any liability for cost or expenditures recoverable under this chapter. This section shall not bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any costs or expenditures under this chapter.

25365. The entry of judgment against any party to the action shall not be deemed to bar any future action by the state account against any person who is later discovered to be potentially liable for costs and expenditures paid by the state account.

25366. (a) This chapter shall not be construed as imposing any new liability associated with acts that occurred on or before January 1, 1982, if the acts were not in violation of existing state and federal laws, or regulations, at the time they occurred.

(b) Nothing in this chapter shall be construed as authorizing recovery for response costs or damages resulting from any release authorized or permitted pursuant to state law or a federally permitted release.

(c) Except as provided in Sections 25360, 25361, 25362, and 25363, nothing in this chapter shall affect or modify in any way the obligations or liability of any person under any other provision of state or federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

Article 7. Compensation

25370. "Board," as used in this article, means the State Board of Control.

25371. There is hereby established within the state account, a Hazardous Substance Compensation Account.

25372. Any person may apply to the board, pursuant to Section 25373, for compensation of a loss caused by the release, in California,

of a hazardous substance if any of the following conditions are met:

(a) The source of the release of the hazardous substance, or the identity of the party liable for damages in connection therewith, or responsible for the costs of removal of the hazardous substance, is unknown or cannot, with reasonable diligence, be determined.

(b) The loss was not compensable pursuant to law, including Chapter 6.5 (commencing with Section 25100), because there is no liable party or the judgment could not be satisfied, in whole or part, against the party determined to be liable for the release of the hazardous substance.

25373. The board shall prescribe appropriate forms and procedures for claims filed pursuant to this article, which shall include, as a minimum, all of the following:

(a) A provision requiring the claimant to make a sworn verification of the claim to the best of his or her knowledge.

(b) A full description, supported by appropriate evidence from government agencies of the release of the hazardous substance claimed to be the cause of the physical injury or illness or loss of income.

(c) Certification by the claimant of dates and places of residence for the five years preceding the date of the claim.

(d) Certification of the medical history of the claimant for the five years preceding the date of the claim, along with certification of the alleged physical injury or illness and expenses for such physical injury or illness. Such certification shall be made by hospitals, physicians, or other qualified medical authorities.

(e) The claimant's income as reported on the claimant's federal income tax return for the preceding three years in order to compute lost wages or income.

(f) Any person who knowingly gives, or causes to be given, any false information as a part of any such claim shall be guilty of a misdemeanor and shall, upon conviction, be fined up to five thousand dollars ($5,000), or imprisoned for not more than one year, or both.

25374. All decisions rendered by the board shall be in writing, with notification to all appropriate parties, and shall be rendered within 90 days of submission of a claim to the board unless all the parties to the claim agree in writing to an extension of time. Such decision shall be considered a final agency action for the purposes of judicial review of such decision by any party to the proceedings resulting in such decision.

25375. The following losses shall be compensable pursuant to this article, provided that the board has found that the claimant has established, by the weight of the evidence, that such losses were proximately caused by the designated release:

(a) One hundred percent of uninsured, out-of-pocket medical expenses, for up to three years from the onset of treatment.

(b) Eighty percent of any uninsured, actual lost wages, or business income in lieu of wages, caused by injury to the claimant or the

claimant's property, not to exceed fifteen thousand dollars ($15,000) per year for three years.

No money shall be used for the payment of any claim authorized by this chapter, where such claim is the result of long-term exposure to ambient concentrations of air pollutants.

25376. No claim may be presented to the board pursuant to this article later than three years from the date of discovery of the loss or from January 1, 1982, whichever is later.

25377. Nothing in this article shall require, or be deemed to require, pursuit of any claim against the board as a condition precedent to any other remedy.

25378. Compensation of any loss pursuant to this article shall preclude indemnification or reimbursement from any other source for the identical loss, and indemnification or reimbursement from any other source shall preclude compensation pursuant to this article.

25379. No compensation or decision under this chapter shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other section of this division or under any other provision of law, including common law. In addition, no settlement reached pursuant to this chapter shall be admissible as evidence in any such proceeding.

25380. Compensation of any loss pursuant to this article shall be subject to the state's acquiring, by subrogation, all rights of the claimant to recover such loss from the party determined to be liable therefor. Upon the request of the board, the Attorney General shall commence an action to recover any amount paid in compensation for any loss pursuant to this article against any party who is liable to the claimant for any loss compensable pursuant to this article in accordance with the procedures set forth in Sections 25360 to 25364, inclusive. Moneys recovered pursuant to this section shall be deposited in the state account.

25381. The board shall adopt, and revise when appropriate, all rules and regulations necessary to implement the provisions of this article, including methods that provide for establishing that a claimant has exercised reasonable diligence in satisfying the conditions specified in Sections 25372 and 25373 and regulations that specify the proof necessary to establish a loss compensable pursuant to this article.

(a) Claims approved by the board under the provisions of this article shall be paid from the Hazardous Substance Compensation Account

(b) The Legislature may, commencing July 1, 1982, appropriate up to two million dollars ($2,000,000) annually from the state account to the Hazardous Substance Compensation Account to be used as a revolving fund by the board for the payment of awards pursuant to this article. However, the total amount in the Hazardous Substance Compensation Account shall not exceed two million dollars ($2,000,000) in any fiscal year

(c) Claims against or presented to the board shall not be paid in excess of the amount of money available in the Hazardous Substance Compensation Account. Such claims shall be paid only when additional money is collected, appropriated, or otherwise added to that account.

25382. The board may expend from the Hazardous Substance Compensation Account such sums of money as are reasonably necessary to administer and carry out the provisions of this article.

Article 8. Miscellaneous

25395. This chapter and the tax imposed by Section 25345 shall remain in effect only until July 1, 1991, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1991, deletes or extends such date.

SEC. 3. Part 22 (commencing with Section 43001) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 22. HAZARDOUS SUBSTANCES TAX LAW

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

43001. This part shall be known and may be cited as the Hazardous Substances Tax Law.

43002. The collection of the tax imposed by Sections 43051 and 43052 shall be governed by the definitions contained in Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300), respectively, of Division 20 of the Health and Safety Code unless expressly superseded by the definitions contained in this part.

43003. Except where the context otherwise requires, the definitions contained in this chapter shall govern the construction of this part.

43004. The provisions of this part insofar as they are substantially the same as existing provisions of law relating to the same subject matter shall be construed as restatements and continuations and not as new enactments.

43005. Any action or proceeding commenced before this part takes effect, or any right accrued, is not affected by this part, but all procedures taken shall conform to the provisions of this part as far as possible.

43006. "Person" includes any individual, firm, cooperative organization, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, this state, any county, city and county, municipality, district, public agency or subdivision of this state or any other group or combination acting as a unit

43007. "Board" means the State Board of Equalization

43008. "Fee," as used in this part, means a tax levied by this state.

43009. "In this state" means within the exterior limits of the State

of California and includes all territory within those limits owned by or ceded to the United States of America.

43010. "Department" means the State Department of Health Services.

43011. "Director" means the State Director of Health Services.

43012. "Taxpayer" means a person liable for the payment of a tax imposed pursuant to this part.

CHAPTER 2. THE HAZARDOUS SUBSTANCES TAX

Article 1. Imposition of Tax

43051. The board is hereby authorized to collect the fee imposed pursuant to Section 25174 of the Health and Safety Code.

43052. The board is hereby authorized to collect the tax imposed pursuant to Section 25345 of the Health and Safety Code.

Article 2. Registration and Security

43101. The issuance of any hazardous waste facilities permit by the department shall constitute the registration of the person to whom the permit is issued as a taxpayer under this part. Upon the issuance of any such permit the department shall furnish a copy thereof to the board.

43102. The board, whenever it deems it necessary to insure compliance with this part, may require any person subject thereto to place with it such security as the board may determine. The board may sell the security at public auction if it becomes necessary to do so in order to recover any tax or any amount required to be collected, interest, or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail. If service is made by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his or her address as it appears in the records of the board. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board 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 person who placed the security.

CHAPTER 3. DETERMINATIONS

Article 1 Returns and Payments

43151 The taxes imposed by Section 43051 are due and payable to the board monthly on or before the 15th day of each calendar month Each taxpayer, on or before the 15th day of each month, shall make out a tax return for the preceding calendar month, in such

form as is prescribed by the board, showing the total amount of hazardous waste subject to the tax, the amount of tax for the period covered by the return, and such other information as the board deems necessary. The taxpayer shall deliver the return, together with a remittance of the amount of tax due, to the office of the board on or before the 15th day of the month.

43152. The taxes imposed by Section 43052 are due and payable to the board annually on or before July 1 of each year. Each taxpayer, on or before March 1 of each year, shall make out a tax return for the preceding calendar year, in such form as is prescribed by the board and such other information as the board deems necessary.

43153. The board, if it deems it necessary in order to insure payment or facilitate collection of the amount of taxes, may require returns and payment of the amount of taxes for other than the periods specified in Sections 43151 and 43152.

43154. The board for good cause may extend, for a period of time not to exceed one month, the time for making any return or paying any amount required to be paid under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted

Any person to whom an extension is granted shall pay, in addition to the tax, interest at the rate of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension until the date of payment.

43155. If the tax is not paid to the board within the time prescribed for the payment of the tax, a penalty of 10 percent of the amount of the tax shall be added thereto on account of the delinquency

43156. All taxes not paid on the date when due and payable shall bear interest at the rate of 1 percent per month, or fraction thereof, from and after that date until paid.

43157. If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 43155 and 43251.

Any person seeking to be relieved of the penalty shall file with the board a statement, under penalty of perjury, setting forth the facts upon which he or she bases his or her claim for relief.

Article 2. Deficiency Determinations

43201. If the board is dissatisfied with the return or returns filed or the amount of tax paid to the state by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one, or for more than one,

period. The amount of tax so determined shall bear interest at the rate of 1 percent per month, or fraction thereof, from the date the amount of the tax, or any portion thereof, should have been reported until the date of payment. In making a determination, the board may offset overpayments for a period or periods against underpayments for another period or periods and against the interest and penalties on the underpayments. If any part of the deficiency for which a determination of an additional amount due is made is found to have been occasioned by negligence or intentional disregard of this part or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as provided above. If any part of the deficiency for which a determination of an additional amount due is made is found to be occasioned by fraud or an intent to evade this part or authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as provided above. The board shall give to the taxpayer written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the taxpayer at his or her address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, subpost office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

43202. Except in the case of fraud, intent to evade this part, authorized rules and regulations, or failure to make a return, every notice of a determination of an additional amount due shall be given within three years after the date when the amount should have been returned. In the case of failure to make a return, the notice of determination shall be mailed within eight years after the date the return was due.

43203. In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

43204. If before the expiration of the time prescribed in Section 43202 for the mailing of a notice of deficiency determination the taxpayer has consented in writing to the mailing of the notice after such time, the notice may be mailed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Article 3. Determinations If No Return Made

43251. If any taxpayer fails to make a return required by this part, the board shall make an estimate, based upon any information available to it, for the period or periods with respect to which the taxpayer failed to make a return of all hazardous wastes disposed of in this state by the taxpayer. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus fixed a penalty equal to 10 percent thereof. One or more determinations may be made of the amount of tax due for one, or for more than one, period. The amount of tax so determined shall bear interest at the rate of 1 percent per month, or fraction thereof, from the date the amount of the tax, or any portion thereof, should have been returned until the date of payment. In making a determination the board may offset overpayments for a period or periods against underpayments for another period or periods and against interest and penalties on the underpayments. If any part of the deficiency for which a determination is made is due to negligence or intentional disregard of this part or authorized rules, an additional penalty of 10 percent of the amount of the determination shall be added. If the neglect or refusal of a taxpayer to file a return as required by this part was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to 25 percent thereof in addition to the 10 percent penalty. The board shall give to the taxpayer written notice of the estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by Section 43201.

Article 4. Redeterminations

43301. Any person from whom an amount is determined to be due under Article 2 (commencing with Section 43201) or Article 3 (commencing with Section 43251), or any person directly interested, may petition for a redetermination thereof within 30 days after service upon him or her of notice of the determination. If a petition for redetermination is not filed within the 30-day period, the amount determined to be due becomes final at the expiration thereof.

No petition for redetermination of taxes determined under this part shall be accepted or considered by the board if the petition is founded upon the grounds that the director has improperly or erroneously determined that any substance is a hazardous or extremely hazardous waste. Any appeal of a determination that a substance is a hazardous or extremely hazardous waste must be made to the director.

43302. Every petition for redetermination shall be in writing and shall state the specific grounds upon which the petition is founded. The petition may be amended to state additional grounds at any time prior to the date on which the board issues its order or decision upon the petition for redetermination.

43303. If a petition for redetermination is filed within the 30-day period, the board shall reconsider the amount determined to be due, and if the person has so requested in his or her petition, the board shall grant him or her an oral hearing and shall give him or her 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

43304. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. Unless the 25 percent penalty imposed by Section 43201 or 43251 applies to the amount of the determination as originally made or as increased, the claim for increase must be asserted within eight years after the date the return for the period for which the increase is asserted was due.

43305. The order or decision of the board upon a petition for redetermination shall become final 30 days after service upon the petitioner of notice thereof.

43306. All amounts determined to be due by the board under Article 2 (commencing with Section 43201) or Article 3 (commencing with Section 43251) are due and payable at the time they become final, and if not paid when due and payable, there shall be added thereto a penalty of 10 percent of the amount determined to be due.

43307. Any notice required by this article shall be served personally or by mail in the same manner as prescribed for service of notice by Section 43201.

Article 5. Jeopardy Determinations

43350. If the board believes that the collection of any amount of tax will be jeopardized by delay, it shall thereupon make a determination of the amount of tax due, noting that fact upon the determination, and the amount of tax shall be immediately due and payable. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid, or a petition for redetermination is not filed, within 10 days after the service upon the taxpayer of notice of the determination, the determination becomes final, and the delinquency penalty and interest provided in Sections 43155 and 43156 shall attach to the amount of tax specified therein.

43351. The taxpayer against whom a jeopardy determination is made may file a petition for the redetermination thereof, pursuant to Article 4 (commencing with Section 43301), with the board within 10 days after the service upon the taxpayer of notice of the determination, but he or she shall, within the 10-day period, deposit with the board such security as it deems necessary to insure compliance with the provisions of this part. The security may be sold by the board at public sale if it becomes necessary in order to recover any amount due under this part. Notice of the sale may be served upon the person who deposited the security personally or by mail in

the same manner as prescribed for service of notice by Section 43201. Upon any such sale, the surplus, if any, above the amount due under this part shall be returned to the person who deposited the security.

43352. In accordance with such rules and regulations as the board may prescribe, the person against whom a jeopardy determination is made may apply for an administrative hearing for one or more of the following purposes:

(a) To establish that the determination is excessive.

(b) To establish that the sale of property that may be seized after issuance of the jeopardy determination, or any part thereof, shall be delayed pending the administrative hearing because the sale would result in irreparable injury to the person.

(c) To request the release of all or a part of the property to the person.

(d) To request a stay of collection activities.

The application shall be filed within 30 days after service of the notice of jeopardy determination and shall be in writing and state the specific factual and legal grounds upon which it is founded. The person shall not be required to post any security in order to file the application and to obtain the hearing. However, if the person does not deposit, within the 10-day period prescribed in Section 43351, such security as the board may deem necessary to ensure compliance with this part, the filing of the application shall not operate as a stay of collection activities, except sale of property seized after issuance of the jeopardy determination. Upon a showing of good cause for failure to file a timely application for administrative hearing, the board may allow a filing of the application and grant the person an administrative hearing. The filing of an application pursuant to this section shall not affect the provisions of Section 43350 relating to the finality date of the determination or to penalty or interest

CHAPTER 4. COLLECTION OF TAX

Article 1. Suit for Tax

43401. The board may bring such legal actions as are necessary to collect any deficiency in the tax required to be paid, and, upon the board's request, the Attorney General shall bring the actions.

43402. In any suit brought to enforce the rights of the state with respect to taxes, a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency of the amount of tax, interest, and penalty set forth therein, and of compliance by the board with all provisions of this part in relation to the computation and levy of the tax. In the action a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6 5 of Part 2 of the Code of Civil Procedure without the showing required by Section 485.010 of the Code of Civil Procedure.

Article 2. Judgment for Tax

43411. Whenever any tax, interest, or penalty is not paid when due, the board may file in the office of the County Clerk of Sacramento County, or any other county, a certificate specifying the amount of the tax, interest, and penalty due, the name and last known address of the taxpayer liable for it, that the board has complied with all the provisions of this part in relation to the computation and levy of the tax, and requesting that judgment be entered against the taxpayer in the amount of the tax, interest, and penalty set forth in the certificate. The county clerk, immediately upon the filing of the certificate, shall enter a judgment for the people of the State of California against the taxpayer in the amount of the tax, interest, and penalty set forth in the certificate. The judgment may be filed by the county clerk in a loose-leaf book entitled "Special Judgment for State Excise Tax."

43412. An abstract or copy of the judgment entered under Section 43411 may be recorded with the county recorder of any county, and from the time of such recording, the amount of the taxes, interest, and penalty set forth in the judgment shall constitute a lien upon all the real property owned by the taxpayer in the county or which he or she may acquire afterwards and before the lien expires, which lien shall have the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the recording of the abstract unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the recording of the abstract, or within 10 years from the date of the last extension of the lien, be extended by recording a new abstract in the office of the county recorder of any county and from the time of such recording, the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged. Execution shall issue upon such a judgment upon the request of the board in the same manner as execution may issue upon other judgments, and sales shall be held under the execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the board shall act on behalf of the people of the State of California.

43413. (a) If any person fails to pay any amount imposed pursuant to this part at the time that it becomes due and payable, the amount thereof, including penalties and interest, together with any costs in addition thereto, shall thereupon be a perfected and enforceable state tax lien. Such a lien is subject to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code.

(b) For the purpose of this section, amounts are "due and payable" on the following dates:

(1) For amounts disclosed on a return received by the board before the date the return is delinquent, the date the return would have been delinquent

(2) For amounts disclosed on a return filed on or after the date the

return is delinquent, the date the return is received by the board.

(3) For amounts determined under Section 43350 (pertaining to jeopardy assessments), the date the notice of the board's finding is mailed or issued.

(4) For all other amounts, the date the assessment is final.

43414. (a) If the board determines that the amount of tax, interest, and penalties are sufficiently secured by a lien on other property or that the release or subordination of the lien imposed under this article will not jeopardize the collection of the amount of the tax, interest, and penalties, the board may at any time release all or any portion of the property subject to the lien from the lien or may subordinate the lien to other liens and encumbrances.

(b) If the board finds that the liability represented by the lien imposed under this article, including any interest accrued thereon, is legally unenforceable, the board may release the lien.

(c) A certificate by the board to the effect that any property has been released from a lien or that the lien has been subordinated to other liens and encumbrances is conclusive evidence that such property has been released or that the lien has been subordinated as provided in the certificate.

Article 3. Warrant for Collection

43421. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within 10 years after the last recording of an abstract under Section 43412 or the last recording or filing of a notice of state tax lien under Section 7171 of the Government Code, the board, or its authorized representative, may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the state under this part. The warrant shall be directed to any sheriff, marshal, or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of, and sale pursuant to, a writ of execution.

43422. The board may pay or advance to the sheriff, marshal, or constable, the same fees, commissions, and expenses for their services as are provided by law for similar services pursuant to a writ of execution. The board, and not the court, shall approve the fees for publication in a newspaper.

43423. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from him or her by virtue of the warrant or in any other manner provided in this part for the collection of the tax.

Article 4 Seizure and Sale

43431. Whenever any taxpayer is delinquent in the payment of the tax, the board, or its authorized representative, may seize any

property, real or personal, of the taxpayer, and sell at public auction the property seized, or a sufficient portion thereof, to pay the tax due, together with any penalties imposed for the delinquency and all costs that have been incurred on account of the seizure and sale.

43432. Written notice of the intended sale, and the time and place thereof, shall be given to the delinquent taxpayer and to all persons appearing of record to have an interest in the property at least 10 days before the date set for the sale by enclosing the notice in an envelope addressed to the taxpayer at his or her last known residence or place of business in this state as it appears upon the records of the board, if any, and depositing it in the United States registered mail, postage prepaid. The notice shall also be published pursuant to Section 6062 of the Government Code in the county in which the property seized is to be sold. If there is no newspaper of general circulation in the county, the notice shall be posted in three public places in the county for the 10-day period. The notice shall contain a description of the property to be sold, a statement of the amount of the taxes, penalties, and costs, the name of the taxpayer, and the further statement that unless the taxes, penalties, and costs are paid on or before the time fixed in the notice for the sale, the property, or so much thereof as may be necessary, will be sold in accordance with law and the notice.

43433. At the sale the property shall be sold by the board, or by its authorized agent, in accordance with law and the notice, and the board shall deliver to the purchaser a bill of sale for the personal property and a deed for any real property sold. The bill of sale or deed vests title in the purchaser subject to a right of redemption as prescribed in the Code of Civil Procedure upon sales of real property on execution. The unsold portion of any property seized may be left at the place of sale at the risk of the taxpayer.

43434. If upon the sale the moneys received exceed the amount of all taxes, penalties, and costs due the state from the taxpayer, the board shall return the excess to him or her and obtain his or her receipt. If any person having an interest in or lien upon the property files with the board prior to the sale notice of his or her interest, the board shall withhold any excess pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the taxpayer is not available, the board shall deposit the excess moneys with the State Treasurer, as trustee for the owner, subject to the order of the taxpayer, his or her heirs, successors, or assigns.

Article 5. Miscellaneous

43441. If any taxpayer is delinquent in the payment of any obligations imposed by this part, or in the event a determination has been made against such a taxpayer which remains unpaid, the board may, not later than three years after the payment becomes delinquent, or within 10 years after the last recording of an abstract

or copy of judgment under Section 43412 or the last recording or filing of a notice of state tax lien under Section 7171 of the Government Code, 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 taxpayer, or owing any debts to the taxpayer. 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 Controller.

43442. After receiving the notice the person 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 first.

43443. All persons so notified shall forthwith, after receipt of the notice, advise the board of all 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 other credits or personal property in the possession or under the control of a bank, 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 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, the notice shall only be effective with respect to an amount not in excess of two times the amount, interest, and penalty due from the person.

43444 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, to the extent of the value of the property or the amount of the debts thus transferred or paid, he or she 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

43445. The remedies of the state provided for in this chapter are cumulative, and no action taken by the board or Attorney General constitutes an election by the state or any of its officers to pursue any remedy to the exclusion of any other remedy for which provision is made in this part

43446. The amounts required to be paid by any person under this part together with interest and penalties shall be satisfied first in any of the following cases:

(a) Whenever the person is insolvent

(b) Whenever the person makes a voluntary assignment of his or her assets.

(c) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

This section does not give the state a preference over a lien or security interest which was recorded or perfected prior to the time when the state records or files its lien as provided in Section 7171 of the Government Code.

The preference given to the state by this section is subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

CHAPTER 5. OVERPAYMENTS AND REFUNDS

Article 1 Claim for Refund

43451. If the board determines that any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control, the excess amount collected or paid shall be credited on any amounts then due from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his or her successors, administrators, or executors.

However, in the case of a determination by the board that an amount not to exceed five thousand dollars ($5,000) was not required to be paid under this part, the board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his or her successors, administrators, or executors.

43452. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the 15th day of the calendar month following the close of the period for which the overpayment was made, or, with respect to determinations made under Article 2 (commencing with Section 43201), Article 3 (commencing with Section 43251), or Article 5 (commencing with Section 43350) of Chapter 3, within six months after the determinations become final, whichever period expires later, unless a claim therefor is filed with the board within such period No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period,

or unless the credit relates to a period for which a waiver is given pursuant to Section 43204.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 43204 if a claim therefor is filed with the board before the expiration of the period agreed upon.

(c) Every claim for refund or credit shall be in writing and shall state the specific grounds upon which the claim is founded.

(d) No claim for refund of taxes paid under this part shall be accepted, considered, or approved by the board if the claim is founded upon the grounds that the director has improperly or erroneously determined that any substance is a hazardous or extremely hazardous waste. Any appeal of a determination that a substance is a hazardous or extremely hazardous waste must be made to the director.

43453. Failure to file a claim within the time prescribed in this article constitutes a waiver of all demands against the state on account of the overpayment.

43454. Within 30 days after disallowing any claim, in whole or in part, the board shall serve written notice of its action on the claimant, such service to be made as provided by Section 43201.

43455. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of 1 percent per month from the due date of the return for the period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid as follows:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

43456. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

Article 2. Suit for Refund

43471. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this state or against any office of the state to prevent or enjoin the collection of any tax sought to be collected.

43472. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been duly filed.

43473 Within 90 days after the mailing of the notice of the

board's action upon a claim for refund or credit, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

43474. If the board fails to mail notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the board, consider the claim disallowed and bring an action against the board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

43475. Failure to bring suit or action within the time specified in this article constitutes a waiver of all demands against the state on account of any alleged overpayments.

43476. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any taxes due from the plaintiff, and the balance shall be refunded to the plaintiff.

43477. In any judgment, interest shall be allowed at the rate of 12 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

43478. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any tax paid when the action is brought by or in the name of an assignee of the taxpayer paying the tax or by any person other than the person who has paid the tax.

Article 3. Recovery of Erroneous Refunds

43481. The Controller may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California, and the action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of place of trial. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Article 4. Cancellations

43491. If any amount in excess of five thousand dollars ($5,000) has been illegally determined, either by the person filing the return or by the board, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State

Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding five thousand dollars ($5,000) has been illegally determined, either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board

CHAPTER 6. ADMINISTRATION

43501. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part.

43502. The board may make such examinations of the books and records of any taxpayer as it may deem necessary in carrying out the provisions of this part.

43503. The board may employ accountants, auditors, investigators, and other expert and clerical assistance necessary to enforce its powers and perform its duties under this part.

43504 A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service shall be prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing or personal service in accordance with any requirement of this part for the giving of a notice. Unless otherwise specifically required, any notice provided by this part to be mailed or served may be given either by mailing or by personal service in the manner provided for giving notice of a deficiency determination.

43505. Any information regarding hazardous wastes which is available to the board shall be made available to the department

43506. On or before March 15 of each year, beginning in 1982, the board shall report to the Governor the total amount of hazardous waste disposed of in the state according to the tax returns filed pursuant to Section 43152.

CHAPTER 7. DISPOSITION OF PROCEEDS

43551. All taxes, interest, and penalties imposed and all amounts of tax required to be paid to the state pursuant to Section 43051 shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Hazardous Waste Control Account

43552. All taxes, interest, and penalties imposed and all amounts of tax required to be paid to the state pursuant to Section 43052 shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Hazardous Substance Account

CHAPTER 8. VIOLATIONS

43601. (a) Any person who fails to file the report required by Section 43152 shall be subject to a civil fine of not to exceed five hundred dollars ($500) for each day until such report is filed. Any person who knowingly fails to file such report shall be subject to a civil fine of not to exceed twenty-five thousand dollars ($25,000) per day for each day in which such violation occurs, or by imprisonment in the county jail for not to exceed one year, or both.

(b) Penalties collected pursuant to this section shall be deposited in the Hazardous Substance Account.

43602. Any person who fails or refuses to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the board, is guilty of a misdemeanor and subject to a fine in an amount not to exceed five hundred dollars ($500) for each offense.

43603. Any person who knowingly or willfully files a false tax return with the board, and any person who refuses to permit the board or any of its representatives to make any inspection or examination for which provision is made in this part, or who fails to keep records as prescribed by the board, or who fails to preserve such records for the inspection of the board for such time as the board deems necessary, or who alters, cancels, or obliterates entries in such records for the purpose of falsifying the records is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment

43604. Any person who willfully evades or attempts in any manner to evade or defeat the payment of the tax imposed by this part is guilty of a felony.

43605. Every person convicted for a violation of any of the provisions of this part for which another penalty or punishment is not specifically provided for in this part is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

43606. Every person convicted of a felony for a violation of any of the provisions of this part for which another punishment is not specifically provided for in this part shall be punished by a fine of not more than five thousand dollars ($5,000) or by imprisonment in state prison for not less than one year nor more than five years, or by both such fine and imprisonment.

43607. Any prosecution for violation of any of the penal provisions of this part shall be instituted within three years after the commission of the offense.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and

Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

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 the necessity are:

In order that urgently needed programs to protect the public health and safety and the environment from hazardous substances may be commenced during the 1981–82 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 757

An act to amend Section 11908.1 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 11908.1 of the Public Utilities Code is amended to read:

11908.1. Notwithstanding Section 11908, each director of a board having seven directors may receive compensation in an amount not to exceed one hundred dollars ($100) per day for each day's attendance at public meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board

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CHAPTER 758

An act to add Section 12024.10 to the Business and Professions Code, relating to sales of meat.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 12024.10 is added to the Business and Professions Code, to read:

12024.10. A true and legible copy of each document issued pursuant to Section 12024.7 or 12024.9 shall be retained by the person, company, or corporation issuing the document for a period of one year and shall be made available for inspection by a sealer upon request. This section shall not apply to primal cuts of meat which are smaller than one quarter of a carcass.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 759

An act to add Section 1192.6 to the Penal Code, relating to dismissal of charges.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 1192.6 is added to the Penal Code, to read:

1192.6. (a) In each felony case in which the charges contained in the original accusatory pleading are amended or dismissed, the record shall contain a statement explaining the reason for the amendment or dismissal.

(b) In each felony case in which the prosecuting attorney seeks a dismissal of a charge in the complaint, indictment, or information, he or she shall state the specific reasons for the dismissal in open court, on the record.

(c) When, upon a plea of guilty or nolo contendere to an accusatory pleading charging a felony, whether or not that plea is entered pursuant to Section 1192.5, the prosecuting attorney recommends what punishment the court should impose or how it should exercise any of the powers legally available to it, the prosecuting attorney shall state the specific reasons for the recommendation in open court, on the record. The reasons for the recommendation shall be transcribed and made part of the court file.

SEC. 2. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

SEC. 3. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 760

An act to amend, repeal, and add Section 4751 of the Fish and Game Code, relating to game, and making an appropriation therefor.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 4751 of the Fish and Game Code is amended to read:

4751. (a) Any resident of this state, 12 years of age or over who possesses a valid hunting license, may, upon payment of a base fee of one dollar ($1), plus an amount based on an inflation factor calculated pursuant to Section 713, procure the number of bear license tags corresponding to the number of bear that may legally be taken by one person during the current license year.

(b) Any nonresident of this state, 12 years of age or over who possesses a valid California hunting license, may, upon payment of a base fee of seventy-five dollars ($75), plus an amount based on an inflation factor calculated pursuant to Section 713, procure the number of bear license tags corresponding to the number of bear that may be legally taken by one person during the current license year.

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

SEC. 2. Section 4751 is added to the Fish and Game Code, to read:

4751. (a) Any resident of this state, 12 years of age or over, who possesses a valid hunting license, may, upon payment of the fee specified in this subdivision, procure the number of bear license tags corresponding to the number of bear that may legally be taken by one person during the current license year. The fee shall be five dollars ($5) in 1983, and seven dollars and fifty cents ($7.50) in 1984. On and after January 1, 1985, the fee shall be a base fee of ten dollars ($10) plus an amount based on an inflation factor calculated pursuant to Section 713.

(b) Any nonresident of this state, 12 years of age or over, who

possesses a valid California hunting license, may, upon payment of a base fee of seventy-five dollars ($75), plus an amount based on an inflation factor calculated pursuant to Section 713, procure the number of bear license tags corresponding to the number of bear that may be legally taken by one person during the current license year.

(c) This section shall become operative on January 1, 1983.

CHAPTER 761

An act to amend Section 7604 of the Public Utilities Code, relating to railroads.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 7604 of the Public Utilities Code is amended to read:

7604. (a) A bell, of at least 20 pounds weight or of equivalent sound-producing capability, shall be placed on each locomotive engine, and shall be rung at a distance of at least 1,320 feet from the place where the railroad crosses any street, road, or highway, and be kept ringing until it has crossed the street, road, or highway; or a steam whistle, air siren, or an air whistle shall be attached, and be sounded at the like distance, and be kept sounding at intervals until it has crossed the street, road, or highway, except as follows:

(1) Notwithstanding Section 7678, in a city, the ringing of the bell or the sounding of the steam whistle, air siren, or air whistle shall be at the discretion of the operator of the locomotive engine.

(2) When a locomotive engine is engaged in a switching operation or comes to a stop at any point within a distance of 1,320 feet from the place at which the railroad crosses any street, road, or highway, it shall not be necessary that the bell be rung or the whistle, air siren, or air whistle be sounded, until the time and from the place that the locomotive begins an uninterrupted movement to and across the place at which the railroad crosses the street, road, or highway.

(b) Any railroad corporation violating this section shall be subject to a penalty of one hundred dollars ($100) for every violation. The penalty may be recovered in an action prosecuted by the district attorney of the proper county, for the use of the state The corporation is also liable for all damages sustained by any person, and caused by its locomotives, train, or cars, when the provisions of this section are not complied with.

CHAPTER 762

An act to add Section 128.5 to the Code of Civil Procedure, relating to courts.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 128.5 is added to the Code of Civil Procedure, to read:

128.5. (a) Every trial court shall have the power to order a party or the party's attorney, or both, to pay any reasonable expenses, including attorney's fees, incurred by another party as a result of tactics or actions not based on good faith which are frivolous or which cause unnecessary delay. Frivolous actions or delaying tactics include, but are not limited to, making or opposing motions without good faith.

(b) Expenses pursuant to this section shall not be imposed except on notice contained in a party's moving or responding papers; or the court's own motion, after notice and opportunity to be heard. An order imposing expenses shall be in writing and shall recite in detail the conduct or circumstances justifying the order.

SEC. 2. It is the intent of this legislation to broaden the powers of trial courts to manage their calendars and provide for the expeditious processing of civil actions by authorizing monetary sanctions now not presently authorized by the interpretation of the law in Baugess v. Paine (1978), 22 Cal. 3d 626.

CHAPTER 763

An act to amend Section 72246 of the Education Code, relating to community colleges.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 72246 of the Education Code is amended to read:

72246. (a) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than seven dollars and fifty cents ($7.50) for each semester, and five dollars ($5) for summer school, or five dollars ($5) for each quarter for health supervision and services, including direct or indirect medical and hospitalization

services, or the operation of a student health center or centers, authorized by Section 72244, or both.

(b) If pursuant to this section a fee is required, the governing board of a district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.

(c) The governing board of a district maintaining a community college shall adopt rules and regulations that either exempt low-income students from any fee required pursuant to subdivision (a) or provide for the payment of the fee from other sources.

(d) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt from any fee required pursuant to subdivision (a): (1) students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization; (2) students who are attending a community college under an approved apprenticeship training program.

(e) All fees collected pursuant to this section shall be deposited in a special community college health fee fund of the district. All moneys in the special fund shall be expended only for the purposes for which such fees were collected.

Authorized expenditures shall not include, among other things, athletic trainers' salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services and the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.

SEC. 2. Section 72246 of the Education Code is amended to read:

72246. (a) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than seven dollars and fifty cents ($7.50) for each semester, and five dollars ($5) for summer school, or five dollars ($5) for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, authorized by Section 72244, or both.

(b) If pursuant to this section a fee is required, the governing board of a district shall decide the amount of the fee, if any, that a part-time student is required to pay. The governing board may decide whether the fee shall be mandatory or optional.

(c) The governing board of a district maintaining a community college shall adopt rules and regulations that either exempt low-income students from any fee required pursuant to subdivision (a) or provide for the payment of the fee from other sources.

(d) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt from any fee required pursuant to subdivision (a): (1) students who depend

exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization; (2) students who are attending a community college under an approved apprenticeship training program.

(e) All fees collected pursuant to this section shall be deposited in the fund of the district designated by the California Community Colleges Budget and Accounting Manual. These fees shall be expended only for the purposes for which they were collected.

Authorized expenditures shall not include, among other things, athletic trainers' salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services and the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill 1217 are both chaptered and become effective January 1, 1982, both bills amend Section 72246 of the Education Code, and this bill is chaptered after Assembly Bill 1217, that the amendments to Section 72246 proposed by both bills be given effect and incorporated in Section 72246 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill 1217 are both chaptered and become effective January 1, 1982, both amend Section 72246, and this bill is chaptered after Assembly Bill 1217, in which case Section 1 of this act shall not become operative.

CHAPTER 764

An act to add Chapter 4.7 (commencing with Section 84660) to Part 50 of the Education Code, and to amend Items 687-301-146 to 687-301-736, inclusive, and the provisions applicable thereto, of Chapter 99 of the Statutes of 1981, relating to postsecondary education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Chapter 4.7 (commencing with Section 84660) is added to Part 50 of the Education Code, to read:

CHAPTER 4.7. COMMUNITY COLLEGE FACILITY DEFERRED MAINTENANCE AND SPECIAL REPAIR PROGRAM

84660. The Legislature finds and declares that it is in the interests of the people of the State of California to ensure that public community college facilities are repaired and maintained on a timely basis in order to provide for the safe utilization of these facilities as well as providing for the prevention of further structural damage resulting in more costly repairs. The Legislature recognizes that in many community college districts high operating costs and limited district revenues have combined to restrict the ability of community college districts to provide for the periodic maintenance and timely repair of community college facilities.

It is the intent of the Legislature in enacting this chapter that funds be allocated pursuant to the requirements of this chapter to provide for the deferred maintenance and special repair of community college facilities. However, the Legislature recognizes that there may not be sufficient revenues in future years to provide an annual appropriation for the program provided by this chapter. Therefore, nothing in this chapter shall be construed to create an annual state obligation to fund this program.

84661. The Board of Governors of the California Community Colleges shall adopt rules and regulations for the allocation of funds authorized by this chapter for the deferred maintenance and special repair of community college facilities. The adopted rules and regulations shall establish criteria for the ranking of requests for funding by community college districts for funds allocated pursuant to this chapter. The adopted rules and regulations shall require districts to prepare and submit to the Board of Governors a five-year maintenance plan which includes plans for preventative as well as deferred maintenance in order to be eligible for state funding of deferred maintenance. The adopted rules and regulations shall require recipient districts to provide an amount of district funds equal to the amount of state funds to be allocated for facility deferred maintenance and special repair as a condition for the receipt of state funding, subject to a complete or partial waiver of this requirement by the Board of Governors of the California Community Colleges based upon a review of the financial condition of the district.

For the purpose of this chapter, "deferred maintenance and special repair" means unusual, nonrecurring work to restore a facility to a safe and continually useable condition for which it was intended.

84662. (a) No community college district shall receive funds pursuant to this chapter unless the district expends at least ½ percent of its current operating budget for on-going maintenance.

(b) The board of governors may, pursuant to Section 84661, increase the percentage specified in subdivision (a).

(c) It is the intent of the Legislature that funds received by districts pursuant to this chapter supplement, not supplant, district

deferred maintenance funds.

SEC. 2. Items 687-301-146 to 687-301-736, inclusive, and the provisions applicable thereto, of Chapter 99 of the Statutes of 1981, are amended to read:

687-301-146—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, 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 9,596,200

Schedule:

Palomar Community College District, Palomar College:

(1) Construct Mission Road improvements 218,500

Butte Community College District, Butte College:

(3) Working drawings and construct sanitary sewer oxidation pond..... 72,500

Yosemite Community College District, Columbia College:

(12) Working drawings and construct removal of architectural barriers to the physically handicapped..... 130,900

Contra Costa Community College District, Contra Costa College:

(14) Working drawings and construct removal of architectural barriers to the physically handicapped..... 145,800

Imperial Community College District, Imperial Valley College.

(15) Working drawings and construct removal of architectural barriers to the physically handicapped—Phase II 11,700

Los Angeles Community College District, East Los Angeles College:

(16) Construct removal of architectural barriers to the physically handicapped—Phase II 26,800

Los Angeles City College:

(17) Construct removal of architectural barriers to the physically handicapped—Phase II 51,200

Long Beach Community College District, Long Beach City College:

(18) Working drawings and construct

removal of architectural barriers to the physically handicapped..... 16,200
Los Angeles Community College District, Los Angeles Trade Technical College:
(19) Construct removal of architectural barriers to the physically handicapped—Phase II 56,300
Cabrillo Community College District, Cabrillo College:
(20) Working drawings and construct removal of architectural barriers to the physically handicapped..... 108,700
San Mateo Community College District, Skyline College:
(21) Working drawings and construct removal of architectural barriers to the physically handicapped—Phase II 11,300
Peralta Community College District, Merritt College:
(23) Construct removal of architectural barriers to the physically handicapped—Phase II 261,500
Glendale Community College District, Glendale College:
(25) Working drawings and construct removal of architectural barriers to the physically handicapped..... 109,500
San Bernardino Community College District, San Bernardino Valley College:
(26) Working drawings and construct removal of architectural barriers to the physically handicapped—Phase II 75,200
San Mateo Community College District, Canada College:
(27) Working drawings and construct removal of architectural barriers to the physically handicapped—Phase II 76,400
College of San Mateo:
(28) Working drawings and construct removal of architectural barriers to the physically handicapped—Phase II 154,400
Monterey Peninsula Community College District, Monterey Penin-

sula College:	
(29) Working drawings and construct removal of architectural barriers to the physically handicapped.....	225,700
Santa Monica Community College District, Santa Monica College:	
(30) Equip remodel vocational building	29,500
Contra Costa Community College District, Contra Costa College:	
(31) Equip applied arts and administration complex	231,200
Peralta Community College District, Feather River College:	
(32) Equip vocational building	94,400
Santa Monica Community College District, Santa Monica College:	
(33) Equip remodel old library student activities and science basement	186,300
Long Beach Community College District, Long Beach City College:	
(34) Equip library addition (Liberal Arts Campus)	122,100
Los Angeles Community College District, East Los Angeles College:	
(35) Equip remodel existing library ..	26,300
Mendocino Community College District, Mendocino College:	
Peralta Community College District, Merritt College:	
(36) Working drawings and construct energy conservation conversion ..	95,200
College of Alameda:	
(37) Working drawings and construct energy conservation conversion ..	49,300
(38) Working drawings and construct off-site development.....	1,370,400
(39) Working drawings and construct on-site development.....	1,898,700
(40) Working drawings for library and alternate learning center	65,900
Kern Community College District, Cerro Coso College:	
(42) Construct occupational laboratory building.....	3,249,500
Sierra Community College District, Sierra College:	
(45) Working drawings and construct	

removal of architectural barriers to the physically handicapped..... 68,400
Compton Community College District, Compton College:
(46) Working drawings and construct removal of architectural barriers to the physically handicapped..... 155,700
San Mateo Community College District, College of San Mateo:
(47) Working drawings and construct asbestos material removal..... 50,700
Community College Systemwide:
(48) Project planning and preliminary planning..... 150,000

COMMUNITY COLLEGE CONSTRUCTION BOND ACT PROGRAM

687-301-736—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, by the Board of Governors of the California Community Colleges to community college districts as set forth in the schedule below, payable from the State Construction Program Fund 663,900
Schedule:
Rancho Santiago Community College District, Santa Ana College:
(1) Construct removal of architectural barriers to the physically handicapped (Phase II) 18,400
Mount San Antonio Community College District, Mount San Antonio College:
(2) Working drawings and construct removal of architectural barriers to the physically handicapped..... 148,100
Los Angeles Community College District, West Los Angeles College (Airport Campus):
(3) Construct removal of architectural barriers to the physically handicapped (Phase II) 10,300
Contra Costa Community College District, Los Medanos College:
(4) Working drawings and construct removal of architectural barriers to the physically handicapped..... 106,700
Diablo Valley College:
(5) Working drawings and construct

removal of architectural barriers to the physically handicapped..... 197,400
Merced Community College District, Merced College:
(6) Working drawings and construct removal of architectural barriers to the physically handicapped..... 24,400
Los Angeles Community College District, Los Angeles Harbor College:
(7) Construct removal of architectural barriers to the physically handicapped (Phase II) 13,700
Yosemite Community College District, Modesto Junior College:
(8) Working drawings and construct removal of architectural barriers to the physically handicapped..... 58,800
Los Angeles Community College District, Los Angeles Southwest College:
(9) Construct removal of architectural barriers to the physically handicapped (Phase II) 41,400
Los Angeles Pierce College:
(10) Construct removal of architectural barriers to the physically handicapped (Phase II) 22,300
West Los Angeles College:
(11) Construct removal of architectural barriers to the physically handicapped (Phase II) 17,600
Los Angeles Valley College:
(12) Construct removal of architectural barriers to the physically handicapped (Phase II) 4,800

Provisions applicable to Items 687-301-146 through 687-301-736—for capital outlay, Board of Governors of the California Community Colleges:

2. Provided that notwithstanding the provisions of Section 2 of this act, the appropriations made in Item 687-301-146 for equipment items shall be available for expenditure only during the 1981–82 and 1982–83 fiscal years.
3. Provided that these funds in Item 687-301-736, or so much thereof as may be necessary, are hereby appropriated for expenditures only for programs which have been approved pursuant to the provisions of the Community College Con-

struction Act of 1980 (Chapter 4 (commencing with Section 81800) of Part 49 of the Education Code) as contemplated by the Community College Construction Program Bond Act of 1972 (Sections 1 to 10, inclusive, of Chapter 937 of the Statutes of 1971). All such appropriations shall be paid out of the State Construction Program Fund.

4. Provided, that the funds appropriated by category (48) of Item 687-301-146 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 1982–83 Governor's Budget. Provided further, that the funds released shall not exceed the state's matching share requirement as determined by either: (a) Section 81838 of the Education Code, for those districts which are able to fund their matching share requirement as determined by Section 81838, or (b) the Office of the Chancellor of the California Community Colleges, for those districts which are unable to fund their matching share requirement as determined by Section 81838 of the Education Code. The state's matching share requirement shall be determined by the district's ability to fund the major capital outlay project as determined by the Office of the Chancellor of the California Community Colleges. Provided further, that, with the exception of category (48) of Item 687-301-146, these items shall be subject to the prior approval of the State Public Works Board

SEC. 3. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education the sum of two hundred fifty thousand dollars ($250,000) for the purpose of remodeling a science building at California Polytechnic State University, San Luis Obispo.

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 the necessity are:

In order to correct acutely hazardous conditions in community college facilities, to prevent further and more costly future deterioration, and to ensure the most efficient utilization of the funds allocated under this act, it is necessary that this act take effect immediately.

CHAPTER 765

An act to amend Sections 14204, 14401, 14701, 15350, and 15358 of the Financial Code, relating to credit unions.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 14204 of the Financial Code is amended to read:

14204. If the commissioner upon any examination, or from any report made to the commissioner, finds any credit union is violating the provisions of this division or the rules made pursuant to this division, or is insolvent, or is conducting its business in an unsafe or unauthorized manner, the commissioner may notify the credit union to, and the credit union shall, cease these practices. The commissioner may notify the credit union to, and the credit union shall, temporarily suspend or entirely cease the transaction of any new business or the portion thereof as is ordered by the commissioner. Within 10 days from the date of a notification or order pursuant to this section, the credit union may request a hearing under the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code. Neither the request for a hearing nor the hearing itself shall stay the notification or order issued by the commissioner under this section.

SEC. 2. Section 14401 of the Financial Code is amended to read:

14401. A credit union may borrow money from any source in an aggregate amount not to exceed 50 percent of the paid-in and unimpaired capital and surplus of the credit union. Loans from the National Credit Union Central Liquity Facility (12 U.S.C., Section 1795 and following) shall not be included in the aggregate borrowings for purposes of the limitation on borrowing. For the purposes of this section, certificates for funds shall be deemed borrowed money.

SEC. 3. Section 14701 of the Financial Code is amended to read:

14701. Losses incurred by a credit union may be charged to its regular reserve as permitted by rule of the commissioner.

SEC. 4. Section 15350 of the Financial Code is amended to read:

15350. Upon recommendation of its board of directors, any federal credit union may convert into a credit union under the laws of this state by complying with the requirements of the Federal Credit Union Act (12 U.S.C. Sec. 1771) and on obtaining a certificate pursuant to Chapter 2 (commencing with Section 14100) of this division.

SEC. 5. Section 15358 of the Financial Code is amended to read:

15358. Upon the filing of the articles of incorporation with the Secretary of State and the issuance of a certificate by the

commissioner authorizing the federal credit union to act as a credit union under the laws of this state, the credit union ceases to be a federal credit union and is a credit union under the laws of this state. All of the property of the credit union immediately, by operation of law and without any further act, is vested in the credit union under its new name and existence as a credit union under the laws of this state.

CHAPTER 766

An act to amend Section 1463.11 of, to add Section 640 to, and to repeal Section 1463.15 of, the Penal Code, and to repeal Sections 28766.5, 28766.6, and 30276 of the Public Utilities Code, relating to crimes against transit districts.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 640 is added to the Penal Code, to read:

640. Any of the following acts committed on or in the facilities or vehicles of a public transportation system as defined by Section 99211 of the Public Utilities Code is an infraction punishable by a fine not to exceed fifty dollars ($50):

(a) Evasion of the payment of the fares of the system.

(b) Misuse of transfers, passes, tickets, or tokens with the intent to evade the payment of fares

(c) Playing sound equipment on or in system facilities or vehicles.

(d) Smoking, eating, or drinking in or on system facilities or vehicles in those areas where those activities are prohibited by that system.

(e) Expectorating upon system facilities or vehicles

(f) Willfully disturbing others on or in system facilities or vehicles by engaging in boisterous or unruly behavior

SEC. 2. Section 1463.11 of the Penal Code is amended to read:

1463.11. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, an amount equal to 85 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by a member of the police or security department of a transit district and charged with a violation of any law that occurs on or about transit vehicles or transit property, shall be transferred first, once a month, to the transit district and an amount equal to the remaining 15 percent shall be transferred into the general fund of the county

A transit district and any county in which property is located which is under the possession or control of the district may by mutual

agreement adjust the percentages of fines and forfeitures to be received by the district and county respectively. In the absence of any such agreement, the percentages fixed by this section shall prevail.

SEC. 3. Section 1463.15 of the Penal Code is repealed.

SEC. 4. Section 28766.5 of the Public Utilities Code is repealed.

SEC. 5. Section 28766.6 of the Public Utilities Code is repealed.

SEC. 6. Section 30276 of the Public Utilities Code is repealed.

SEC. 7. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 767

An act to amend Sections 997, 10160, 10161, 10163, 10164, 10165, 11043, 11134, and 11136 of, to amend the heading of Article 3a (commencing with Section 10159.1) of Chapter 1 of Part 2 of Division 2 of, to amend and renumber Section 10163.5 of, to add Sections 10163.2, 10163.3 and 10164.1 to, and to repeal and add Article 3a (commencing with Section 10489 1) of Chapter 5 of Part 2 of Division 2 of, the Insurance Code, relating to insurance.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 997 of the Insurance Code is amended to read:

997. (a) For statement purposes as defined in Article 10 (commencing with Section 900) of this chapter, for insolvency calculations as defined in Article 13 (commencing with Section 980) of this chapter, and for the valuation of the liabilities of insurers for all other purposes, every admitted insurer shall maintain an active life reserve which shall place a sound value on its liabilities under all disability policies and which shall not be less than the reserve according to the standards set forth in regulations issued by the commissioner and, in no event, less in the aggregate than the pro rata gross unearned premium reserve for such policies. The promulgation of such regulations by the commissioner or any changes or amendments thereof shall be in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

Subdivisions (b), (c) and (d) of this section shall control the amounts of reserves and liabilities, other than for specific claim losses, upon all individual disability policies until the effective date of regulations issued by the commissioner as provided in the next preceding paragraph. Such regulations, in lieu of subdivisions (b), (c) and (d) of this section, shall control the amounts of such reserves and liabilities during the time such regulations continue in force. In the event such regulations shall cease to be in effect, such reserves and liabilities again shall be controlled by subdivisions (b), (c) and (d) of this section during the time no such regulations shall be in force.

(b) Every admitted insurer which issues one or more of the following three types of individual disability policies shall maintain a reserve not less than the minimum reserve required under the provisions of this subdivision (b):

(1) Policies which are guaranteed renewable for life or to a specified age at guaranteed premium rates.

(2) Policies which are guaranteed renewable for life or to a specified age but under which the insurer has reserved the right to change the scale of premiums.

(3) Policies, other than those described in paragraph (1) of subdivision (c), in which the insurer has reserved the right to cancel or to refuse renewal for one or more reasons, but has agreed implicitly or explicitly that, prior to a specified time or age, it will not cancel or decline renewal solely because of deterioration of health after issue.

During the period within which the renewability of the policy is guaranteed or the insurer's right to cancel the policy or to refuse renewal thereof is limited, the minimum reserve shall be an amount computed on the basis of two-year preliminary term tabular mean reserves employing the following assumptions:

Mortality and Interest: those assumptions specified in Article 3 (commencing with Section 10478) and Article 3a (commencing with Section 10489.1) of Chapter 5 of Part 2 of Division 2, for the determination of minimum policy reserve liabilities for ordinary life insurance.

Morbidity or other contingency: any tables adopted by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for use in valuing individual disability insurance policies, or any modification of these tables approved by the commissioner, or any tables based upon individual insurer's own experience and approved by the commissioner.

For each benefit, each company shall establish reserves that place a sound value on the liabilities for such benefit

Such mean reserves shall be diminished or offset by appropriate credit for the valuation net deferred premiums. In no event, however, shall the aggregate reserves for all policies valued on the

mean reserve basis, diminished by any credit for deferred premiums, be less than the gross pro rata unearned premiums under such policies.

Negative reserves for any benefit may be offset against positive reserves for other benefits in the same individual or family policy, but if all benefits of such policy collectively develop a negative reserve, credit shall not be taken for such amount.

(c) Every admitted insurer which issues one or more of the following types of individual disability policies shall maintain the minimum unearned premium reserve required under the provisions of this subdivision:

(1) Selected group disability policies issued under or subject to an agreement that, except for stated reasons, the insurer will not cancel or refuse to renew the coverage of individual insureds prior to a specified age unless all coverage under the same group is terminated.

(2) Any type of individual disability policy not included in one of the three types described in subdivision (b) and not included in paragraph (1) of this subdivision.

The minimum unearned premium reserve shall be the pro rata unearned portion of gross premiums in force and, subject to the limitations contained in Sections 922.2 to 922.8, inclusive, shall be reduced by premiums paid or credited for risks reinsured in solvent insurers.

(d) Provided the reserve on all policies to which the method or basis is applied is not less in the aggregate than the required amount determined according to the applicable standards specified in subdivisions (b) and (c), an insurer may use any reasonable assumptions as to the interest rate, mortality rates or the rates of morbidity or other contingency, and may introduce an assumption as to the voluntary termination of policies. Also, subject to the preceding conditions, the insurer may employ methods other than the methods stated in subdivisions (b) and (c) in determining a sound value of its liabilities under such policies, including but not limited to the following: (1) the use of midterminal reserves in addition to either the gross pro rata unearned premium reserves described in subdivision (c) or the net pro rata unearned premium reserve; (2) optional use of either the level premium, the one-year preliminary term or the two-year preliminary term method; (3) prospective valuation on the basis of actual gross premiums with reasonable allowance for future expense; (4) the use of approximations such as those involving age groupings, groupings of several years of issue, average amounts of indemnity; (5) the computation of the reserve for one policy benefit as a percentage of, or by other relation to, the aggregate policy reserves, exclusive of the benefit or benefits so valued; (6) the use of a composite annual claim cost for all or any combination of the benefits included in the policies valued.

For statement purposes the net reserve liability for active lives may be shown as the mean reserve with offsetting asset items for net

unpaid and deferred premiums or it may be shown as the excess of the mean reserve over the amount of net unpaid and deferred premiums, or, regardless of the underlying method of calculation, it may be divided between the gross pro rata unearned premium reserve and a balancing item for the "additional reserve."

SEC. 2. The heading of Article 3a (commencing with Section 10159.1) of Chapter 1 of Part 2 of Division 2 of the Insurance Code is amended to read:

Article 3a. Standard Nonforfeiture Law For Life Insurance

SEC. 3. Section 10160 of the Insurance Code is amended to read:

10160. Except as provided in Section 10165, no policy of life insurance shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which are at least as favorable to the defaulting or surrendering policyholder as are the minimum requirements hereinafter specified and are essentially in compliance with Section 10164.1 of this law:

(a) That, in the event of default in any premium payment after premiums have been paid for at least one full year the insurer will grant, upon proper request not later than 60 days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such amount as may be hereinafter specified. In lieu of this stipulated paid-up nonforfeiture benefit, the company may substitute, upon proper request not later than 60 days after the due date of the premium in default, an actuarially equivalent alternative paid-up nonforfeiture benefit which provides a greater amount or longer period of death benefits or, if applicable, a greater amount or earlier payment of endowment benefits.

(b) That, upon surrender of the policy within 60 days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than 60 days after the due date of the premium in default.

(d) That, if the policy shall have become paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within 30 days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified..

(e) In the case of policies which cause, on a basis guaranteed in the policy, unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, a statement of the mortality table, interest rate, and method used in calculating cash surrender values and the paid-up nonforfeiture benefits available under the policy. In the case of all other policies, a statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a schedule showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first 20 policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on account of or secured by the policy. At the option of the insurer such schedule may also show such values and benefits for any year or years beyond the twentieth policy year.

(f) A brief and general statement of the method to be used in calculating the cash surrender value and the paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy with an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on account of or secured by the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

SEC. 4 Section 10161 of the Insurance Code is amended to read:

10161. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by Section 10160, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in Sections 10163, 10163.1, and 10163.2 corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the company on the policy.

Provided, however, that for any policy issued on or after January 1, 1989, which provides supplemental life insurance or annuity benefits at the option of the insured and for an identifiable additional premium by rider or supplemental policy provision, the cash

surrender value referred to in the first paragraph of this section shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such rider or supplemental policy provision and the cash surrender value as defined in such paragraph for a policy which provides only the benefits otherwise provided by such rider or supplemental policy provision.

Provided, further, that for any family policy issued on or after January 1, 1989, which defines a primary insured and provides term insurance on the life of the spouse of the primary insured expiring before the spouse's age of 71, the cash surrender value referred to in the first paragraph of this section shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such term insurance on the life of the spouse and the cash surrender value as defined in such paragraph for a policy which provides only the benefits otherwise provided by such term insurance on the life of the spouse.

Any cash surrender value available within 30 days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or not required by Section 10160, shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the company on the policy.

SEC. 5. Section 10163 of the Insurance Code is amended to read:

10163. This section shall not apply to policies issued on or after the operative date of Section 10163.2 as defined therein. Except as provided in the third paragraph of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two percent (2%) of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty percent (40%) of the adjusted premium for the first policy year; (iv) twenty-five percent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less In applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four percent (4%) of the amount of insurance or uniform amount equivalent thereto

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this section shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision unless such term insurance benefits are disregarded under Section 10164 shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first two paragraphs of this section

Except as otherwise provided in Section 10163.1, all adjusted premiums and present values referred to in this article shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. However, in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty percent (130%) of the rates of mortality according to such applicable table; and for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

SEC. 6. Section 10163.5 of the Insurance Code is amended and renumbered to read:

10163.1 (a) In the case of ordinary policies issued on or after the operative date of this subdivision as defined herein, all adjusted

premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that such rate of interest shall not exceed 3½ percent per annum except that a rate of interest not exceeding 4 percent per annum may be used for all policies issued on or after January 1, 1970, and prior to January 1, 1980, and a rate of interest not exceeding 5½ percent per annum may be used for all such policies issued on or after January 1, 1980, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding 6½ percent per annum may be used; provided, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than six years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table; provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

On or after January 1, 1961, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such company), this subdivision shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this subdivision for such company shall be January 1, 1966.

(b) In the case of industrial policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that such rate of interest shall not exceed 3½ percent per annum except that a rate of interest not exceeding 4 percent per annum may be used for all such policies issued on or after January 1, 1970, and prior to January 1, 1980, and a rate of interest not exceeding 5½ percent per annum may be used for all such policies issued on or after January 1, 1980, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding 6½ percent per annum may be used. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may

be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

After September 20, 1963, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such company), this subdivision shall become operative with respect to the industrial policies thereafter issued by such company. If a company makes no such election, the operative date of this subdivision for such company shall be January 1, 1968.

This section shall not apply to ordinary or industrial policies issued on or after the appropriate time period specified in Section 10163.2.

SEC. 7. Section 10163.2 is added to the Insurance Code, to read:

10163.2. (a) This section shall apply to all policies issued on or after January 1, 1989. Except as provided in subdivision (g), the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of (1) the then present value of the future guaranteed benefits provided for by the policy; (2) 1 percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years; and (3) 125 percent of the nonforfeiture net level premium as hereinafter defined. Provided, however, that in applying the percentage specified in (3) no nonforfeiture net level premium shall be deemed to exceed 4 percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years. The date of issue of a policy for the purpose of this section shall be the date as of which the rated age of the insured is determined.

(b) The nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy, divided by the present value, at the date of issue of the policy, of an annuity of 1 per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due.

(c) In the case of policies which cause on a basis guaranteed in the policy, unscheduled changes in benefits or premiums, or which

provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change.

(d) Except as otherwise provided in subdivision (g), the recalculated future adjusted premiums for any such policy shall be such uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards, and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the time of change to the newly defined benefits or premiums, of all such future adjusted premiums shall be equal to the excess of (1) the sum of (A) the then present value of the then future guaranteed benefits provided for by the policy and (B) the additional expense allowance, if any, over (2) the then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

(e) The additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of (1) 1 percent of the excess, if positive, of the average amount of insurance at the beginning of each of the first 10 policy years subsequent to the change over the average amount of insurance prior to the change at the beginning of each of the first 10 policy years subsequent to the time of the most recent previous change, or, if there has been no previous change, the date of issue of the policy; and (2) 125 percent of the increase, if positive, in the nonforfeiture net level premium.

(f) The recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing (1) by (2) where:

(1) It equals the sum of:

(A) The nonforfeiture net level premium applicable prior to the change times the present value of an annuity of 1 percent per annum payable on each anniversary of the policy on or subsequent to the date of the change on which a premium would have fallen due had the change not occurred, and

(B) The present value of the increase in future guaranteed benefits provided for by the policy, and

(2) It equals the present value of an annuity of 1 percent per annum payable on each anniversary of the policy on or subsequent to the date of change on which a premium falls due.

(g) Notwithstanding any other provisions of this section to the contrary, in the case of a policy issued on a substandard basis which

provides reduced graded amounts of insurance so that, in each policy year, such policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis which provides higher uniform amounts of insurance, adjusted premiums and present values for such substandard policy may be calculated as if it were issued to provide such higher uniform amounts of insurance on the standard basis.

(h) All adjusted premiums and present values referred to in this article shall for all policies of ordinary insurance be calculated on the basis of (1) the Commissioners 1980 Standard Ordinary Mortality Table or (2) at the election of the company for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; shall for all policies of industrial insurance be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table; and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this section for policies issued in that calendar year. Provided, however, that:

(1) At the option of the company, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this section, for policies issued in the immediately preceding calendar year.

(2) Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by Section 10160, shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any.

(3) A company may calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values.

(4) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance and not more than the Commissioners 1961 Industrial Extended Term Insurance Table for policies of industrial insurance.

(5) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables.

(6) Any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that are approved by regulation promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality

Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table.

(7) Any industrial mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that are approved by regulation promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table.

(i) The nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to 125 percent of the calendar year statute valuation interest rate for such policy as defined in the Standard Valuation Law, rounded to the nearer one-quarter of 1 percent.

(j) Notwithstanding any other provision in this code to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form.

(k) After the effective date of this section, any company may file with the commissioner a written notice of its election to comply with the provision of this section after a specified date before January 1, 1989, which shall be the operative date of this section for such company. If a company makes no such election, the operative date of this section for such company shall be January 1, 1989.

SEC. 8. Section 10163.3 is added to the Insurance Code, to read:

10163.3. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance which is of such a nature that minimum values cannot be determined by the methods described in Section 10160, 10161, 10162, 10163, 10163.1, or 10163.2 herein, then:

(a) The commissioner must be satisfied that the benefits provided under the plan are substantially as favorable to policyholders and insureds as the minimum benefits otherwise required by Section 10160, 10161, 10162, 10163, 10163.1, or 10163.2

(b) The commissioner must be satisfied that the benefits and the pattern of premiums of that plan are not such as to mislead prospective policyholders or insureds.

(c) The cash surrender values and paid-up nonforfeiture benefits provided by such plan must not be less than the minimum values and benefits required for the plan computed by a method consistent with the principles of this Standard Nonforfeiture Law for Life Insurance, as determined by regulations promulgated by the commissioner.

(d) Notwithstanding any other provision in the laws of this state, any policy, contract, or certificate providing life insurance under any such plan must be filed with the commissioner before it can be

marketed, issued, delivered, or used in this state.

SEC. 9. Section 10164 of the Insurance Code is amended to read:

10164. Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in Sections 10161, 10162, 10163, 10163.1, and 10163.2 may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the amounts used to provide such additions. Notwithstanding the provisions of Section 10161, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this article would not apply, (e) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is 26, is uniform in amount after the child's age is one, and has not become paid up by reason of the death of a parent of the child, and (f) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this article, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

SEC. 10. Section 10164.1 is added to the Insurance Code, to read:

10164.1. This section shall apply to all policies issued on or after January 1, 1986. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall be in an amount which does not differ by more than two-tenths of 1 percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years, from the sum of (a) the greater of zero and the basic cash value hereinafter specified and (b) the present value of any existing paid-up additions less the amount of any indebtedness to the company under the policy.

The basic cash value shall be equal to the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the company, if there had been no default, less the then present value of the nonforfeiture factors, as hereinafter defined, corresponding to premiums which would have fallen due on and after such anniversary. Provided, however, that the effects on the basic cash value of supplemental life insurance or annuity benefits or of family

coverage, as described in Section 10161 or 10163 whichever is applicable, shall be the same as are the effects specified in Section 10161 or 10163 whichever is applicable, on the cash surrender values defined in that section.

The nonforfeiture factor for each policy year shall be an amount equal to a percentage of the adjusted premium for the policy year, as defined in Section 10163 or 10163.2 whichever is applicable. Except as is required by the next succeeding sentence of this paragraph, such percentage:

(a) Shall be the same percentage for each policy year between the second policy anniversary and the later of (i) the fifth policy anniversary and (ii) the first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least two-tenths of 1 percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years.

(b) Must be such that no percentage after the later of the two policy anniversaries specified in subdivision (a) may apply to fewer than five consecutive policy years.

Provided, that no basic cash value may be less than the value which would be obtained if the adjusted premiums for the policy, as defined in Section 10163 or 10163.2 whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

All adjusted premiums and present values referred to in this section shall for a particular policy be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other sections of this article. The cash surrender values shall include any endowment benefits provided for by the policy.

Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment shall be determined in manners consistent with the manners specified for determining the analogous minimum amounts in Sections 10160, 10161, 10162, 10163.2, and 10164. The amounts of any cash surrender values and of any paid-up nonforfeiture benefits granted in connection with additional benefits such as those listed as items (a) through (f) in Section 10164 shall conform with the principles of this section.

SEC. 11. Section 10165 of the Insurance Code, is amended to read:

10165 This article shall not apply to any of the following:

(a) Reinsurance.

(b) Group insurance.

(c) Pure endowment.

(d) Annuity or reversionary annuity contract

(e) Term policy of uniform amount, which provides no guaranteed nonforfeiture or endowment benefits, or renewal thereof, of 20 years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy.

(f) Term policy of decreasing amount, which provides no guaranteed nonforfeiture or endowment benefits, on which each adjusted premium, calculated as specified in Sections 10163, 10163.1, and 10163.2, is less than the adjusted premium so calculated, on a term policy of uniform amount, or renewal thereof, which provides no guaranteed nonforfeiture or endowment benefits, issued at the same age and for the same initial amount of insurance and for a term of 20 years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy.

(g) A policy, which provides no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year, calculated as specifed in Sections 10161, 10162, 10163, 10163.1, and 10163.2, exceeds 2½ percent of the amount of insurance at the beginning of the same policy year, nor

(h) A policy which shall be delivered outside this state through an agent or other representative of the company issuing the policy.

For purposes of determining the applicability of this article, the age at expiry for a joint-term life insurance policy shall be the age at expiry of the oldest life.

SEC. 12. Article 3a (commencing with Section 10489.1) of Chapter 5 of Part 2 of Division 2 of the Insurance Code is repealed.

SEC. 13. Article 3a (commencing with Section 10489.1) is added to Chapter 5 of Part 2 of Division 2 of the Insurance Code, to read:

Article 3a. Standard Valuation Law

10489.1. This article and Sections 10479, 10480, 10481, 10483, 10484, 10486, and 10489 shall apply to the valuation of policies and contracts issued on or after the operative date as to policies or contracts of Article 3a (commencing with Section 10459.1) of Chapter 1 of Part 2 of Division 2 and shall also apply as provided in Section 10489.3 to the valuation of benefits purchased under group annuity and pure endowment contracts issued prior to such operative date.

10489.2. Except as otherwise provided in Sections 10489.3 and 10489.4, the minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation methods defined in Sections 10489.5, 10489.6, and 10489.9, 3½ percent per annum interest, except that the interest specified in subdivisions (c) and (d) may be used for certain annuity and pure endowment contracts, 4 percent per annum interest for such policies issued or contracts entered into on or after January 1, 1970, but prior to January 1, 1980, 5½ percent per annum interest may be used for single premium life insurance policies and 4½ percent per annum interest for all other such policies issued on or after January 1, 1980, and the

following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of subdivision (a) of Section 10163.1, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date and prior to January 1, 1982, provided that for any category of such policies issued on female risks, all modified net premiums and present values referred to in Sections 10489.5, and 10489.9 may be calculated, at the option of the insurer, according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after the operative date of Section 10163.2, as amended (i) the Commissioners 1980 Standard Ordinary Mortality Table, or (ii) at the election of the company for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors, or (iii) any ordinary mortality table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of subdivision (b) of Section 10163.1, and for such policies issued on or after such operative date the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

(c) For individual annuity and pure endowment contracts issued prior to the compliance date of Section 10489.3, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, ultimate, or any modification of these tables approved by the commissioner. However, the minimum standard for such contracts issued from January 1, 1968, through December 31, 1968, with commencement of benefits deferred not more than one year from date of issue, may be, at the option of the company, 4 percent per annum interest, and for contracts issued from January 1, 1969, to the compliance date of Section 10489.3, with commencement of benefits deferred not more than 10 years from date of issue and with premiums payable in one sum may be, at the option of the company, 5 percent per annum interest.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the

Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of the tables specified for individual annuity and pure endowment contracts However, the minimum standard for annuities and pure endowments purchased or to be purchased prior to the compliance date of Section 10489.3, under group annuity and pure endowment contracts with considerations received on or after January 1, 1968, through December 31, 1968, may be, at the option of the company, 4 percent per annum interest, and for annuities and pure endowments purchased or to be purchased prior to the compliance date of Section 10489.3, under group annuity and pure endowment contracts with considerations received from January 1, 1969, to the compliance date of Section 10489.3, may be at the option of the company, 5 percent per annum interest.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that are approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table or any accidental death benefits table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the commissioner.

10489.3. Except as provided in Section 10489.4, the minimum standard for the valuation of all individual annuity and pure

endowment contracts issued on or after the compliance date of Section 10489.3, and for all annuities and pure endowments purchased on or after the compliance date of Section 10489.3, under group annuity and pure endowment contracts, shall be the commissioners reserve valuation methods defined in Sections 10489.5 and 10489.6, and the following tables and interest rates:

(a) For individual annuity and pure endowment contracts issued prior to January 1, 1980, excluding any disability and accidental death benefits in such contracts, the Individual Annuity Mortality Table for 1971, or any modification of such table approved by the commissioner, and an interest rate of:

(1) Six percent per annum for all such contracts with commencement of benefits deferred not more than 10 years from date of issue and with premiums payable in one sum.

(2) Four percent per annum for all other such contracts.

(b) For individual single premium immediate annuity contracts issued on or after January 1, 1980, excluding any disability and accidental death benefits in such contracts, the Individual Annuity Mortality Table for 1971 or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the commissioner, and 7½ percent per annum interest.

(c) For individual annuity and pure endowment contracts issued on or after January 1, 1980, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the individual Annuity Mortality Table for 1971 or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the commissioner, and 5½ percent per annum interest for single premium deferred annuity and pure endowment contracts and 4½ percent per annum interest for all other such individual annuity and pure endowment contracts.

(d) For all annuities and pure endowments purchased prior to January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the Group Annuity Mortality Table for 1971, or any modification of this table approved by the commissioner, and 6 percent per annum interest.

(e) For all annuities and pure endowments purchased on or after January 1, 1980, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the Group Annuity Mortality Table for 1971 or any group annuity mortality table, adopted after 1980 by

the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of these tables approved by the commissioner, and 7½ percent per annum interest.

All individual annuity and pure endowment contracts entered into prior to January 1, 1980, and all annuities and pure endowments purchased prior to January 1, 1980, under group annuity and pure endowment contracts shall remain subject to the provisions of Article 3A (commencing with Section 10489.1) as it existed prior to January 1, 1980.

10489.4. (a) The interest rates used in determining the minimum standard for the valuation of all life insurance policies issued in a particular calendar year, on or after January 1, 1989, all individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1982, all annuities and pure endowments purchased on a particular calendar year on or after January 1, 1982, under group annuity and pure endowment contracts, and the net increase, if any, in a particular calendar year after January 1, 1987, in amounts held under guaranteed interest contracts shall be the calendar year statutory valuation interest rates as defined in subdivision (b).

(b) (1) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one-quarter of 1 percent:

(A) For life insurance:

$$I = .03 + W\ (R_1 - .03) + \frac{W}{2}\ (R_2 - .09)$$

(B) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options:

$$I = .03 + W\ (R - .03)$$

Where

R_1 is the lesser of R and .09,

R_2 is the greater of R and .09,

R is the reference interest rate defined in subdivision (d) or (e) of this section, and

W is the weighting factor defined in subdivision (c) of this section.

(C) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in (B), the formula for life

insurance stated in (A) shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of 10 years and the formula for single premium immediate annuities stated in (B) shall apply to annuities and guaranteed interest contracts with guarantee duration of 10 years or less.

(D) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in (B) shall apply.

(E) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change-in-fund basis, the formula for single premium immediate annuities stated in (B) shall apply.

(2) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of 1 percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980 (using the reference interest rate defined for 1979) and shall be determined for each subsequent calendar year regardless of the operative date of Section 10163.2.

(c) Weighting Factors.

(1) The weighting factors referred to in the formulas stated above are given in the following tables:

(A) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy.

(B) Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options:

.80

(C) Weighting factors for other annuities and for guaranteed

interest contracts, except as stated in (B), shall be as specified in tables (i), (ii), and (iii) below, according to the rules and definitions in (iv), (v), and (vi):

(i) For annuities and guaranteed interest contracts valued on an issue year basis:

	Weighting Factor for Plan Type		
Guarantee Duration (Years)	A	B	C
5 or less	.80	.60	.50
More than 5, but not more than 10	.75	.60	.50
More than 10, but not more than 20	.65	.50	.45
More than 20	.45	.35	.35

(ii) For annuities and guaranteed interest contracts valued on a change-in-fund basis, the factors shown in (i) above increased by: .15 .25 .05

(iii) For annuities and guaranteed interest contracts valued on an issue year basis (other than those with no cash settlement options) which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change-in-fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in (i) or derived in (ii) increased by: .05 .05 .05

(iv) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of 20 years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(v) Plan type as used in the above tables is defined as follows:

Plan Type A: At any time policyholder may withdraw funds only (1) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (2) without such adjustment but in installments over five years or

more, or (3) as an immediate life annuity, or (4) no withdrawal permitted.

Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only (1) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (2) without such adjustment but in installments over five years or more, or (3) no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years.

Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either (1) without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or (2) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(vi) A company may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change-in-fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this section, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change-in-fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(d) The reference interest rate referred to in subdivision (b) of this section shall be defined as follows:

(1) For all life insurance, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year next preceding the year of issue, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(2) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or year of purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(3) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year-of-issue basis, except as stated in (2) above, with guarantee

duration in excess of 10 years, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(4) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year-of-issue basis, except as stated in (2) above, with guarantee duration of 10 years or less, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(5) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(6) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change-in-fund basis, except as stated in (2) above, the average over a period of 12 months, ending on June 30 of the calendar year of the change in the fund, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(e) In the event that Moody's Corporate Bond Yield Average—Monthly Average Corporates is no longer published by Moody's Investors Service, Inc., or in the event that the National Association of Insurance Commissioners, or its successor, determines that Moody's Corporate Bond Yield Average—Monthly Average Corporates as published by Moody's Investors Service, Inc. is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the National Association of Insurance Commissioners, or its successor, and approved by regulation promulgated by the commissioner, may be substituted.

(f) This section shall apply to all certificates and contracts issued by a fraternal benefit society.

10489.5. Except as otherwise provided in Sections 10489.6 and 10489.9, reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any tenure modified net premiums therefor The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net

premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) of (b), as follows:

(a) A net level annual premium equal to the present value, at the date of issue of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; except that such net level annual premium shall not exceed the net level annual premium, on the 19-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one-year term premium for such benefits provided for in the first policy year.

Provided that for any life insurance policy issued on or after January 1, 1986, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioners reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in Section 10489.9, be the greater of the reserve as of such policy anniversary calculated as described in this section and the reserve as of such policy anniversary calculated as described in this section, but with (i) the value defined in subparagraph (a) of that paragraph being reduced by 15 percent of the amount of such excess first year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on such date as an endowment, and (iv) the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in Sections 10489.2 and 10489.4 shall be used.

Reserves according to the commissioners reserve valuation method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended; (3) disability and accidental death benefits in all policies and contracts; and (4) all other benefits, except life insurance and endowment benefits in life insurance

policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of the preceding paragraphs of this section, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

10489.6. This section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

10489.7. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the methods set forth in Sections 10489.5, 10489.6, 10489.9, and 10489.10 and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

10489.8. Reserves for any category of policies, contracts or benefits as established by the commissioner may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein.

10489.9. If in any contract year the gross premium charged by any life insurer on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used

in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium.

Provided that for any life insurance policy issued on or after January 1, 1986, for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this section shall be applied as if the method actually used in calculating the reserve for such policy were the method described in Section 10489.5, ignoring the second paragraph of Section 10489.5. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with Section 10489.5, including the second paragraph of that section, and the minimum reserve calculated in accordance with this section.

10489.10. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in Sections 10489.5, 10489.6, and 10489.9, the reserves which are held under any such plan must:

(a) Be appropriate in relation to the benefits and the pattern of premiums for that plan; and

(b) Be computed by a method which is consistent with the principles of this Standard Valuation Law,

as determined by regulations promulgated by the commissioner.

Notwithstanding any other provision in the laws of this state, any policy, contract, or certificate providing life insurance under any such plan must be filed with the commissioner before it can be marketed, issued, delivered or used in this state.

SEC. 14. Section 11043 of the Insurance Code is amended to read:

11043. A society may grant nonforfeiture benefits, cash surrender values, certificate loans and such other options as its laws may permit.

In the case of certificates issued after September 21, 1952, other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the 1941 Standard Industrial Table, the Commissioners 1958 Standard Ordinary Mortality Table, or the Commissioners 1980 Standard Ordinary Mortality Table, the value of any nonforfeiture benefit granted and

the amount of any cash surrender value granted shall not be less than the excess, if any, of (a) over (b) as follows:

(a) The reserve under the certificate determined on the basis specified in the certificate; and

(b) The sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge of not more than two and one-half per centum of the face amount of the certificate, which, in the case of insurance on the lives of children, shall be the ultimate face amount of the certificate, if death benefits provided therein are graded.

However, in the case of certificates issued on a substandard basis or in the case of certificates, the reserves for which are computed upon the American Men Ultimate Table of Mortality, the term of any extended insurance benefit including accompanying pure endowment, if any, may be computed upon the rates of mortality not greater than 130 per centum of those shown by the mortality table specified in the certificate for the computation of the reserve.

In the case of certificates issued after September 21, 1952, for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the 1941 Standard Industrial Table, the Commissioners 1958 Standard Ordinary Mortality Table, or the Commissioners 1980 Standard Ordinary Mortality Table, the value of any nonforfeiture benefit granted and the amount of any cash surrender value granted shall not be less than the corresponding amount ascertained in accordance with the provisions of Sections 10161, 10162, 10163, 10163.1, 10163.2, 10164, 10164.1, and 10165 applicable to life insurance companies.

SEC. 15. Section 11134 of the Insurance Code is amended to read:

11134. Except as otherwise provided in Section 10489.6, reserves according to the commissioners' reserve valuation method, for the life insurance and endowment benefits of certificates providing for a uniform amount of insurance and requiring the payment of uniform rates shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such certificates, over the then present value of any future modified net rates therefor. The modified net rates for any such certificate shall be such uniform percentage of the respective contract payment for such benefits that the present value, at the date of issue of the certificate, of all such modified net rates shall be equal to the sum of the then present value of such benefits provided for by the certificate and the excess of (a) over (b), as follows:

(a) A net level annual payment equal to the present value at the date of issue, of such benefits provided for after the first certificate year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such certificate on which a payment falls due; provided, however, that such net level annual payment shall not exceed the net level annual payment on the 19-year payment whole life plan for insurance of the same amount at an age one year higher

than the age at issue of such certificate.

(b) A net one-year term payment for such benefits provided for in the first certificate year.

Provided that for any certificate issued on or after January 1, 1986, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefits is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioners reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall be the greater of the reserve as of such policy anniversary calculated as described in the preceding paragraph and the reserve as of such policy anniversary calculated as described in that paragraph, but with (i) the value defined in subdivision (a) of that paragraph being reduced by 15 percent of the amount of such excess first year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on such date as an endowment, and (iv) the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in Sections 11136 and 11136.1 shall be used.

Reserves according to the commissioners' reserve valuation method for (1) life insurance certificates providing for a varying amount of insurance or requiring the payment of varying rates, (2) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, (3) disability and accidental death benefits in all certificates and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance certificates, shall be calculated by a method consistent with the principles of the first paragraph of this section, except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

SEC. 16. Section 11136 of the Insurance Code is amended to read:

11136. Except as otherwise provided in Section 10489.4, such valuation shall be certified by a competent actuary or, at the expense of the society, verified by the actuary of the insurance supervisory official of the state of domicile of the society, and the legal minimum standard of valuation shall be as follows:

(a) All benefits promised by certificates issued prior to September 22, 1952, and the rates therefor shall be valued in accordance with the provisions of law applicable thereto as of the date of issuance, but not lower than the standards and interest assumptions used in the calculation of rates for such benefits.

(b) The minimum standard for the valuation of all certificates issued after September 21, 1952, and prior to January 1, 1972, shall be 3 percent per annum interest; in the case of certificates issued on and after January 1, 1972, and prior to January 1, 1980, the minimum standard for the valuation of all such certificates shall be 4 percent per annum interest; and in the case of certificates issued on and after January 1, 1980, the minimum standard for the valuation of all single premium certificates shall be 5½ percent per annum interest and for the valuation of all other such certificates shall be 4½ percent per annum interest, and the following tables:

(1) For all ordinary certificates of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the American Men Ultimate Table of Mortality, with Bowerman's or Davis' Extension thereof, or, at the option of the society, the Commissioners 1941 Standard Ordinary Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, using actual age of the insured for male risks and an age not more than six years younger than the actual age of the insured for female risks, and for such policies issued on or after the operative date of Section 10163.2 (i) the Commissioners 1980 Standard Ordinary Mortality Table, or (ii) at the election of the company for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors, or (iii) any ordinary mortality table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

(2) For all industrial life insurance certificates issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the 1941 Standard Industrial Mortality Table, for such certificates issued prior to the operative date January 1, 1989, and for such policies issued on or after such operative date, the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

(3) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in such certificates—the 1937 Standard Annuity Mortality Table, or the Annuity Mortality Table for 1949 Ultimate, or the Individual Annuity Mortality Table for 1971, or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for

use in determining the minimum standard of valuation for such contracts, or any modification of any of these tables approved by the commissioner.

(4) For disability benefits in or supplementary to ordinary certificates—Hunter's Disability Table or the Class 3 Disability Table (1926), modified to conform to the contractual waiting period, or the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries with due regard to the type of benefit, or the 1964 Commissioners Disability Table, or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that are approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies. Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance certificates.

(5) For accidental death benefits in or supplementary to certificates—The Inter-Company Double Indemnity Mortality Table or the 1959 Accidental Death Benefits Table, or any accidental death benefits table, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies. Any such table shall be combined with a mortality table permitted for calculating the reserves for life insurance certificates.

(6) For temporary accident and health benefits in or supplementary to certificates—Class 3 Disability Table (1926) with Conference Modifications or the 1964 Commissioners Disability Table, or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, or its successor, that are approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

(7) For life insurance issued upon the substandard basis and other special benefits—such tables as may be approved by the commissioner.

(c) The commissioner may, in his discretion, accept other standards for valuation if he finds that the reserves produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard prescribed. Whenever the mortality experience under the certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of three consecutive years, the commissioner may require additional reserves when in his judgment deemed necessary on account of such certificates.

(d) Notwithstanding the provisions of subdivisions (a) and (b), any society, with the consent of the insurance supervisory official of the state of domicile of the society, and under such conditions, if any, which he may impose, may establish and maintain reserves on its

certificates in excess of the reserves required thereunder, but the contractual rights of any insured member shall not be affected thereby.

CHAPTER 768

An act to repeal and add Section 10450.6 to the Business and Professions Code, relating to the Real Estate Fund.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 10450.6 of the Business and Professions Code is repealed.

SEC. 2. Section 10450.6 is added to the Business and Professions Code, to read:

10450.6. There is a separate account in the Real Estate Fund for the purposes of real estate education, research, and recovery, in accordance with the provisions of this chapter. Twenty percent of the amount of any license fee collected under this part shall be paid to such separate account in the Real Estate Fund. All moneys hereafter credited to such account on and after January 1, 1982, shall be allocated 75 percent for education and research and 25 percent for carrying out the provisions of Article 3 (commencing with Section 10470) of Chapter 6 of this part.

CHAPTER 769

An act to amend Section 14404 of, to add Chapter 12 (commencing with Section 4600) to Division 5 of Title 1 of, to add Articles 8.1 (commencing with Section 14410) and 8.2 (commencing with Section 14415) to Chapter 3 of Part 5 of Division 3 of Title 2 of, and to repeal Sections 14378, 14379, and 14380 of, the Government Code, relating to public works.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Chapter 12 (commencing with Section 4600) is added to Division 5 of Title 1 of the Government Code, to read:

CHAPTER 12. ARBITRATION OF PUBLIC WORKS CONTRACT CLAIMS

4600. As used in this chapter:

(a) "Public works contract" means, except for a contract awarded pursuant to the State Contract Act (Article 1 (commencing with Section 14250) of Chapter 3 of Title 2, a contract awarded through competitive bids or otherwise by the state, any of its political subdivisions or public agencies for the erection, construction, alteration, repair, or improvement of any kind upon real property.

(b) "Claim" means a demand for monetary compensation or damages, arising under or relating to the performance of any such public works contract.

4601. Unless otherwise prohibited by law, the terms of any public works contract may include at the time of bidding and of award a provision for arbitration of any claim pursuant to the provisions of Article 8.1 (commencing with Section 14410) of Chapter 3 of Part 5 of Division 3 of Title 2.

SEC. 2. Section 14378 of the Government Code is repealed

SEC 3. Section 14379 of the Government Code is repealed.

SEC. 4. Section 14380 of the Government Code is repealed.

SEC. 5. Section 14404 of the Government Code is amended to read:

14404. A filing of the claim pursuant to Part 3, Division 3.6, Title 1 of the Government Code is not required as a prerequisite to the commencement of arbitration pursuant to Article 8.1 (commencing with Section 14410) of this chapter The department shall have full authority to compromise or otherwise settle any claims arising from the contract at any time.

SEC. 6. Article 8.1 (commencing with Section 14410) is added to Chapter 3 of Part 5 of Division 3 of Title 2 of the Government Code, to read.

Article 8.1. Resolution of Contract Claims

14410 The remedy for the resolution of claims arising under contracts made under the provisions of this chapter shall be arbitration pursuant to the provisions of this chapter.

14410.1. The claimant may initiate arbitration not later than 180 days after the date of service in person or by mail on the claimant of the final written decision by the department on the claim This limitation shall not apply to any claim founded on any cost audit, latent defect, warranty, or guarantee under the contract.

14410 2 A failure by the claimant to pursue diligently and exhaust, as to the claim, the required administrative procedures set forth in the contract under which the claim arose shall be a bar to arbitration hereunder until there has been compliance therewith. Subject to the preceding sentence, if more than 240 days have elapsed since acceptance of the work by the department, the

claimant is entitled to arbitration, even though the procedures are not concluded.

14410.3. Unless otherwise agreed by the parties, the arbitration shall be conducted by a single arbitrator selected by the parties from the certified list created by the Public Works Contract Arbitration Committee. If the parties cannot agree on the arbitrator, either party may petition the superior court to appoint one from the panel of arbitrators certified by the Public Works Contract Arbitration Committee.

14410.4. No decision made by a department shall be conclusive on any issue in the arbitration.

14410.5. The Departments of General Services, Transportation, and Water Resources shall jointly adopt and may, from time to time, modify, revise or repeal uniform regulations to implement the provisions of this article, which regulations shall be consistent with the provisions of this article and Article 8.2 (commencing with Section 14415). The regulations may include but need not be limited to:

(a) The method of initiating arbitration.

(b) The place of hearing based upon the convenience of the parties.

(c) Procedures for the selection of a neutral arbitrator.

(d) The form and content of any pleading.

(e) Procedure for conducting hearings.

(f) The providing of experts to assist the arbitrator in the event the assistance is needed.

(g) The content of the award.

(h) Simplified procedures for claims of fifty thousand dollars ($50,000) or less.

Pending adoption of the initial uniform regulations under this section, the arbitration rules set forth in Subchapter 3 (commencing at Section 301) of Chapter 2 of Title 1, California Administrative Code, shall govern the conduct of arbitrations hereunder.

14410.6. As used in this article, "claim" means a demand for monetary compensation or damages, arising under or relating to the performance of a contract awarded under the provisions of this chapter.

14410.7. As used in this article, "Public Works Contract Arbitration Committee" means the committee created by Article 8.2 (commencing with Section 14415).

14410.8. Unless the parties to the contract otherwise agree, the arbitration decision shall be decided under and in accordance with the law of this state, supported by substantial evidence and, in writing, contain the basis for the decision, findings of fact, and conclusions of law

14410.9. A party to the contract may join in the arbitration as a party, any supplier, subcontractor, design professional, surety, or other person who has so agreed and if the joinder is necessary to prevent a substantial risk of the party otherwise being subjected to

inconsistent obligations or decisions.

14410.10. Nothing in this article shall be construed as preventing the parties to the contract, after the claim has arisen, from mutually agreeing in writing to waive the provisions of this article and to have the claim litigated in a court of competent jurisdiction.

14410.11. Except as provided in this article and in the regulations adopted pursuant to Section 14410.5, the procedure governing the arbitrations shall be as set forth in Title 9 of Part 3 (commencing at Section 1280) of the Code of Civil Procedure. All provisions of Section 1283.05 of the Code of Civil Procedure, except subdivision (e) thereof, shall apply to the conduct of discovery for any arbitration hereunder.

14410.12. A party may, within the applicable time periods and upon the grounds specified in this section and in Article 1 (commencing with Section 1285) of Chapter 4 of Title 9 of the Code of Civil Procedure, petition the court to confirm, correct, or vacate the award rendered by the arbitrator. However, no department may petition to vacate an award without the prior written authorization of its agency secretary. Except where the parties agree not to have the arbitration decision rendered in accordance with the provisions of Section 14410.8, a court shall vacate the award, or part thereof, if it determines either that the award, or part thereof, is not supported by substantial evidence or that it is not decided under or in accordance with the laws of this state. If the award, or part thereof, is vacated on the grounds set forth in the preceding sentence or in subdivision (d) or (e) of Section 1286.2 of the Code of Civil Procedure or if the court determines that the award does not include a determination of all submitted questions necessary to determine the controversy, the court may order a rehearing before the original arbitrator or remand to the original arbitrator that portion of the dispute which the court concludes the arbitrator failed to determine.

14410.13. The cost of conducting the arbitration shall be borne equally by the parties. The filing fee, witness fees, costs of discovery, or any other cost necessarily incurred by one party shall not be shared by any other party, except that the arbitrator may allow the prevailing party to recover its costs and necessary disbursements, other than attorney's fees, on the same basis as is allowed in civil actions. These costs shall be taxed as in civil actions.

Interest may be recovered as part of the award as in a civil action The arbitrator has the same authority as a court in awarding interest and the commencement of the arbitration is equivalent to the filing of an action under subdivision (b) of Section 3287 of the Civil Code for the purpose of an award of interest

If a party has made an offer of settlement and the award is less favorable than the offer, then the party who has received the offer shall not recover any interest accruing from and after the date on which the offer was made, nor costs of suit.

Reasonable attorney fees may be recovered according to any of the following:

(a) By a party who has made an offer under the circumstances set forth in the preceding sentence but only as to such fees incurred from and after the time of making the offer.

(b) Against a party when substantial evidence establishes that the party has acted frivolously or in bad faith in its demand for, or participation in, the arbitration.

SEC. 7. Article 8.2 (commencing with Section 14415) is added to Chapter 3 of Part 5 of Division 3 of Title 2 of the Government Code, to read:

Article 8.2. Public Works Contract Arbitration Committee

14415. There is hereby established the Public Works Contract Arbitration Committee which shall consist of seven members, as follows:

(a) Three public members, who shall be appointed by the Governor, each of whom shall have at least ten years' experience with a general contracting firm engaged, during that period, in public works construction in California.

(b) The directors of the Departments of General Services, Transportation, and Water Resources shall each appoint a member, who shall be a state officer or employee within their respective departments. Each member shall serve at the pleasure of the director who appointed the member.

(c) The Director of the Office of Administrative Hearings shall be a nonvoting member of the Public Works Contract Arbitration Committee.

14415.1. Each member appointed by the Governor shall serve for a term of four years, but shall continue in office until the successor to the member is appointed. Each member shall serve without compensation, but shall be reimbursed for travel and other expenses necessarily incurred in the performance of the member's duties.

14415.2. The committee may make recommendations to the departments respecting the arbitration practice and procedure provided by Article 8.1 (commencing with Section 14410). The departments shall consult and confer with the committee respecting the content of the uniform regulations governing the conduct of arbitrations under Article 8.1 (commencing with Section 14410) and shall consider the recommendations in adopting uniform regulations pursuant to Section 14410.5.

14415.3. The committee may establish standards and qualifications for the certification of arbitrators and certify as arbitrators persons meeting such standards and qualifications The committee may remove persons from its list of certified arbitrators.

14415.4. The Office of Administrative Hearings shall provide administrative services, facilities, and fiscal support to implement this article and Article 8.1 (commencing with Section 14410). The cost thereof shall be recovered through filing fees imposed for each arbitration.

CHAPTER 770

An act to amend Section 26708 of, and to add Section 27909 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 26708 of the Vehicle Code is amended to read:

26708. (a) No person shall drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield, or side or rear windows, or with any object or material so placed, displayed, installed, affixed, or applied in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield or side windows.

(b) This section shall not apply to:

(1) Rearview mirrors.

(2) Adjustable nontransparent sunvisors which are mounted forward of the side windows and are not attached to the glass.

(3) Signs, stickers, or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a five-inch square in the lower corner of the windshield nearest the driver

(4) Side windows which are to the rear of the driver.

(5) Direction, destination, or termini signs upon a passenger common carrier motor vehicle, providing such signs do not interfere with the driver's clear view of approaching traffic.

(6) Rear window wiper motor.

(7) Rear trunk lid handle or hinges.

(8) The rear window or windows, when the motor vehicle is equipped with outside mirrors on both the left- and right-hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least 200 feet to the rear of the vehicle.

(9) A clear, transparent lens affixed to the side window opposite the driver on a vehicle greater than 80 inches in width and which occupies an area not exceeding 50 square inches of the lowest corner toward the rear of that window and which provides the driver with a wide-angle view through the lens.

(c) Notwithstanding subdivision (a), transparent material may be installed, affixed, or applied to the topmost portion of the windshield if:

(1) The bottom edge of the material is at least 29 inches above the undepressed driver's seat when measured from a point five inches in front of the bottom of the backrest with the driver's seat in its

rearmost and lowermost position with the vehicle on a level surface.

(2) The material is not red or amber in color.

(3) There is no opaque lettering on the material and any other lettering does not affect primary colors or distort vision through the windshield.

(4) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or following vehicles to any greater extent than the windshield without the material.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 771

An act to add Article 5 (commencing with Section 491) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to agriculture.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Article 5 (commencing with Section 491) is added to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, to read:

Article 5. Livestock and Poultry Diagnostic Laboratories

491. The Legislature hereby declares its intent to provide appropriate and timely diagnostic laboratory support for the health needs of the livestock and poultry industries utilizing a fiscally responsible plan which includes resources to maintain up-to-date technology.

492. The director shall enter into cooperative studies with the Dean of the School of Veterinary Medicine at the University of California, Davis, to define the laboratory support needed for the diagnosis of livestock and poultry disease in California and to develop a detailed plan to provide that service taking the following into consideration:

(a) Provision of competent and technically sound, "state-of-the-art" laboratory services.

(b) The most efficient fiscal approach to provide the needed

services.

Considerations should include the methods by which the university and the department might interface to provide the needed laboratory support.

493. The director shall appoint an advisory committee for development of the plan required by this article, with representation from users of the laboratory system, to include selected members of the Assembly Committee on Agriculture's task force on Veterinary Laboratory Services.

494. The detailed plan, to include a timetable for implementation, program description, physical and budgetary requirements, and proposed supporting legislation for implementation, shall be submitted to the Assembly Committee on Agriculture prior to February 1, 1982.

CHAPTER 772

An act to amend Section 12800 of the Vehicle Code, relating to driver's licenses.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 12800 of the Vehicle Code is amended to read·

12800. Every application for a driver's license shall contain the following information:

(a) The applicant's true full name, age, sex, and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(d) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(e) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(f) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses, or whether the applicant has any disease, disorder, or disability which affects the ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(g) Whether the applicant understands traffic signs and signals.

(h) Whether the applicant has ever previously been issued an indentification card by the department.

(i) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 2. Section 12800 of the Vehicle Code, as amended by Section 1 of this act, is amended to read·

12800. Every application for a driver's license shall contain the following information:

(a) The applicant's true full name, age, sex, and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses, or whether the applicant has any disease, disorder, or disability which affects ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals

(i) Whether the applicant has ever previously been issued an indentification card by the department.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

This section shall become operative on July 1, 1982

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill 52 are both chaptered and become effective January 1, 1982, both bills amend Section 12800 of the Vehicle Code, and this bill is chaptered after Assembly Bill 52, that Section 12800 of the Vehicle Code, as amended by Section 1 of this act shall remain operative only until the operative date of Assembly Bill 52, and that on the operative date of Assembly Bill 52 Section 12800 of the Vehicle Code as amended by Section 1 of this act be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 1 proposed by Assembly Bill 52. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill 52 are both chaptered and become effective January 1, 1982, both bills amend

Section 12800, and this bill is chaptered after Assembly Bill 52, in which case Section 2 of this act shall become operative on the operative date of Assembly Bill 52.

CHAPTER 773

An act to amend Sections 17004, 17210.2, 17213.2, 17213.5, 17416, 17601, 17604, and 17621 of the Financial Code, relating to escrow agents.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 17004 of the Financial Code is amended to read·

17004. "Escrow agent" means any person engaged in the business of receiving escrows for deposit or delivery.

SEC. 2. Section 17210 2 of the Financial Code is amended to read:

17210.2. No escrow agent shall disseminate, or cause or permit to be disseminated, in any manner whatsoever, any statement or representation which is false, misleading, or deceptive, or which omits to state material information, or which refers to the supervision of such person by the State of California or any department or official thereof. The commissioner may order any person to desist from any conduct which he shall find to be a violation of the foregoing provisions.

SEC. 3 Section 17213 2 of the Financial Code is amended to read:

17213.2. The commissioner may, pursuant to regulations adopted under this section, order a licensed escrow agent which opens a branch office or changes its business location or locations without first obtaining the approval of the commissioner to forfeit to the people of the state a sum of up to one hundred dollars ($100) for every day for the first 10 days and ten dollars ($10) for every day thereafter during which the branch office or changed location is maintained without authority.

SEC. 4. Section 17213.5 of the Financial Code is amended to read:

17213.5. Licensees of this division shall be entitled to establish additional business office locations by compliance with all of the following·

(a) Filing with the commissioner notice of the intended address, or addresses.

(b) Payment of the fees prescribed in subdivisions (a) and (c) of Section 17207

(c) Filing with the commissioner additional bond or bonds as prescribed in Sections 17202, 17203, 17203.1, 17203.2, and 17204 appropriately for each additional office location or, in lieu thereof,

the applicant shall cause the surety under his existing bond or bonds to file with the commissioner a written amendment signifying that coverage is appropriately extended.

(d) Filing with the commissioner financial statements prepared in accordance with generally accepted accounting principles. Except as otherwise permitted in writing by the commissioner, such financial statements shall be covered by a report or certificate of an independent certified public accountant or independent public accountant, showing an additional tangible net worth in the amount set forth in Section 17210 for each additional office location, and should not be more than six months old.

(e) Filing with the commissioner the names and addresses of the licensee's owners and employees to be stationed at the new location, showing that the operation of the additional office, or offices, will be under the complete management and control of the parent licensee.

(f) Filing with the commissioner statements offsetting and meeting each of the conditions set forth in Section 17209.3.

With respect to all applications for authorization to establish additional locations, the commissioner shall promptly dispatch the notice set forth in Section 17209.1 and he shall immediately commence his investigation and review of the application.

The commissioner shall within 45 days from the receipt by the commissioner of a separate and complete application, license the designated premises as a branch of the parent licensee, unless the commissioner finds (1) that the applicant has failed to comply with all of the requirements of this section, (2) that the applicant then fails to meet any of the standards applicable for the issuance of a license pursuant to Section 17209.3, or (3) that a hearing shall be held to determine whether the application should be granted or denied.

SEC. 5. Section 17416 of the Financial Code is amended to read:

17416. Whenever in the opinion of the commissioner any person, except as named in Section 17006, is engaged, either actually or through subterfuge, in the business of receiving escrows for deposit or delivery as defined in this division, without a license from the commissioner the commissioner may order said person to desist and to refrain from engaging in such business. If, after such an order is made, a request for a hearing is filed in writing and the hearing is not held within 60 days thereafter, the order is rescinded.

SEC. 6. Section 17601 of the Financial Code is amended to read:

17601. If the commissioner has reason to believe that any escrow agent is violating the provisions of this division, the commissioner may investigate the escrow agent's business and examine the books, accounts, records, and files used in the business of every escrow agent and of every person who acts or claims to act as principal or agent under or without the authority of this division. For the purposes of examination the commissioner and representatives of the commissioner shall have free access to the offices and places of business, books, accounts, records, papers, files, safes, and vaults of all persons examined.

SEC. 7. Section 17604 of the Financial Code is amended to read:

17604. No order issued pursuant to Sections 17602 or 17603 may become final except after notice to any licensed escrow agent affected thereby of the intention of the commissioner to make such order final and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 business days after such receipt unless the licensed agent affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may become final without hearing and the licensed escrow agent shall immediately discontinue the practices named in the order. If a hearing is requested or ordered, it shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder. If upon the hearing, it appears to the commissioner that the licensed agent is conducting business in an unsafe and injurious manner or is violating its articles of incorporation or any law of this state, or any rule binding upon it, the commissioner shall make the order of discontinuance final and the licensed escrow agent shall immediately discontinue the practices named in the order.

SEC. 8. Section 17621 of the Financial Code is amended to read:

17621. Whenever it appears to the commissioner that any escrow agent subject to this division:

(a) Is in an insolvent condition;

(b) Is conducting escrow business in an unsafe or unauthorized manner;

(c) Has violated its charter or any law of the State of California;

(d) Refuses to submit its books, papers and affairs to the inspection of any examiner;

(e) Neglects or refuses to observe any order of the commissioner made pursuant to the provisions of this division, within the time specified therein, unless the enforcement of such order is restrained in a proceeding brought by the escrow agent;

(f) Any officer, director, or trustee of such escrow agent refuses to be examined upon oath touching the business of such escrow agent;

(g) Any officer, director, stockholder, or trustee of such escrow agent, or attorney in fact of such escrow agent has embezzled, sequestered, or willfully diverted the assets or trust funds of such escrow agent;

(h) Has permitted its tangible net worth to be lower than the minimum required by law;

(i) Has failed to comply with the bonding requirements of Chapter 2 of this division

the commissioner shall dispatch a written notice and summary of findings, as referred to in Section 17415, to the principal officer of the escrow agent involved or to its manager of record; and such escrow

agent shall be afforded a reasonable opportunity to comply or otherwise effect such remedies as the commissioner may deem acceptable. However, should the escrow agent so notified fail to comply within five days of receipt of the notice, or as soon as it appears to the commissioner that no compliance is possible, or in the event prompt delivery of the prescribed written notice is impossible, the commissioner may forthwith take possession of the property and business of such escrow agent and retain possession until such escrow agent resumes business or its affairs be finally liquidated as provided in this chapter. The escrow agent, with the consent of the commissioner, may resume business upon such conditions as the commissioner may prescribe.

CHAPTER 774

An act to amend Sections 25103, 25251, 25253, 25270, 25300, 26302, 26311, 26451, 31520, 34506, 34508, 36101, and 40303.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 25103 of the Vehicle Code is amended to read:

25103. Whenever the load upon any vehicle extends from the left side of the vehicle one foot or more, there shall be displayed at the extreme left side of the load during darkness:

(a) An amber lamp plainly visible for 300 feet to the front and rear of the vehicle.

(b) An amber lamp at the front visible for 300 feet to the front and a red lamp at the rear plainly visible for 300 feet to the rear of the vehicle if the projecting load exceeds 120 inches in length.

The lamp shall not contain a bulb rated in excess of six candlepower.

SEC. 2. Section 25251 of the Vehicle Code is amended to read:

25251 (a) Flashing lights are permitted on vehicles as follows:

(1) To indicate an intention to turn or move to the right or left upon a roadway, turn signal lamps and turn signal exterior pilot indicator lamps and side lamps permitted under Section 25106 may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(2) When disabled upon the roadway or when disabled or parked off the roadway but within 10 feet thereof, turn signal lamps may be flashed as warning lights if the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(3) To warn other motorists of accidents or hazards on a roadway, turn signal lamps may be flashed as warning lights while the vehicle is approaching, overtaking, or passing the accident or hazard on the roadway if the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(4) For use on authorized emergency vehicles.

(b) Side lamps permitted under Section 25106 and used in conjunction with turn signal lamps may be flashed with the turn signal lamps as part of the warning light system, as provided in paragraphs (2) and (3) of subdivision (a).

(c) Required or permitted lamps on a trailer or semitrailer may flash when the trailer or semitrailer has broken away from the towing vehicle and the connection between the vehicles is broken.

SEC. 3. Section 25253 of the Vehicle Code is amended to read:

25253. Tow cars used to tow disabled vehicles shall be equipped with flashing amber warning lamps.

The 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 4. Section 25270 of the Vehicle Code is amended to read:

25270. Any pilot car required by the permit referred to in Section 35780 or 35790, or any vehicle or combination of vehicles subject to such permit if specified in the permit, may display flashing amber warning lights to the front, sides or rear while actually engaged in the movement described in the permit. The warning lamps shall be removed or covered with opaque material whenever the pilot car is not escorting the movement described in the permit.

SEC. 5. Section 25300 of the Vehicle Code is amended to read:

25300. (a) Every vehicle which, if operated during darkness, would be subject to the provisions of Section 25100, and every truck tractor, irrespective of width, shall at all times be equipped with at least three red emergency reflectors. The reflectors need be carried by only one vehicle in a combination

All reflectors shall be maintained in good working condition.

(b) When any such vehicle is disabled on the roadway during darkness, reflectors of the type specified in subdivision (a) shall be immediately placed as follows:

(1) One at the traffic side of the disabled vehicle, not more than 10 feet to the front or rear thereof;

(2) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at a distance of approximately 100 feet to the front of the disabled vehicle in the center of the traffic lane occupied by such vehicle.

(4) If disablement of any such vehicle occurs within 500 feet of a

curve, crest of a hill, or other obstruction to view, the driver shall so place the reflectors in that direction as to afford ample warning to other users of the highway, but in no case less than 100 nor more than 500 feet from the disabled vehicle.

(5) If disablement of the vehicle occurs upon any roadway of a divided or one-way highway, the driver shall place one reflector at a distance of approximately 200 feet and one such reflector at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle, and one such reflector at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle.

(c) When any such vehicle is disabled or parked off the roadway but within 10 feet thereof during darkness, warning reflectors of the type specified in subdivision (a) shall be immediately placed by the driver as follows: one at a distance of approximately 200 feet and one at a distance of approximately 100 feet to the rear of the vehicle, and one at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle. The reflectors shall, if possible, be placed between the edge of the roadway and the vehicle, but in no event less than two feet to the left of the widest portion of the vehicle or load thereon.

(d) Until the reflectors required by this section can be placed properly, the requirements of this section may be complied with temporarily by either placing lighted red fusees in the required locations or by use of turn signal lamps, but only if front turn signal lamps at each side are being flashed simultaneously and rear turn signal lamps at each side are being flashed simultaneously.

(e) The reflectors shall be displayed continuously during darkness while the vehicle remains disabled upon the roadway or parked or disabled within 10 feet thereof.

(f) Subdivisions (b), (c), (d), and (e) do not apply to a vehicle under either of the following circumstances:

(1) Parked in a legal position within the corporate limits of any city.

(2) Parked in a legal position upon a roadway bounded by adjacent curbs.

(g) In addition to the reflectors specified in subdivision (a), an emergency warning sign or banner may be attached to a vehicle which is disabled upon the roadway or which is parked or disabled within 10 feet of a roadway.

SEC 6. Section 26302 of the Vehicle Code is amended to read:

26302. (a) Every trailer or semitrailer, manufactured and first registered after January 1, 1940, and having a gross weight of 6,000 pounds or more and which is operated at a speed of 20 miles per hour or over shall be equipped with brakes.

(b) Every trailer or semitrailer manufactured and first registered after January 1, 1966, and having a gross weight of 3,000 pounds or more shall be equipped with brakes on at least two wheels

(c) Every trailer or semitrailer manufactured after January 1, 1982, and equipped with air brakes shall be equipped with brakes on

all wheels.

(d) Brakes required on trailers or semitrailers shall be adequate, supplemental to the brakes on the towing vehicle, to enable the combination of vehicles to comply with the stopping distance requirements of Section 26454.

(e) The provisions of this section shall not apply to any vehicle being used to support the boom or mast attached to a mobile crane or shovel

SEC. 7. Section 26311 of the Vehicle Code is amended to read:

26311. (a) Every motor vehicle shall be equipped with service brakes on all wheels, except as follows:

(1) Trucks and truck tractors manufactured before January 1, 1982, having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with brakes.

(2) Any vehicle being towed in a driveaway-towaway operation.

(3) Any vehicle manufactured prior to 1930.

(4) Any two-axle truck tractor manufactured prior to 1964.

(5) Any sidecar attached to a motorcycle.

(6) Any motorcycle manufactured prior to 1966. Such motorcycle shall be equipped with brakes on at least one wheel.

(b) Any bus, truck, or truck tractor may be equipped with a manual or automatic means for reducing the braking effort on the front wheels. The manual means shall be used only when operating under adverse road conditions, such as wet, snowy, or icy roads.

(c) Vehicles and combinations of vehicles exempted in subdivisions (a) and (b) from the requirements of brakes on all wheels shall comply with the stopping distance requirements of Section 26454.

SEC. 8. Section 26451 of the Vehicle Code is amended to read:

26451. The parking brake system of every motor vehicle shall comply with the following requirements:

(a) The parking brake shall be adequate to hold the vehicle or combination of vehicles stationary on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material. In any event the parking brake shall be capable of locking the braked wheels to the limit of traction.

(b) The parking brake shall be applied either by the driver's muscular efforts, by spring action, or by other energy which is isolated and used exclusively for the operation of the parking brake or the combination parking brake and emergency stopping system.

(c) The parking brake shall be held in the applied position solely by mechanical means

SEC. 9. Section 31520 of the Vehicle Code is amended to read:

31520. (a) The department shall adopt and enforce regulations relating to the safe loading, securement, and transportation of loads consisting of baled cotton, baled paper, and baled jute.

(b) No person shall transport or cause to be transported any of

these products in violation of the regulations promulgated hereunder.

SEC. 10. Section 34506 of the Vehicle Code is amended to read:

34506. It is a misdemeanor to fail to comply with any rule or regulation adopted by the Department of the California Highway Patrol pursuant to Sections 34501, 34501.5, and 34508 regarding:

(a) Hours of service of drivers.

(b) Hazardous material transportation.

(c) Schoolbus constructions, design, color, equipment, maintenance, or operation.

SEC. 10.5. Section 34506 of the Vehicle Code is amended to read:

34506. It is a misdemeanor to fail to comply with any rule or regulation adopted by the Department of the California Highway Patrol pursuant to Sections 34501, 34501.5, and 34508 regarding:

(a) Hours of service of drivers.

(b) Hazardous material transportation

(c) Schoolbus constructions, design, color, equipment, maintenance, or operation.

(d) Youth bus equipment, maintenance, or operation.

SEC. 11. Section 34508 of the Vehicle Code is amended to read:

34508. The Department of the California Highway Patrol shall adopt and enforce rules and regulations relating to the equipment, maintenance, construction, design, color, and operation of schoolbuses.

SEC. 12. Section 36101 of the Vehicle Code, as amended by Chapter 50 of the Statutes of 1981, is amended to read:

36101. The following farm vehicles are exempt from registration, provided they have and display an identification plate as specified in Section 36125, and the vehicles shall not be deemed to be implements of husbandry and they shall be subject to all equipment and device requirements as if registered

(a) A motor vehicle of a size so as to require a permit under Section 35780 owned and operated by a farmer, designed and used exclusively for carrying or returning empty from carrying feed and seed products of farming, and used on a highway between one part of a farm to another part thereof or from one farm to another farm.

(b) A vehicle equipped with a water tank owned by a farmer and used exclusively to service his own implements of husbandry.

(c) A water tank truck which is used exclusively for sprinkling water on dirt roads providing access to agricultural fields and which is only incidentally operated or moved on a highway.

(d) A cotton module mover, as defined in Section 35400.5.

SEC. 13 Section 40303.5 of the Vehicle Code is amended to read.

40303.5. Whenever any person is arrested for any of the following offenses, and all of the conditions set forth in subdivision (b) of Section 40610 are met, the arresting officer may permit the arrested person to execute a notice containing a promise to correct the violation in accordance with the provisions of Section 40610.

(a) Any registration infraction set forth in Division 3

(commencing with Section 4000).

(b) Any driver's license infraction set forth in Division 6 (commencing with Section 12500), and subdivision (a) of Section 12951, relating to possession of driver's license.

(c) Section 21201, relating to bicycle equipment.

(d) Any infraction involving equipment set forth in Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14.8 (commencing with Section 34500), Division 16 (commencing with Section 36000), Division 16.5 (commencing with Section 38000), and Division 16.7 (commencing with Section 39000).

SEC. 14. It is the intent of the Legislature, if this bill and Assembly Bill 366 are both chaptered and become effective January 1, 1982, both bills amend Section 34506 of the Vehicle Code, and this bill is chaptered after Assembly Bill 366, that the amendments to Section 34506 proposed by both bills be given effect and incorporated in Section 34506 in the form set forth in Section 10.5 of this act. Therefore, Section 10.5 of this act shall become operative only if this bill and Assembly Bill 366 are both chaptered and become effective January 1, 1982, both amend Section 34506 of the Vehicle Code, and this bill is chaptered after Assembly Bill 366, in which case Section 10 of this act shall not become operative.

SEC. 15. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 775

An act to amend Sections 5602, 21113, 21461, 40510, 40521, 41103, and 41103.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 5602 of the Vehicle Code is amended to read:

5602. No owner who has made a bona fide sale or transfer of a vehicle and has delivered possession thereof to a purchaser shall not by reason of any of the provisions of this code be deemed the owner of the vehicle so as to be subject to civil liability or criminal liability for the operation of the vehicle thereafter by another when the

owner in addition to the foregoing has fulfilled either of the following requirements.

(a) When he has made proper endorsement and delivery of the certificate of ownership and delivered the certificate of registration as provided in this code.

(b) When he has delivered to the department or has placed in the United States mail, addressed to the department, either the notice as provided in Section 5900 or Section 5901 or appropriate documents for registration of the vehicle pursuant to the sale or transfer.

SECTION 1.5. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, or any property under the direct control of the legislative body of a municipality, or any state, county, or hospital district institution or building, or any educational institution exempted in whole or in part from taxation, or any harbor district formed pursuant to Part 3 (commencing with Section 6000) of Division 8 of the Harbors and Navigation Code, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the legislative body of the municipality, or the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, or state, county, or hospital district institution or building, or educational institution, or harbor district, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board, legislative body, or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board, legislative body, or officer shall also prepare and keep available at the principal administrative office of the board, legislative body, or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

(d) With respect to the permitted use of vehicles or animals on property under the direct control of the legislative body of a municipality, no change in the use of vehicles or animals on such property, which had been permitted on January 1, 1976, shall be effective unless and until the legislative body, at a meeting open to

the general public, determines that the use of vehicles or animals on such property should be prohibited or regulated.

SEC. 2. Section 21461 of the Vehicle Code is amended to read:

21461. (a) It shall be unlawful for any driver of a vehicle to fail to obey any sign or signal erected or maintained to indicate and carry out the provisions of this code or any local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey any device erected or maintained pursuant to Section 21352.

(b) The provisions of subdivision (a) shall not apply to acts constituting violations under Chapter 9 (commencing with Section 22500) of this division or to acts constituting violations of any local traffic ordinance adopted pursuant to Chapter 9 (commencing with Section 22500).

SEC. 3. Section 40510 of the Vehicle Code is amended to read:

40510. (a) Prior to the date upon which a defendant promised to appear, or prior to the time to appear contained on a notice of a parking violation, or prior to the expiration of any lawful continuance of that date, or upon receipt of information that an action has been filed, and prior to the scheduled court date, the defendant may deposit bail with the magistrate or the person authorized to receive a deposit of bail.

(b) For any offense which is not declared to be a felony, such deposit of bail may be by a personal check meeting the criteria established in accordance with subdivision (c).

(c) Each court, sheriff, or other agency which regularly accepts deposits of bail, shall adopt a written policy governing the acceptance of personal checks in payment of bail deposits. The policy shall permit clerks and other appropriate officers to accept personal checks under conditions which tend to assure the validity of the checks.

SEC. 4. Section 40521 of the Vehicle Code is amended to read:

40521. (a) Except when personal appearance is required by the bail schedule established under Section 1269b of the Penal Code, a person to whom a notice to appear has been issued under Section 40500, or a person to whom a notice of a parking violation has been issued under Section 41103, who intends to forfeit bail and to pay any penalty assessment may forward by United States mail the amount fixed as bail, together with the appropriate amount of any penalty assessment, to the person authorized to receive a deposit of bail. Such amounts may be paid in the form of a personal check which meets the criteria established pursuant to subdivision (c) of Section 40510, or a bank cashier's check or a money order. Bail and any penalty assessment shall be paid not later than the day of appearance set forth in the notice to appear or prior to the expiration of any lawful continuance of such date.

(b) Bail forwarded by mail shall be effective only when the funds are actually received.

(c) The provisions of Section 40512 are applicable to bail paid pursuant to this section. Upon the making of the order pursuant to

Section 40512 that no further proceedings be had, the amount paid as bail shall be paid into the city or county treasury, as the case may be, and the penalty assessment shall be transmitted to the State Treasury in the manner provided in Section 42052.

SEC. 5. Section 41103 of the Vehicle Code is amended to read:

41103. The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

(a) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation, including reference to the section of this code or of the local ordinance or federal statute or regulation so violated, the approximate time thereof, and the location where the violation occurred and fixing a time and place for appearance by the registered owner or the lessee or renter in answer to the notice.

The notice shall be attached to such vehicle either on the steering post or front door handle thereof or in another conspicuous place upon the vehicle so as to be easily observed by the person in charge of the vehicle upon the person's return thereto.

(b) Before any notice of noncompliance may be forwarded to the department under Section 41103.5 or any warrant for the arrest of a resident of this state may be issued following the filing of a complaint charging such a violation, a notice of the parking violation shall be given to the person so charged. The notice shall contain the information required in subdivision (a) and shall also inform the registered owner or the lessee or renter that unless he appears in the court designated in the notice within 10 days after service of the notice and answers the charge, or completes and files an affidavit of nonownership, the renewal of the vehicle registration is contingent upon compliance with the notice of a parking violation and that, failing compliance, a warrant or citation to appear may be issued against him

The notice shall contain or be accompanied by an affidavit of nonownership. In addition to any other required information, the notice shall also provide information as to what constitutes nonownership, information as to the effect of executing that affidavit, and instructions for mailing or returning the affidavit to the court. Upon receipt of evidence satisfactory to the court that the person charged with violating Section 41102 has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation, the court shall obtain verification from the department that the person charged has complied with the requirements of subdivision (a) or (b) of Section 5602, and, if the person has complied with subdivision (a) or (b) of Section 5602, the charges against the person under Section 41102 shall be dismissed Upon return of the notice to the court with any indication that the notice has not been delivered to the person so charged, the court shall, before issuing any warrant of arrest for a resident of this state, inquire of the department as to whether or not the person charged has complied with the requirements of

subdivision (a) or (b) of Section 5602, and, if the person has complied with subdivision (a) or (b) of Section 5602, the charges against the person under Section 41102 and the charges against the person under any regulation governing the standing or parking of a vehicle under this code, any federal statute or regulation, or any ordinance enacted by local authorities, shall be dismissed.

The notice shall be given, either by personal delivery thereof to the owner, lessee or renter, or by deposit in the United States mail of an envelope with postage prepaid, which envelope shall contain the notice and shall be addressed to the owner, lessee or renter at the address as shown by the records of the department or the leasing or renting agency. The giving of notice by personal delivery is complete upon delivery of a copy of the notice to that person. The giving of notice by mail is complete upon the expiration of 10 days after the deposit of the notice.

Proof of giving the notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom the notice was given and specifying the time, place and manner of the giving thereof.

(c) Before any warrant for the arrest of a nonresident of this state may be issued following the filing of a complaint charging such a violation, a notice of the parking violation shall be given to the person so charged. The notice shall contain the information required in subdivision (a) and shall also inform the registered owner or the lessee or renter that unless he appears in the court to be designated in such notice within 10 days after service of the notice and answers the charge, or completes and files an affidavit of nonownership, a warrant or citation to appear will be issued against him.

SEC. 6. Section 41103.5 of the Vehicle Code is amended to read:

41103.5. (a) Whenever any person has for a period of 15 or more days failed to answer the charge in the notice of a parking violation given, or file an affidavit of nonownership, pursuant to the provisions of subdivision (b) of Section 41103, the magistrate or clerk of the court or the officer of the issuing agency designated by the magistrate or clerk of the court shall give notice of such fact to the department if no warrant of arrest is outstanding in connection with the matter. The notice shall be given not more than 30 days after the failure to appear. Whenever thereafter the case, in which the notice of a parking violation was given pursuant to subdivision (b) of Section 41103, is adjudicated, the magistrate or clerk of the court hearing the case shall immediately sign a certificate to that effect, provide the person charged or that person's representative with a copy, and file a copy of the certificate with the department.

(b) Whenever a fine or forfeiture is received in connection with a matter for which a notice of noncompliance has been forwarded under this section, the clerk of the court, or judge if there is no clerk, shall determine the amount of the administrative service fee due as established by the department under Section 4763, and shall transmit that amount to the county treasury. The county treasurer shall, at

least once each month, transmit the fees collected pursuant to this section to the State Treasury for deposit in the Motor Vehicle Account in the State Transportation Fund. The funds shall be transmitted in the same manner as fines collected for the state by the county. In any case involving federal jurisdictions, the fees shall be transmitted monthly to the Department of Motor Vehicles for deposit in the Motor Vehicle Account in the State Transportation Fund.

(c) The procedure for the collection of bail authorized by this section and the provisions of Sections 4760 to 4765, inclusive, shall apply to any registration or equipment infraction charged simultaneously with any parking violation in any notice of a parking violation issued to an unattended vehicle under subdivision (a) of Section 41103.

SEC. 7. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 776

An act to add Chapter 12 (commencing with Section 1930) to Division 2 of the Fish and Game Code, relating to natural resources.

[Approved by Governor September 24, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Chapter 12 (commencing with Section 1930) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 12. SIGNIFICANT NATURAL AREAS

1930. The Legislature finds and declares that:

(a) Areas containing diverse ecological and geological characteristics are vital to the continual health and well being of the state's natural resources and of its citizens.

(b) Many habitats and ecosystems that constitute the state's natural diversity are in danger of being lost.

(c) There is insufficient incentive for private landowners to maintain and perpetuate significant local natural areas in their natural state.

(d) Efforts to preserve natural areas have been fragmented

between federal, state, local, and private sectors.

1931. The Legislature further finds and declares that it is the policy of this state to encourage the cooperation of federal, state, local, and private sectors, including private organizations and individuals, in efforts to maintain the state's most significant natural areas.

1932. There is hereby established the Significant Natural Areas Program which shall be administered by the department. The department, in administering this program, shall do all of the following:

(a) Obtain access to the most recent information with respect to natural resources. In order to accomplish this, the department shall maintain, expand, and keep current a data management system, designated the California Natural Diversity Data Base, designed to document information on these resources. Such data shall be made available to interested parties on request.

(b) Ensure cost-sharing by all who use the data management system, and develop a fee structure to recover actual costs for use of the data management system.

(c) Ensure recognition of the state's most significant natural areas. The department shall, after consultation with federal, state, and local agencies, education institutions, civic and public interest organizations, private organizations, landowners, and other private individuals, identify by means of periodic reports those natural areas deemed to be most significant.

(d) Seek the maintenance and perpetuation of the state's most significant natural areas for present and future generations in the most feasible manner. The department shall consider alternative approaches for such maintenance, including alternatives to fee acquisition such as incentives, leasing, and dedication.

(e) Reduce unnecessary duplication of effort. The department shall provide coordinating services to federal, state, local, and private interests wishing to aid in the maintenance and perpetuation of significant natural areas.

1933. No authority or responsibility provided for in this chapter shall, of itself, change or prevent the change of the use of any area identified pursuant to the Significant Natural Areas Program.

CHAPTER 777

An act to amend Sections 12200, 12201, 12202, 12203.7, 12204, 12205, and 12209 of, and to repeal Sections 12202.5 and 12203 of, the Government Code, relating to fees.

[Approved by Governor September 24, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 12200 of the Government Code is amended to read:

12200. The fee for filing articles of incorporation or agreements of consolidation not providing for shares is twenty dollars ($20).

SEC. 2. Section 12201 of the Government Code is amended to read:

12201. The fee for filing articles of incorporation or agreements of consolidation providing for shares is seventy dollars ($70).

SEC. 3. Section 12202 of the Government Code is amended to read:

12202. The fee for filing an agreement of merger, a certificate of ownership, a certificate of merger or a document pursuant to subdivision (d) of Section 1108 of the Corporations Code is forty-five dollars ($45) for any or all of the filings for each merger transaction regardless of the number of constituent corporations.

SEC. 4. Section 12202.5 of the Government Code is repealed.

SEC. 5. Section 12203 of the Government Code is repealed.

SEC. 6. Section 12203.7 of the Government Code is amended to read:

12203.7 The fee for filing a certificate of amendment changing the status of a nonprofit corporation into a business corporation is seventy dollars ($70).

SEC. 7. Section 12204 of the Government Code is amended to read:

12204. The fee for filing the statement and designation upon the qualification of a foreign nonprofit nonstock corporation, and of a foreign corporation organized for educational, religious, scientific, or charitable purposes, and not issuing shares, is twenty dollars ($20).

The fee for filing the statement and designation upon the qualification of any other foreign corporation is three hundred fifty dollars ($350).

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

SEC. 8. Section 12205 of the Government Code is amended to read:

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

(b) There is no fee for filing a certificate of election to dissolve a corporation, a certificate of dissolution of a corporation, or a certificate of surrender, or of change of address pursuant to Section 2112 of the Corporations Code.

SEC. 9. Section 12209 of the Government Code is amended to read:

12209. Upon the filing of any document as to a corporation or pursuant to any provision of the Corporations Code for which there is a filing fee of fifteen dollars ($15) or more or upon the filing of any document referred to in subdivision (b) of Section 12205, the

Secretary of State shall compare and certify up to two copies thereof, or two copies for each merger transaction, without charge provided that the copies are submitted to the Secretary of State with the original to be filed.

CHAPTER 778

An act to amend Sections 11181 and 11183 of the Government Code, relating to state government.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 11181 of the Government Code is amended to read:

11181. In connection with these investigations and actions, the department head may:

(a) Inspect books and records.

(b) Hear complaints.

(c) Administer oaths.

(d) Certify to all official acts.

(e) Issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding pertinent or material thereto in any part of the state.

(f) Divulge evidence of unlawful activity discovered, pursuant to this article, from records or testimony not otherwise privileged or confidential, to the Attorney General or to any prosecuting attorney who has a responsibility for investigating the unlawful activity discovered.

SEC. 2. Section 11183 of the Government Code is amended to read:

11183. Except in a report to the head of the department or when called upon to testify in any court or proceeding at law or as provided in subdivision (f) of Section 11181, any officer who divulges any information acquired by the officer from the private books, documents or papers of any person while acting or claiming to act under any authorization pursuant to this article, in respect to the confidential or private transactions, property or business of any person is guilty of a misdemeanor and disqualified from acting in any official capacity in the department.

CHAPTER 779

An act to amend Section 11656.6 of the Insurance Code, relating to insurance.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 11656.6 of the Insurance Code is amended to read:

11656.6. An insurer may issue a workers' compensation policy insuring an organization or association of employers as a group if such organization or association complies with the following conditions:

(a) Files with the commissioner or a licensed workers' compensation rating organization designated by him:

(1) A copy of its articles of incorporation and bylaws or its agreement of association and rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof;

(2) A statement setting forth its reasons for desiring insurance as a group;

(3) A statement certifying that at least 75 percent of its regular membership is engaged in a common trade or business, and an agreement that such percentage of membership will be maintained during such time as a group workers' compensation policy issued to such organization or association is in force;

(4) An agreement that only those members who are engaged in a common trade or business shall be named by the organization or association in any statement to the commissioner, a licensed workers' compensation rating organization or insurer as eligible for insurance as a member of the group, and an agreement that it will immediately notify its insurer if any member of such organization fails to remain a member in good standing in accordance with the basic law, rules, and regulations of such organization or association;

(5) A statement in writing undertaking to establish and maintain a safety committee which, by education and otherwise, will seek to reduce the incidence and severity of accidents; and

(6) An agreement in writing duly executed guaranteeing that, if the insurer notifies the organization or association of the nonpayment of a premium by an insured member of the organization or association within 60 days after the premium was due, the organization or association will pay to the insurer the amount of any past due premium which does not exceed the amount of the dividends that are due to the organization or association or its members from the insurer. The organization or association shall promptly notify the insurer of the known insolvency of any member of the group plan, and shall request, upon learning of such

insolvency, removal of the member from the group plan. A copy of the resolution of the governing board of such organization or association authorizing the execution of the guarantee agreement shall be filed with the commissioner or a licensed workers' compensation rating organization designated by him and with any insurer issuing a group policy.

(b) "Common trade or business," as used in this article, shall mean:

(1) In agricultural enterprises, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rates of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to farms; nurserymen; cultivating or gardening of flowers; and classifications embracing such other operations as may be conducted by a nonprofit cooperative association composed of producer members and combinations of nonprofit cooperative agricultural marketing associations having a central organization composed of member associations.

(2) In the building and construction industry, operations in the construction or repair of commercial or residential buildings or in general engineering construction in which the principal payroll develops under any combination of the classifications applicable to such construction or repair as they appear in the Manual of Rules, Classifications and Basic Rates for Workers' Compensation Insurance approved by the Insurance Commissioner. Commercial buildings, as defined in this paragraph, shall mean any nonresidential buildings.

(3) In the transportation and warehousing industry, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rates of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to for-hire motor carriers subject to regulation by the Public Utilities Commission and warehousemen.

(4) In the timber and lumber industry, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classification and Basic Rates of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to land clearing; logging or lumbering; log, chip, and lumber hauling; planing or molding mills; sawmills or shingle mills; veneer or veneer products manufacturing; box or box shook manufacturing; cabinet works; door, door frame, or sash manufacturing and wood fiber preparation. However, no classification applicable to for-hire motor carriers under the provisions of paragraph (3) of this subdivision shall be included in any combination of classifications authorized by this paragraph.

(5) For public agencies providing industrial, domestic, or agricultural water service, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classification and Basic Rates

of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to irrigation, drainage, reclamation, or waterworks operations.

(6) For sheltered workshops and rehabilitation facilities licensed pursuant to Section 1191.5 of the Labor Code, operations in which the principal payroll of the employer develops under any combination of classifications of the Manual of Rules, Classification and Basic Rates of Workers' Compensation Insurance approved by the Insurance Commissioner.

(7) For all other enterprises, operations in which the principal payroll develops under a single manual classification or a combination of classifications under which a group policy may be issued pursuant to subdivision (d).

(c) Except as provided in subdivision (d), "principal payroll," for the purpose of this section, means not less than 51 percent of the total payroll for the preceding policy year or, in the case of an employer who has no preceding full year's payroll, not less than 51 percent of his or her estimated annual payroll. Principal or estimated annual payroll shall not include the payroll of those employees set forth in the standard exceptions contained in the California Workers' Compensation Insurance Manual of Rules, Classifications, and Basic Rates.

(d) An insurer may issue a workers' compensation policy insuring an organization or association of employers as a group if in addition to complying with the conditions set forth in subdivision (a), the organization or association has had at least 50 percent of its present membership for at least one year prior to the issuance of the policy, and not less than 75 percent of the payroll of each employer to be insured under the group policy developed under the same two manual classifications, or either of them, for the preceding policy year or, in the case of an employer who has had no preceding full-year's payroll, not less than 75 percent of his estimated annual payroll develops under such classification or classifications. However, no classification applicable to for-hire motor carriers under the provisions of paragraph (3) of subdivision (b) shall be included in any combination of classifications authorized by this subdivision.

CHAPTER 780

An act to add Section 1182.2 to the Labor Code, relating to employees.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 1182.2 is added to the Labor Code, to read:

1182.2. The Legislature finds that the hours and days of work of employees employed in California in the seasonal ski industry are subject to fluctuations which are beyond the control of their employers. The Legislature further finds that the economic interests of such employees are best served when minimum limitations are placed upon their hours and days of work. Accordingly, no employer who operates a ski establishment shall be in violation of any provision of this code or any applicable order of the Industrial Welfare Commission by instituting a regularly scheduled workweek of not more than 56 hours, provided that any employee shall be compensated at a rate of not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 56 hours in any workweek.

CHAPTER 781

An act to add Section 6902.1 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 6902.1 is added to the Revenue and Taxation Code, to read:

6902.1. (a) Upon receipt of proof to its satisfaction that, in connection with the sale, through a dealer and not on the dealer's own account, of a used mobilehome on which the registration was transferred during the period from January 1, 1977 to January 1, 1980, and on which use tax has been paid on items not part of a mobilehome as a vehicle as set forth in Sections 6012 2 and 6276.1, the State Board of Equalization shall refund such overpayment to the purchaser of the mobilehome.

(b) Notwithstanding the provisions of Section 6902, any purchaser entitled to a refund pursuant to subdivision (a) may file a claim for refund until December 31, 1982.

CHAPTER 782

An act to repeal and add Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code, relating to medical information.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. The Legislature hereby finds and declares that persons receiving health care services have a right to expect that the confidentiality of individual identifiable medical information derived by health service providers be reasonably preserved. It is the intention of the Legislature in enacting this act, to provide for the confidentiality of individually identifiable medical information, while permitting certain reasonable and limited uses of that information.

SEC. 1.5. Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code is repealed.

SEC. 2. Part 2.6 (commencing with Section 56) is added to Division 1 of the Civil Code, to read:

PART 2.6. CONFIDENTIALITY OF MEDICAL INFORMATION

CHAPTER 1. DEFINITIONS

56. This part may be cited as the Confidentiality of Medical Information Act.

56.05. For purposes of this part.

(a) "Authorization" means permission granted in accordance with Section 56.11 or 56.21 for the disclosure of medical information.

(b) "Medical information" means any individually identifiable information in possession of or derived from a provider of health care regarding a patient's medical history, mental or physical condition, or treatment.

(c) "Patient" means any natural person, whether or not still living, who received health care services from a provider of health care and to whom medical information pertains.

(d) "Provider of health care" means any person licensed or certified pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code; any person licensed pursuant to the Osteopathic Initiative Act or the Chiropractic Initiative Act; any person licensed pursuant to Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code; any clinic, health dispensary, or health facility licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code; and any group practice prepayment health care service plan regulated

pursuant to the Knox-Keene Health Care Service Plan Act, Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code.

CHAPTER 2. DISCLOSURE OF MEDICAL INFORMATION BY PROVIDERS

56.10. (a) No provider of health care shall disclose medical information regarding a patient of the provider without first obtaining an authorization, except as provided in subdivision (b) or (c).

(b) A provider of health care shall disclose medical information if the disclosure is compelled by any of the following:

(1) By a court pursuant to an order of that court.

(2) By a board, commission, or administrative agency for purposes of adjudication pursuant to its lawful authority.

(3) By a party to a proceeding before a court or administrative agency pursuant to a subpoena, subpoena duces tecum, notice to appear served pursuant to Section 1987 of the Code of Civil Procedure, or any provision authorizing discovery in a proceeding before a court or administrative agency.

(4) By a board, commission, or administrative agency pursuant to an investigative subpoena issued under Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

(5) By an arbitrator or arbitration panel, when arbitration is lawfully requested by either party, pursuant to a subpoena duces tecum issued under Section 1282.6 of the Code of Civil Procedure, or any other provision authorizing discovery in a proceeding before an arbitrator or arbitration panel.

(6) By a search warrant lawfully issued to a government law enforcement agency.

(7) When otherwise specifically required by law.

(c) A provider of health care may disclose medical information as follows:

(1) The information may be disclosed to providers of health care or other health care professionals or facilities for purposes of diagnosis or treatment of the patient.

(2) The information may be disclosed to an insurer, employer, health care service plan, hospital service plan, employee benefit plan, governmental authority, or any other person or entity responsible for paying for health care services rendered to the patient, to the extent necessary to allow responsibility for payment to be determined and payment to be made. The information may also be disclosed to another provider as necessary to assist the other provider in obtaining payment for health-care services rendered by that provider to the patient.

(3) The information may be disclosed to any person or entity that provides billing, claims management, medical data processing, or

other administrative services for providers or for any of the persons or entities specified in paragraph (2). However, no information so disclosed shall be further disclosed by the recipient in any way which would be violative of this part.

(4) The information may be disclosed to organized committees and agents of professional societies or of medical staffs of licensed hospitals, or to professional standards review organizations, or to persons or organizations insuring, responsible for, or defending professional liability which a provider may incur, if the committees, agents, organizations, or persons are engaged in reviewing the competence or qualifications of health care professionals or in reviewing health care services with respect to medical necessity, level of care, quality of care, or justification of charges.

(5) The information in the possession of any provider of health care may be reviewed by any private or public body responsible for licensing or accrediting such provider of health care. However, no patient identifying medical information may be removed from the premises except as expressly permitted or required elsewhere by law.

(6) The information may be disclosed to the county coroner in the course of an investigation by the coroner's office.

(7) The information may be disclosed to public agencies, clinical investigators, health care research organizations, and accredited public or private nonprofit educational or health care institutions for bona fide research purposes. However, no information so disclosed shall be further disclosed by the recipient in any way which would permit identification of the patient.

(8) A provider of health care that has created medical information as a result of employment-related health care services to an employee conducted at the specific prior written request and expense of the employer may disclose to the employee's employer that part of the information which:

(A) Is relevant in a law suit, arbitration, grievance, or other claim or challenge to which the employer and the employee are parties and in which the patient has placed in issue his or her medical history, mental or physical condition, or treatment, provided it may only be used or disclosed in connection with that proceeding.

(B) Describes functional limitations of the patient that may entitle the patient to leave from work for medical reasons or limit the patient's fitness to perform his or her present employment, provided that no statement of medical cause is included in the information disclosed.

(9) Unless the provider is notified in writing of an agreement by the sponsor, insurer, or administrator to the contrary, the information may be disclosed to a sponsor, insurer, or administrator of a group or individual insured or uninsured plan or policy which the patient seeks coverage by or benefits from, if the information was created by the provider of health care as the result of services conducted at the specific prior written request and expense of the

sponsor, insurer, or administrator for the purpose of evaluating the application for coverage or benefits.

(10) The information may be disclosed to a group practice prepayment health care service plan by providers which contract with the plan and may be transferred among providers which contract with the plan, for the purpose of administering the plan. Medical information may not otherwise be disclosed by a group practice prepayment health care service plan except in accordance with the provisions of this part.

(11) Nothing in this part shall prevent the disclosure by a provider of health care to an insurance institution, agent, or support organization, subject to Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code, of medical information if the insurance institution, agent, or support organization has complied with all requirements for obtaining the information pursuant to Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code.

56.11. An authorization for the release of medical information by a provider of health care shall be valid if it

(a) Is handwritten by the person who signs it or is in typeface no smaller than 8-point type.

(b) Is clearly separate from any other language present on the same page and is executed by a signature which serves no other purpose than to execute the authorization.

(c) Is signed and dated by one of the following:

(1) The patient. A patient who is a minor may only sign an authorization for the release of medical information obtained by a provider of health care in the course of furnishing services to which the minor could lawfully have consented under Part 1 (commencing with Section 25) or Part 2.7 (commencing with Section 60) of Division 1 of the Civil Code.

(2) The legal representative of the patient, if the patient is a minor or an incompetent However, authorization may not be given under this subdivision for the disclosure of medical information obtained by the provider of health care in the course of furnishing services to which a minor patient could lawfully have consented under Part 1 (commencing with Section 25) or Part 2.7 (commencing with Section 60) of Division 1 of the Civil Code.

(3) The spouse of the patient or the person financially responsible for the patient, where the medical information is being sought for the sole purpose of processing an application for health insurance or for enrollment in a nonprofit hospital plan, a health care service plan, or an employee benefit plan, and where the patient is to be an enrolled spouse or dependent under the policy or plan

(4) The beneficiary or personal representative of a deceased patient.

(d) States the specific uses and limitations on the types of medical information to be disclosed.

(e) States the name or functions of the provider of health care that

may disclose the medical information.

(f) States the name or functions of the persons or entities authorized to receive the medical information.

(g) States the specific uses and limitations on the use of the medical information by the persons or entities authorized to receive the medical information.

(h) States a specific date after which the provider of health care is no longer authorized to disclose the medical information

(i) Advises the person signing the authorization of the right to receive a copy of the authorization.

56.12. Upon demand by the patient or the person who signed an authorization, a provider of health care possessing the authorization shall furnish a true copy thereof.

56.13. A recipient of medical information pursuant to an authorization as provided by this chapter or pursuant to the provisions of subdivision (c) of Section 56.10 may not further disclose that medical information except in accordance with a new authorization that meets the requirements of Section 56.11, or as specifically required or permitted by other provisions of this chapter or by law.

56.14. A provider of health care that discloses medical information pursuant to an authorization required by this chapter shall communicate to the person or entity to which it discloses the medical information any limitations in the authorization regarding the use of the medical information. No provider of health care that has attempted in good faith to comply with this provision shall be liable for any unauthorized use of the medical information by the person or entity to which the provider disclosed the medical information

56.15. Nothing in this part shall be construed to prevent a person who could sign the authorization pursuant to subdivision (c) of Section 56.11 from cancelling or modifying an authorization. However, the cancellation or modification shall be effective only after the provider of health care actually receives written notice of the cancellation or modification.

56.16. Unless there is a specific written request by the patient to the contrary, nothing in this part shall be construed to prevent a provider, upon an inquiry concerning a specific patient, from releasing at its discretion any of the following information: the patient's name, address, age, and sex; a general description of the reason for treatment (whether an injury, a burn, poisoning, or some unrelated condition); the general nature of the injury, burn, poisoning, or other condition; the general condition of the patient; and any information that is not medical information as defined in subdivision (c) of Section 56.05.

CHAPTER 3. USE AND DISCLOSURE OF MEDICAL INFORMATION BY EMPLOYERS

56.20. (a) Each employer who receives medical information shall establish appropriate procedures to ensure the confidentiality and protection from unauthorized use and disclosure of that information. These procedures may include, but are not limited to, instruction regarding confidentiality of employees and agents handling files containing medical information, and security systems restricting access to files containing medical information.

(b) No employee shall be discriminated against in terms or conditions of employment due to that employee's refusal to sign an authorization under this part. However, nothing in this section shall prohibit an employer from taking such action as is necessary in the absence of medical information due to an employee's refusal to sign an authorization under this part.

(c) No employer shall use, disclose, or knowingly permit its employees or agents to use or disclose medical information which the employer possesses pertaining to its employees without the patient having first signed an authorization under Section 56.11 or Section 56.21 permitting such use or disclosure, except as follows:

(1) The information may be disclosed if the disclosure is compelled by judicial or administrative process or by any other specific provision of law.

(2) That part of the information which is relevant in a lawsuit, arbitration, grievance, or other claim or challenge to which the employer and employee are parties and in which the patient has placed in issue his or her medical history, mental or physical condition, or treatment may be used or disclosed in connection with that proceeding.

(3) The information may be used only for the purpose of administering and maintaining employee benefit plans, including health care plans and plans providing short-term and long-term disability income, workers' compensation and for determining eligibility for paid and unpaid leave from work for medical reasons.

(4) The information may be disclosed to a provider of health care or other health care professional or facility to aid the diagnosis or treatment of the patient, where the patient or other person specified in subdivision (c) of Section 56.21 is unable to authorize the disclosure.

(d) If an employer agrees in writing with one or more of its employees or maintains a written policy which provides that particular types of medical information shall not be used or disclosed by the employer in particular ways, the employer shall obtain an authorization for such uses or disclosures even if an authorization would not otherwise be required by subdivision (c).

56.21 An authorization for an employer to disclose medical information shall be valid if it:

(a) Is handwritten by the person who signs it or is in typeface no

smaller than 8-point type.

(b) Is clearly separate from any other language present on the same page and is executed by a signature which serves no purpose other than to execute the authorization.

(c) Is signed and dated by one of the following:

(1) The patient, except that a patient who is a minor may only sign an authorization for the disclosure of medical information obtained by a provider of health care in the course of furnishing services to which the minor could lawfully have consented under Part 1 (commencing with Section 25) or Part 2.7 (commencing with Section 60) of Division 1.

(2) The legal representative of the patient, if the patient is a minor or incompetent. However, authorization may not be given under this subdivision for the disclosure of medical information which pertains to a competent minor and which was created by a provider of health care in the course of furnishing services to which a minor patient could lawfully have consented under Part 1 (commencing with Section 25) or Part 2.7 (commencing with Section 60) of Division 1.

(3) The beneficiary or personal representative of a deceased patient.

(d) States the limitations, if any, on the types of medical information to be disclosed.

(e) States the name or functions of the employer or person authorized to disclose the medical information

(f) States the names or functions of the persons or entities authorized to receive the medical information.

(g) States the limitations, if any, on the use of the medical information by the persons or entities authorized to receive the medical information.

(h) States a specific date after which the employer is no longer authorized to disclose the medical information.

(i) Advises the person who signed the authorization of the right to receive a copy of the authorization.

56.22. Upon demand by the patient or the person who signed an authorization, an employer possessing the authorization shall furnish a true copy thereof.

56.23. An employer that discloses medical information pursuant to an authorization required by this chapter shall communicate to the person or entity to which it discloses the medical information any limitations in the authorization regarding the use of the medical information. No employer that has attempted in good faith to comply with this provision shall be liable for any unauthorized use of the medical information by the person or entity to which the employer disclosed the medical information.

56.245. A recipient of medical information pursuant to an authorization as provided by this chapter may not further disclose such medical information unless in accordance with a new authorization that meets the requirements of Section 56.21, or as

specifically required or permitted by other provisions of this chapter or by law.

56.24. Nothing in this part shall be construed to prevent a person who could sign the authorization pursuant to subdivision (c) of Section 56.21 from cancelling or modifying an authorization. However, the cancellation or modification shall be effective only after the employer actually receives written notice of the cancellation or modification.

CHAPTER 4. RELATIONSHIP OF CHAPTERS 2 AND 3

56.25. (a) An employer that is a provider of health care shall not be deemed to have violated Section 56.20 by disclosing, in accordance with Chapter 2 (commencing with Section 56.10), medical information possessed in connection with providing health care services to the provider's patients.

(b) An employer shall not be deemed to have violated Section 56.20 because a provider of health care that is an employee or agent of the employer uses or discloses, in accordance with Chapter 2 (commencing with Section 56.10), medical information possessed by the provider in connection with providing health care services to the provider's patients.

(c) A provider of health care that is an employer shall not be deemed to have violated Section 56.10 by disclosing, in accordance with Chapter 3 (commencing with Section 56.20), medical information possessed in connection with employing the provider's employees. Information maintained by a provider of health care in connection with employing the provider's employees shall not be deemed to be medical information for purposes of Chapter 3 (commencing with Section 56.20), unless it would be deemed medical information if received or maintained by an employer that is not a provider of health care.

CHAPTER 5. USE AND DISCLOSURE OF MEDICAL INFORMATION BY THIRD PARTY ADMINISTRATORS

56.26 (a) No person or entity engaged in the business of furnishing administrative services to programs which provide payment for health care services shall knowingly use, disclose, or permit its employees or agents to use of disclose medical information possessed in connection with performing administrative functions for such a program, except as reasonably necessary in connection with the administration or maintenance of the program, or as required by law, or with an authorization.

(b) An authorization required by this section shall be in the same form as described in Section 56.21, except that "third party administrator" shall be substituted for "employer" wherever it appears in Section 56.21.

(c) This section shall not apply to any person or entity that is

subject to the Insurance Information Privacy Act or to Chapter 2 (commencing with Section 56.10) or Chapter 3 (commencing with Section 56.20).

CHAPTER 6. RELATIONSHIP TO EXISTING LAW

56.27. An employer that is an insurance institution, insurance agent, or insurance support organization subject to the Insurance Information and Privacy Protection Act, Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code, shall not be deemed to have violated Section 56.20 by disclosing medical information gathered in connection with an insurance transaction in accordance with that act.

56.28. Nothing in this part shall be deemed to affect existing laws relating to a patient's right of access to his or her own medical information, or relating to disclosures made pursuant to Section 1158 of the Evidence Code, or relating to privileges established under the Evidence Code.

56.29. (a) Nothing in Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 shall be construed to permit the acquisition or disclosure of medical information regarding a patient without an authorization, where the authorization is required by this part.

(b) The disclosure of medical information regarding a patient which is subject to subdivision (b) of Section 1798 24 shall be made only with an authorization which complies with the provisions of this part. Such disclosure may be made only within the time limits specified in subdivision (b) of Section 1798.24.

(c) Where the acquisition or disclosure of medical information regarding a patient is prohibited or limited by any provision of Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3, the prohibition or limit shall be applicable in addition to the requirements of this part.

56.30. The disclosure and use of the following medical information shall not be subject to the limitations of this part:

(a) (Mental health and developmental disabilities) Information and records obtained in the course of providing services under Division 4 (commencing with Section 4001), Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100) of the Welfare and Institutions Code.

(b) (Public social services) Information and records which are subject to Sections 10850, 14124 1, and 14124.2 of the Welfare and Institutions Code.

(c) (State health services, communicable diseases, developmental disabilities) Information and records maintained pursuant to Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of the Health and Safety Code and pursuant to Division 4 (commencing

with Section 3000) of the Health and Safety Code.

(d) (Licensing and statistics) Information and records maintained pursuant to Division 2 (commencing with Section 1200) and Division 9 (commencing with Section 10000) of the Health and Safety Code; pursuant to Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code; and pursuant to Section 224s of the Civil Code.

(e) (Medical survey, workers' safety) Information and records acquired and maintained or disclosed pursuant to Sections 1380 and 1382 of the Health and Safety Code and pursuant to Division 5 (commencing with Section 6300) of the Labor Code.

(f) (Industrial accidents) Information and records acquired, maintained, or disclosed pursuant to Division 1 (commencing with Section 50), Division 4 (commencing with Section 3201), Division 4.5 (commencing with Section 6100), and Division 4.7 (commencing with Section 6200) of the Labor Code.

(g) (Law enforcement) Information and records maintained by a health facility which are sought by a law enforcement agency under Chapter 3.5 (commencing with Section 1543) of Title 12 of Part 2 of the Penal Code.

(h) (Investigations of employment accident or illness) Information and records sought as part of an investigation of an on-the-job accident or illness pursuant to Division 5 (commencing with Section 6300) of the Labor Code or pursuant to Section 2950 of the Health and Safety Code.

(i) (Alcohol or drug abuse) Information and records subject to the federal alcohol and drug abuse regulations (Part 2 (commencing with Section 2.1) of subchapter A of Chapter 1 of Title 42 of the Code of Federal Regulations) or to Section 11977 of the Health and Safety Code dealing with narcotic and drug abuse.

(j) (Patient discharge data) Nothing in this part shall be construed to limit, expand, or otherwise affect the authority of the California Health Facilities Commission to collect patient discharge information from health facilities pursuant to Section 441.18 of the Health and Safety Code.

(k) Medical information and records disclosed to, and their use by, the Insurance Commissioner, the Division of Industrial Accidents, the Workers' Compensation Appeals Board, or the Department of Insurance.

CHAPTER 7. VIOLATIONS

56.35. In addition to any other remedies available at law, a patient whose medical information has been used or disclosed in violation of Section 56.10 or 56.20 or subdivision (a) of Section 56.26 and who has sustained economic loss or personal injury therefrom may recover compensatory damages, punitive damages not to exceed three thousand dollars ($3,000), attorneys' fees not to exceed one thousand dollars ($1,000), and the costs of litigation.

56.36. Any violation of the provisions of this part which results in economic loss or personal injury to a patient is punishable as a misdemeanor.

56.37. Any waiver by a patient of the provisions of this part, except as authorized by Section 56.11 or 56.21 or subdivision (b) of Section 56.26, shall be deemed contrary to public policy and shall be unenforceable and void.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 783

An act to amend Section 24410 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 24410 of the Revenue and Taxation Code is amended to read:

24410. (a) Dividends received by a corporation commercially domiciled in California, during the income year from an insurance company subject to tax imposed by Part 7 (commencing with Section 12001) of this division at the time of the payment of the dividends and at least 80 percent of each class of its stock then being owned by the corporation receiving the dividend.

(b) The deduction under this section shall be limited to that portion of the dividends received which are determined to be paid from income from California sources determined pursuant to subdivision (c).

(c) Dividends paid from California sources shall be determined by multiplying the amount of the dividends by an apportionment factor equal to the ratio of gross income from California sources to all gross income of the company. Gross income from California sources equals total gross income less dividends from other insurance companies multiplied by the average of the following three factors:

(1) A gross receipts factor, the denominator of which shall include all receipts, other than dividends from another insurance company, regardless of the nature or source from which derived. The numerator of which shall include all gross receipts, other than

dividends from another insurance company, derived from or attributable to this state. With respect to premiums, only receipts which were subject to tax under Part 7 (commencing with Section 12001) of this division, shall be included in the numerator, and with respect to income from intangibles they shall be attributable to the commercial domicile of the insurance company.

(2) A payroll factor determined under the provisions of the Uniform Division of Income for Tax Purposes Act, Chapter 17, Article 2 of this part.

(3) A property factor, determined under the provisions of the Uniform Division of Income for Tax Purposes Act provided for in Article 2 (commencing with Section 25120) of Chapter 17 of this part, provided that for the purposes of this paragraph the property factor shall include all intangible investment property, which intangible property shall be allocated to the commercial domicile of such insurance company.

(4) Plus the portion of the dividends received from another insurance company determined to be paid from California source income pursuant to the formula set forth in paragraphs (1) through (3) based upon the receipts, payroll and property of such other insurance company.

(d) The insurance company from which the dividends are received shall furnish such information as the Franchise Tax Board may require to determine the allocation formula and the Franchise Tax Board may adopt such regulations as it deems necessary to effectuate the purpose of this section.

Nothing in this section shall be construed to limit or affect in any manner any other provisions of this part.

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 January 1, 1982

CHAPTER 784

An act to amend, repeal, and add Sections 45256, 45260, and 45264 of, the Education Code, relating to school employees.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1 Section 45256 of the Education Code is amended to read

45256. (a) The commission shall classify all employees and positions within the jurisdiction of the governing board or of the

commission, except those which are exempt from the classified service, as specified in subdivision (b). The employees and positions shall be known as the classified service. "To classify" shall include, but not be limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications.

(b) Exempt from the classified service are the following:

(1) Positions which require certification qualifications.

(2) Part-time playground positions.

(3) Full-time students employed part time.

(4) Part-time students employed part time in any college work-study program, or in a work experience education program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and which is financed by state or federal funds.

(5) Apprentice positions.

(6) Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the commission when so designated by the commission.

Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

However, nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retaining his or her regular status under the provisions of this law.

No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exceptions listed above shall be employed outside the classified service.

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87½ percent of the normally assigned time of the majority of employees in the classified service.

This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 2. Section 45256 is added to the Education Code, to read:

45256. The commission shall classify all employees and positions within the jurisdiction of the governing board or of the commission, except those which are exempt from the classified service. The employees and positions shall be known as the classified service. Exempt from the classified service shall be:

(a) Positions which require certification qualifications

(b) Part-time playground positions.

(c) Full-time students employed part time.

(d) Part-time students employed part time in any college

work-study program, or in a work experience education program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 of Division 4 and which is financed by state or federal funds.

(e) Apprentice positions.

(f) Positions established for the employment of professional experts on a temporary basis for a specific project by the governing board or by the commission when so designated by the commission.

Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

However, nothing in this section shall prevent an employee, who has attained regular status in a full-time position, from taking a voluntary reduction in time and retaining his or her regular status under the provisions of this law.

No person whose contribution consists solely in the rendition of individual personal services and whose employment does not come within the scope of the exceptions listed above shall be employed outside the classified service.

A part-time position is one for which the assigned time, when computed on an hourly, daily, weekly, or monthly basis, is less than 87½ percent of the normally assigned time of the majority of employees in the classified service

This section shall become operative January 1, 1988.

SEC. 3. Section 45260 of the Education Code is amended to read:

45260. The commission shall prescribe, amend, and interpret, subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 4. Section 45260 is added to the Education Code, to read:

45260. The commission shall prescribe and amend, subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall be binding upon the governing board

This section shall become operative January 1, 1988.

SEC. 5. Section 45264 of the Education Code is amended to read:

45264. The commission shall appoint a personnel director within 90 days after the adoption of a merit system from an eligibility list

established from a competitive examination given under the auspices of the commission. The commission shall appoint all employees paid from funds budgeted for the support of the commission and shall supervise the activities of those employees that are performed as part of the functions of the commission. Such employees shall be appointed from eligibility lists established pursuant to the provisions of this article, be classified employees of the school district and be accorded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, including representation by the appropriate exclusive representative, if any.

This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

SEC. 6. Section 45264 is added to the Education Code, to read:

45264. The commission shall appoint a personnel director within 90 days after the adoption of a merit system from an eligibility list established from a competitive examination given under the auspices of the commission. The commission shall also appoint all other employees paid from funds budgeted for the support of the commission from eligibility lists established pursuant to the provisions of this article Such employees shall be classified employees of the school district and shall be accorded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the district.

This section shall become operative January 1, 1988.

SEC 7. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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 785

An act to add Chapter 10 (commencing with Section 2800) to Division 2 of the Public Resources Code, relating to seismic safety, and making an appropriation therefor.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Chapter 10 (commencing with Section 2800) is added to Division 2 of the Public Resources Code, to read:

CHAPTER 10. EARTHQUAKE EDUCATION

2800. This chapter shall be known and may be cited as the California Earthquake Education Act of 1981.

2801. The Legislature hereby finds and declares as follows:

(a) Because California has recently and will continue to experience damaging earthquakes of moderate to great magnitude in the foreseeable future, efforts are needed to increase the awareness of earthquake hazards through education so that future losses of life, injuries, loss of property, and social disruption will be minimized when such events occur

(b) It is necessary to develop earthquake safety programs which make informational material available to the general public to minimize the potential disruption and loss of life. These programs may take advantage of community centers and special interest activities in order to provide effective programs in homes, schools, businesses, and public areas

(c) Efforts by state and local agencies for earthquake safety are inadequate or nonexistent, and it is necessary that this situation be remedied The state should assume leadership through the policy and guidance of the Seismic Safety Commission in the development, support, and implementation of a statewide program of earthquake safety education and preparedness.

(d) It is necessary that funds be appropriated to the Seismic Safety Commission from the California Environmental License Plate Fund for the purpose of earthquake safety, including earthquake safety educational programs available through community education and school systems.

(e) The initial earthquake safety education and preparedness program should be a pilot project which can be expanded to a statewide program after its effectiveness has been analyzed.

2802. (a) There is hereby established a pilot project in the Counties of Alameda, Contra Costa, and Los Angeles to develop, test, and evaluate programs for earthquake safety education. The Seismic Safety Commission may contract with the University of California to develop a program for earthquake education and preparedness for use in communities in Alameda, Contra Costa, and Los Angeles Counties. The pilot project shall focus on developing public understanding of earthquake hazards, prevention measures for coping with such hazards, and safety requirements.

(b) The project shall consist of the following three phases:

(1) The development of instructional activities to be used in community leadership training.

(2) The training of community leaders in the need for vital measures to cope with earthquake hazards.

(3) The development of follow-up activities emphasizing

preparedness as a continuing necessity.

(c) After testing and evaluation in the pilot counties, it is the intent of the Legislature to expand the program for statewide implementation.

2803. The objectives of the pilot project shall be as follows:

(a) The development of public awareness regarding the causes of earthquakes, the forces and effects of earthquakes, and the need for community action in coping with earthquake hazards.

(b) The promotion of understanding of the impact of earthquakes on natural features and manmade structures.

(c) The motivation of the public to establish measures prior, during, and after earthquakes that ensure their personal safety.

2804. This chapter shall remain in effect only until January 1, 1984, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1984, deletes or extends that date.

SEC. 2. Notwithstanding Section 21191 of the Public Resources Code, the sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the California Environmental License Plate Fund to the Seismic Safety Commission for expenditure for the purposes of Section 2802 of the Public Resources Code

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CHAPTER 786

An act to amend Section 54346 of the Government Code, relating to local agencies.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 54346 of the Government Code is amended to read:

54346. (a) If all or part of the bill is not paid, the local agency may discontinue any and all service for which the bill is rendered.

(b) Commencing January 1, 1982, if all or part of the bill is not paid, and the ratepayer states the reason for the nonpayment of a component or components of the bill, the local agency may discontinue only that service related to the component of the bill which is not paid, except that if all or part of the component of the bill related to sewer service is not paid the water service may also be discontinued.

However, if any of the services for which the bill was rendered were financed pursuant to revenue bonds issued prior to January 1, 1982, and which have not been retired, the local agency may apply the provisions of subdivision (a)

(c) The provisions of this section shall apply to counties and cities,

whether general law or chartered.

SEC. 2. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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. 3. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

CHAPTER 787

An act to amend Section 1027 of the Penal Code, relating to insanity.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 1027 of the Penal Code is amended to read:

1027. (a) When a defendant pleads not guilty by reason of insanity the court must select and appoint two, and may select and appoint three, psychiatrists, or licensed psychologists who have a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders, to examine the defendant and investigate his mental status It is the duty of the psychiatrists or psychologists so selected and appointed to make the examination and investigation, and to testify, whenever summoned, in any proceeding in which the sanity of the defendant is in question. The psychiatrists or psychologists so appointed by the court shall be allowed, in addition to their actual traveling expenses, such fees as in the discretion of the court seems just and reasonable, having regard to the services rendered by the witnesses. The fees allowed shall be paid by the county where the indictment was found or in which the defendant was held for trial.

(b) Any report on the examination and investigation made pursuant to subdivision (a) shall include, but not be limited to, the psychological history of the defendant, the facts surrounding the commission of the acts forming the basis for the present charge used by the psychiatrist or psychologist in making his examination of the defendant, and the present psychological or psychiatric symptoms of the defendant, if any.

(c) This section does not presume that a psychiatrist or

psychologist can determine whether a defendant was sane or insane at the time of the alleged offense. This section does not limit a court's discretion to admit or exclude, pursuant to the Evidence Code, psychiatric or psychological evidence about the defendant's state of mind or mental or emotional condition at the time of the alleged offense.

(d) Nothing contained in this section shall be deemed or construed to prevent any party to any criminal action from producing any other expert evidence with respect to the mental status of the defendant; where expert witnesses are called by the district attorney in such action, they shall only be entitled to such witness fees as may be allowed by the court.

(e) Any psychiatrist or psychologist so appointed by the court may be called by either party to the action or by the court itself and when so called shall be subject to all legal objections as to competency and bias and as to qualifications as an expert. When called by the court, or by either party, to the action, the court may examine the psychiatrist, or psychologist as deemed necessary, but either party shall have the same right to object to the questions asked by the court and the evidence adduced as though the psychiatrist or psychologist were a witness for the adverse party When the psychiatrist or psychologist is called and examined by the court the parties may cross-examine him in the order directed by the court When called by either party to the action the adverse party may examine him the same as in the case of any other witness called by such party

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CHAPTER 788

An act to amend Sections 4143 and 4144 of the Public Resources Code, relating to fire prevention and control.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 4143 of the Public Resources Code is amended to read·

4143. The Legislature hereby finds and declares that the maintenance of the economic well-being of the state and the public health and safety require that the state, through the department, obtain full utilization of all equipment, personnel, and buildings under the jurisdiction of the director. In order to obtain these benefits, the director, in accordance with policy determined by the board, may provide personnel for and operate such fire stations, statewide, as the director deems necessary to provide the best possible fire prevention and suppression. Personnel or equipment shall not be assigned to any location or assigned pursuant to Section

4144 if such an assignment would not meet policy and standards established by the board. The policy and standards shall be designed to assure all the following:

(a) The striking force and efficiency of the department in its primary mission of wildland fire protection will not be reduced or impaired.

(b) The department will not need any additional funds to operate its program.

(c) Personnel and equipment assigned pursuant to Section 4144 will not replicate services provided under an agreement made pursuant to Section 4142.

The normal assignment of fire resources of the department to southern California during periods of critical fire weather conditions or during major wildland fires shall not be impaired and shall receive priority over agreements made with counties pursuant to Section 4144.

SEC. 2. Section 4144 of the Public Resources Code is amended to read:

4144. (a) Notwithstanding Section 4142, the director may, with the approval of the Department of General Services, enter into a cooperative agreement with a county for the purpose of preventing and suppressing forest fires or other fires within any county that so requests under those terms and conditions which the director deems wise.

(b) The director shall not enter into or renew a cooperative agreement pursuant to this section under any of the following circumstances:

(1) With any county which has assumed responsibility pursuant to Section 4129.

(2) With any county which does not have lands classified by the board pursuant to Section 4125 as a state responsibility area.

(3) If the director determines that one effect of the agreement would be the replacement or curtailment of locally provided fire prevention and suppression services.

(4) If the director determines, pursuant to the policy and standards adopted by the board under Section 4143, that the agreement would replicate services provided under an agreement made pursuant to Section 4142.

(5) When the director determines that the number and value of building permits, population density, available financial resources, or any other factor within the service area of a particular station under the agreement make it feasible for the communities to permanently or continuously support their own fire prevention and suppression services.

(c) The director shall not enter into or renew a cooperative agreement pursuant to this section where equipment, personnel, or buildings are requested for protection of a community in addition to the equipment, personnel, and buildings used during the fire season to protect state responsibility areas.

(d) The cooperative agreement shall provide both of the following:

(1) In a reasonable manner, for the efficient utilization of necessary fire prevention and suppression related equipment, personnel, and buildings under the jurisdiction of the director and located in or immediately adjacent to the state responsibility area during that period of the year commonly designated as the "nonfire season." The equipment and buildings utilized shall be limited to those owned or leased by the state, or their replacements, and to the equipment, personnel, and buildings used during the fire season to protect state responsibility areas. Whenever the cooperative agreement provides for the employment of personnel during the "nonfire season" who would be in addition to the personnel required for the necessary operation and maintenance, during the "nonfire season," of equipment and buildings under the jurisdiction of the director, the full salaries and all benefits of the additional personnel shall be apportioned as costs to the county.

(2) A cost apportionment between the county and the state that reasonably reflects cost apportionments made pursuant to Section 4142, except that the nonfire mission salary rates for state personnel shall not be considered in determining the cost apportionment. Any salary costs in excess of the nonfire mission rate, including the difference between fire mission rate and nonfire mission rate, total overtime pay at either regular or premium rate, and holiday pay, shall be apportioned as costs to the county. Consistent with regulations adopted by the board, the costs to the department resulting from the inability of its employees to reduce compensating-time-off balances incurred during the fire season shall be apportioned as costs to the county.

(e) This section is necessary because sparsely populated rural communities lack the tax base sufficient to provide the necessary financial resources for year-round fire prevention and suppression, and it is the intent of the Legislature that, pursuant to this section, fire prevention and suppression may be provided during the "nonfire season" to those communities until those communities have adequate revenues to permanently or continuously support their own fire prevention and suppression

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CHAPTER 789

An act to add Article 14 (commencing with Section 6210) to Chapter 4 of Division 3 of the Business and Professions Code, relating to the State Bar of California.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Article 14 (commencing with Section 6210) is added to Chapter 4 of Division 3 of the Business and Professions Code, to read:

Article 14. Funds for the Provision of Legal Services to Indigent Persons

6210. The Legislature finds that, due to insufficient funding, existing programs providing free legal services in civil matters to indigent persons, especially underserved client groups, such as the elderly, the disabled, juveniles, and non-English-speaking persons, do not adequately meet the needs of these persons. It is the purpose of this article to expand the availability and improve the quality of existing free legal services in civil matters to indigent persons, and to initiate new programs that will provide services to them. The Legislature finds that the use of funds collected by the State Bar pursuant to this article for these purposes is in the public interest, is a proper use of the funds, and is consistent with essential public and governmental purposes in the judicial branch of government. The Legislature further finds that the expansion, improvement, and initiation of legal services to indigent persons will aid in the advancement of the science of jurisprudence and the improvement of the administration of justice.

6211. (a) An attorney or law firm, which in the course of the practice of law receives or disburses trust funds, shall establish and maintain an interest bearing demand trust account and shall deposit therein all client deposits that are nominal in amount or are on deposit for a short period of time. All such client funds may be deposited in a single unsegregated account. The interest earned on all such accounts shall be paid to the State Bar of California to be used for the purposes set forth in this article.

(b) Nothing in this article shall be construed to prohibit an attorney or law firm from establishing one or more interest bearing bank accounts or other trust investments as may be permitted by the Supreme Court, with the interest or dividends earned on the accounts payable to clients for trust funds not deposited in accordance with subdivision (a).

(c) With the approval of the Supreme Court, the State Bar may formulate and enforce rules of professional conduct pertaining to the use by attorneys or law firms of interest bearing trust accounts for unsegregated client funds pursuant to this article.

(d) Nothing in this article shall be construed as affecting or impairing the disciplinary powers and authority of the Supreme Court or of the State Bar or as modifying the statutes and rules governing the conduct of members of the State Bar.

6212. An attorney who, or a law firm which, establishes an interest bearing demand trust account pursuant to subdivision (a) of

Section 6211 shall comply with all of the following provisions:

(a) The interest bearing trust account shall be established with a bank or such other financial institutions as are authorized by the Supreme Court.

(b) The rate of interest payable on any interest bearing demand trust account shall not be less than the rate paid by the depository institution to regular, nonattorney depositors. Higher rates offered by the institution to customers whose deposits exceed certain time or quantity qualifications, such as those offered in the form of certificates of deposit, may be obtained by an attorney or law firm so long as there is no impairment of the right to withdraw or transfer principal immediately (except as accounts generally may be subject to statutory notification requirements), even though interest may be sacrificed thereby.

(c) The depository institution shall be directed to do all of the following:

(1) To remit interest on the average daily balance in the account, less reasonable service charges, to the State Bar, at least quarterly.

(2) To transmit to the State Bar with each remittance a statement showing the name of the attorney or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any.

(3) To transmit to the depositing attorney or law firm at the same time a report showing the amount paid to the State Bar for that period, the rate of interest applied, the amount of service charges deducted, if any, and the average daily account balance for each month of the period for which the report is made.

6213. As used in this article:

(a) "Qualified legal services project" means a nonprofit project incorporated and operated exclusively in California which provides as its primary purpose and function legal services without charge to indigent persons and which has quality control procedures approved by the State Bar of California.

(b) "Qualified support center" means an incorporated nonprofit legal services center, which has as its primary purpose and function the provision of legal training, legal technical assistance, or advocacy support without charge and which actually provides through an office in California a significant level of legal training, legal technical assistance, or advocacy support without charge to qualified legal services projects on a statewide basis in California.

(c) "Recipient" means a qualified legal services project or support center receiving financial assistance under this article.

(d) "Indigent person" means a person whose income is (1) 125 percent or less of the current poverty threshold established by the United States Office of Management and Budget, or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act. With regard to a project which provides free services attorneys in private practice without compensation, "indigent person" shall also

mean a person whose income is 75 percent or less of the maximum levels of income for lower income households as defined in Section 50079.5 of the Health and Safety Code For the purpose of this subdivision, the income of a person who is disabled shall be determined after deducting the costs of medical and other disability-related special expenses.

(e) "Fee generating case" means any case or matter which, if undertaken on behalf of an indigent person by an attorney in private practice, reasonably may be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from the opposing party. A case shall not be considered fee generating if adequate representation is unavailable and any of the following circumstances exist:

(1) The recipient has determined that free referral is not possible because of any of the following reasons:

(A) The case has been rejected by the local lawyer referral service, or if there is no such service, by two attorneys in private practice who have experience in the subject matter of the case.

(B) Neither the referral service nor any attorney will consider the case without payment of a consultation fee.

(C) The case is of the type that attorneys in private practice in the area ordinarily do not accept, or do not accept without prepayment of a fee.

(D) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(2) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.

(3) A court has appointed a recipient or an employee of a recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.

(4) The case involves the rights of a claimant under a publicly supported benefit program for which entitlement to benefit is based on need.

(f) "Legal Services Corporation" means the Legal Services Corporation established under the Legal Services Corporation Act of 1974, (Public Law 93-355; 42 U.S.C. 2996 and following).

(g) "Older Americans Act" means the Older Americans Act of 1965, as amended (Public Law 89-73; 42 U.S.C. Sec. 3001 and following).

(h) "Developmentally Disabled Assistance Act" means the developmentally Disabled Assistance and Bill of Rights Act of 1975, as amended (Public Law 94-103; 42 U.S.C. 6001 and following).

(i) "Supplemental security income recipient" means an individual receiving or eligible to receive payments under Title XVI

of the Social Security Act, or payments under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

6214. (a) Projects meeting the requirements of subdivision (a) of Section 6213 which are funded either in whole or part by the Legal Services Corporation or with Older American Act funds shall be presumed qualified legal services projects for the purpose of this article.

(b) Projects meeting the requirements of subdivision (a) of Section 6213 but not qualifying under the presumption specified in subdivision (a) shall qualify for funds under this article if they meet all of the following additional criteria:

(1) They receive cash funds from other sources in the amount of at least twenty thousand dollars ($20,000) per year to support free legal representation to indigent persons.

(2) They have demonstrated community support for the operation of a viable ongoing program.

(3) They provide one or both of the following special services:

(A) The coordination of the recruitment of substantial numbers of attorneys in private practice to provide free legal representation to indigent persons or to qualified legal services projects in California.

(B) The provision of legal representation, training, or technical assistance on matters concerning special client groups, including the elderly, the disabled, juveniles, and non-English-speaking groups, or on matters of specialized substantive law important to the special client groups.

6215. (a) Support centers satisfying the qualifications specified in subdivision (b) of Section 6213 which were operating an office and providing services in California on December 31, 1980, shall be presumed to be qualified support centers for the purposes of this article.

(b) Support centers not qualifying under the presumption specified in subdivision (a) may qualify as a support center by meeting both of the following additional criteria:

(1) Meeting quality control standards established by the State Bar.

(2) Being deemed to be of special need by a majority of the qualified legal services projects.

6216. The State Bar shall distribute all moneys received under the program established by this article for the provision of civil legal services to indigent persons. The funds first shall be distributed 18 months from the effective date of this article, or upon such a date, as shall be determined by the State Bar, that adequate funds are available to initiate the program. Thereafter, the funds shall be distributed on an annual basis. All distributions of funds shall be made in the following order and in the following manner:

(a) To pay the actual administrative costs of the program, including any costs incurred after the adoption of this article and a reasonable reserve therefor

(b) Eighty-five percent of the funds remaining after payment of

administrative costs allocated pursuant to this article shall be distributed to qualified legal services projects. Distribution shall be by a pro rata county-by-county formula based upon the number of persons whose income is 125 percent or less of the current poverty threshold per county. For the purposes of this section, the source of data identifying the number of persons per county shall be the latest available figures from the United States Department of Commerce, Bureau of the Census. Projects from more than one county may pool their funds to operate a joint, multicounty legal services project serving each of their respective counties.

(1) (A) In any county which is served by more than one qualified legal services project, the State Bar shall distribute funds for the county to those projects which apply on a pro rata basis, based upon the amount of their total budget expended in the prior year for legal services in that county as compared to the total expended in the prior year for legal services by all qualified legal services projects applying therefor in the county.

(B) The State Bar shall reserve 10 percent of the funds allocated to the county for distribution to programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 and which perform the services described in subparagraph (A) of paragraph (3) of Section 6214 as their principal means of delivering legal services. The State Bar shall distribute the funds for that county to those programs which apply on a pro rata basis, based upon the amount of their total budget expended for free legal services in that county as compared to the total expended for free legal services by all programs meeting the standards of subparagraph (A) of paragraph (3) and paragraphs (1) and (2) of subdivision (b) of Section 6214 in that county. The State Bar shall distribute any funds for which no program has qualified pursuant hereto, in accordance with the provisions of subparagraph (A) of paragraph (1) of this subdivision.

(2) In any county in which there is no qualified legal services projects providing services, the State Bar shall reserve for the remainder of the fiscal year for distribution the pro rata share of funds as provided for by this article. Upon application of a qualified legal services project proposing to provide legal services to the indigent of the county, the State Bar shall distribute the funds to the project. Any funds not so distributed shall be added to the funds to be distributed the following year.

(c) Fifteen percent of the funds remaining after payment of administrative costs allocated for the purposes of this article shall be distributed equally by the State Bar to qualified support centers which apply for the funds. The funds provided to support centers shall be used only for the provision of legal services within California. Qualified support centers that receive funds to provide services to qualified legal services projects from sources other than this article, shall submit and shall have approved by the State Bar a plan assuring that the services funded under this article are in addition to those

already funded for qualified legal services projects by other sources.

6217. With respect to the provision of legal assistance under this article, each recipient shall ensure all of the following:

(a) The maintenance of quality service and professional standards.

(b) The expenditure of funds received in accordance with the provisions of this article.

(c) The preservation of the attorney-client privilege in any case, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to indigent persons.

(d) That no one shall interfere with any attorney funded in whole or in part by this article in carrying out his or her professional responsibility to his or her client as established by the rules of professional responsibility and this chapter.

6218. All legal services projects and support centers receiving funds pursuant to this article shall adopt financial eligibility guidelines for indigent persons.

(a) Qualified legal services programs shall ensure that funds appropriated pursuant to this article shall be used solely to defray the costs of providing legal services to indigent persons or for such other purposes as set forth in this article.

(b) Funds received pursuant to this article by support centers shall only be used to provide services to qualified legal services projects as defined in subdivision (a) of Section 6213 which are used pursuant to a plan as required by subdivision (c) of Section 6216, or as permitted by Section 6219.

6219. Qualified legal services projects and support centers may use funds provided under this article to provide work opportunities with pay, and where feasible, scholarships for disadvantaged law students to help defray their law school expenses.

6220. Attorneys in private practice who are providing legal services without charge to indigent persons shall not be disqualified from receiving the services of the qualified support centers.

6221. Qualified legal services projects shall make significant efforts to utilize 20 percent of the funds allocated under this article for increasing the availability of services to the elderly, the disabled, juveniles, or other indigent persons who are members of disadvantaged and underserved groups within their service area.

6222. A recipient of funds allocated pursuant to this article annually shall submit a financial statement to the State Bar, including an audit of the funds by a certified public accountant or a fiscal review approved by the State Bar, a report demonstrating the programs on which they were expended, a report on the recipient's compliance with the requirements of Section 6217, and progress in meeting the service expansion requirements of Section 6221.

The Board of Governors of the State Bar shall include a report of receipts of funds under this article, expenditures for administrative costs, and disbursements of the funds, on a county-by-county basis, in the annual report of State Bar receipts and expenditures required

pursuant to Section 6145.

6223. No funds allocated by the State Bar pursuant to this article shall be used for any of the following purposes:

(a) The provision of legal assistance with respect to any fee generating case, except in accordance with guidelines which shall be promulgated by the State Bar.

(b) The provision of legal assistance with respect to any criminal proceeding.

(c) The provision of legal assistance, except to indigent persons or except to provide support services to qualified legal services projects as defined by this article.

6224. The State Bar shall have the power to determine that an applicant for funding is not qualified to receive funding, to deny future funding, or to terminate existing funding because the recipient is not operating in compliance with the requirements or restrictions of this article.

A denial of an application for funding or for future funding or an action by the State Bar to terminate an existing grant of funds under this article shall not become final until the applicant or recipient has been afforded reasonable notice and an opportunity for a timely and fair hearing. Pending final determination of any hearing held with reference to termination of funding, financial assistance shall be continued at its existing level on a month-to-month basis. Hearings for denial shall be conducted by an impartial hearing officer whose decision shall be final. The hearing officer shall render a decision no later than 30 days after the conclusion of the hearing. Specific procedures governing the conduct of the hearings of this section shall be determined by the State Bar pursuant to Section 6225.

6225. The Board of Governors of the State Bar shall adopt the regulations and procedures necessary to implement this article and to ensure that the funds allocated herein are utilized to provide civil legal services to indigent persons, especially underserved client groups such as but not limited to the elderly, the disabled, juveniles, and non-English-speaking persons.

In adopting the regulations the Board of Governors shall comply with the following procedures:

(a) The board shall publish a preliminary draft of the regulations and procedures, which shall be distributed, together with notice of the hearings required by subdivision (b), to commercial banking institutions, to members of the State Bar, and to potential recipients of funds.

(b) The board shall hold at least two public hearings, one in southern California and one in northern California where affected and interested parties shall be afforded an opportunity to present oral and written testimony regarding the proposed regulations and procedures.

6226. The program authorized by this article shall become operative only upon the adoption of a resolution by the Board of Governors of the State Bar stating that regulations have been

adopted pursuant to Section 6225 which conform the program to all applicable tax and banking statutes, regulations, and rulings.

6227. Nothing in this article shall create an obligation or pledge of the credit of the State of California or of the State Bar of California. Claims arising by reason of acts done pursuant to this article shall be limited to the moneys generated hereunder.

6228. If any provision of this article or the application thereof to any group or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

CHAPTER 790

An act to add Section 9502.5 to, and to repeal Sections 7351.6 and 8651.4 of, the Revenue and Taxation Code, and to add Section 94.3 to the Streets and Highways Code, relating to transportation.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 7351.6 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 8651.4 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 9502.5 is added to the Revenue and Taxation Code, to read:

9502.5. If the countywide tax is imposed within the County of Los Angeles, the portion of the proceeds of the tax allocated and spent within the boundaries of the San Fernando Valley Statistical Area, as defined in Section 11093 of the Government Code, shall be not less, on a percentage basis, than the percent that the population of the San Fernando Valley Statistical Area is of the total population of Los Angeles County.

SEC. 4. Section 94.3 is added to the Streets and Highways Code, to read:

94.3. To the extent that existing provisions of Part 23 (commencing with Section 23.1) of Title 49 of the Code of Federal Regulations, as amended April 27, 1981, are not applicable to highway contracts awarded by the department that are solely state funded, the department shall develop a program to implement comparable provisions applicable to those contracts.

CHAPTER 791

An act to add Sections 6534.01 and 7391.2 to the Business and Professions Code, to amend Section 94312 of, to amend, repeal, and add Section 94310 to, to add Section 94304.5 to, to repeal and add Section 94331 to, and to repeal and add Article 5 (commencing with Section 94350) to Chapter 3 of Part 59 of, the Education Code, relating to postsecondary education.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 6534.01 is added to the Business and Professions Code, to read:

6534.01. Institutions operating pursuant to this article shall comply with subdivisions (b), (e), (g), (h), (i), and (j) of Section 94312 of the Education Code The board shall be responsible for monitoring and enforcing these standards.

SEC. 2. Section 7391.2 is added to the Business and Professions Code, to read:

7391.2. Institutions licensed pursuant to this article shall comply with subdivisions (b), (e), (g), (h), (i), and (j) of Section 94312 of the Education Code. The board shall be responsible for monitoring and enforcing these standards.

SEC. 3. Section 94304.5 is added to the Education Code, to read:

94304.5. (a) The Council for Private Postsecondary Educational Institutions shall impanel a special committee of technically qualified persons to develop explicit standards to be used in the review and authorization of private postsecondary institutions which operate pursuant to subdivision (c) of Section 94310 as it existed on January 1, 1982. These standards shall:

(1) Be sufficiently comprehensive so that a determination can be made that the institution has the facilities, financial resources, faculty, and other necessary educational expertise and resources to afford students and require of students the completion of a program of education which will prepare them for the attainment of a professional, technological, or educational objective.

(2) Include a method of determining if the course of study for which the degree is granted achieves its professed or claimed educational objective. Members of this committee shall be administrative heads of institutions operating pursuant to subdivision (c) of Section 94310, as of January 1, 1981.

(b) Members of the special committee shall be selected by the Chair of the Council for Private Postsecondary Institutions, from names submitted by private school associations operating in California as of January 1, 1981. Each private school association which represents institutions operating pursuant to subdivision (c) of

Section 94310 shall nominate three individuals to serve on the special committee. The chair of the council shall select from among these nominees so that each association has two representatives on the special committee. The Director of the California Postsecondary Education Commission, or his or her designee, shall also be a member of this special committee.

(c) The special committee shall submit these authorization standards to the council prior to September 1, 1982, for the council's review. If the council determines that the standards effect the purposes of this chapter, the council may recommend adoption of the standards as the requirements for authorization to grant degrees pursuant to subdivision (c) of Section 94310. The council shall take action to accept or reject the standards proposed by the special committee prior to January 1, 1983.

(d) Prior to February 1, 1983, the California Postsecondary Education Commission shall report to the Legislature on the extent to which the proposed standards effect the purposes of this chapter. The commission shall:

(1) Review the adequacy of these proposed standards in providing a method of determining if the course of instruction for which the degree is granted achieves its professed or claimed educational objective

(2) Compare these proposed standards to provisions which exist in other states.

(3) Determine the extent to which the proposed standards are sufficiently comprehensive and complete so that they protect the integrity of degrees awarded by those institutions.

(e) The members of the special committee shall serve without compensation, and shall not receive any travel costs or per diem.

SEC. 4. Section 94310 of the Education Code is amended to read:

94310. No institution may issue, confer, or award an academic or honorary degree unless such institution meets the requirements of at least one of the three subdivisions of this section.

(a) The institution, which at the time of the issuance of a degree, has accreditation of the institution, program, or specific course of study upon which the degree is based by a national or applicable regional accrediting agency recognized by the United States Department of Education or by the Committee of Bar Examiners for the State of California. The institution shall file with the superintendent an annual affidavit by the administrative head of the institution stating that the institution is so accredited. Institutions authorized to operate under this subdivision may issue diplomas and certificates as well as degrees.

(b) The institution has been approved by the superintendent to award or issue specific degrees. The superintendent shall not approve an institution to issue degrees until it is determined, based upon information submitted to him or her, that the institution has the facilities, financial resources, administrative capabilities, faculty, and other necessary educational expertise and resources to afford

students and require of students the completion of a program of education which will prepare them for the attainment of a professional, technological, or educational objective, including, but not limited to, a degree; and the curriculum is consistent in quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The criteria developed hereunder shall be such as will effectuate the purposes of this chapter, but will not unreasonably hinder legitimate educational innovation.

Upon the receipt of a completed application, the superintendent shall, within 90 days, impanel a special committee for the purpose of evaluating the applicant institution. Within 90 days of the receipt of the special committee's recommendations, the superintendent shall take one of the following actions:

(1) Grant a full approval for a period not to exceed three years.

(2) Grant a conditional approval for a period not to exceed one year plus the remainder of the year in which the application was made.

(3) Disapprove the application. If the application is disapproved or a conditional approval is granted, the institution shall be advised of the specific reasons for such action and the specific corrective measures needed to achieve full approval.

Those institutions approved to issue degrees pursuant to this subdivision may also be authorized by the superintendent to issue diplomas for the completion of courses of study, within their approved degree program, but which do not fully meet the degree requirements. The superintendent may approve an application to issue honorary degrees, provided the applicant institution has full approval to issue academic degrees.

(c) The institution has filed the following affidavits with the superintendent:

(1) An annual affidavit of "full disclosure" describing the institutional objectives and proposed methods of achieving them, the curriculum, instruction, faculty with qualifications, physical facilities, administrative personnel, educational recordkeeping procedures, tuition and fee schedule, tuition refund schedule, scholastic regulations, degrees to be conferred, graduation requirements, and financial stability as evidenced by a certified financial statement for the preceding year.

(2) An affidavit by the president or other head stating that the institution owns, and shall continue to own, net assets in the amount of fifty thousand dollars ($50,000) which is used solely for the purpose of education as stated in paragraph (1) of this subdivision, located within the State of California, and stating that these assets provide sufficient resources to achieve the educational objectives of the institution. Such assets shall include such real property as buildings and facilities, library materials, and instructional materials, but shall

not include other personal property not used directly and exclusively by the institution for the purpose of education. The affidavit shall be accompanied by a statement from a public accountant showing the value of the interest of the institution therein to be at least fifty thousand dollars ($50,000) above the unpaid balance on any note secured by a mortgage, deed of trust, or the unpaid balance on a contract of sale.

(3) An annual affidavit by the president or other head setting forth, as a minimum, the following information:

(i) All names, whether real or fictitious, of the person, institution, firm, association, partnership or corporation under which it has done or is doing business.

(ii) The address, including city and street, of every place of doing business of the person, firm, association, partnership or corporation, within the State of California.

(iii) The address, including city and street, of the location of the records of the person, firm, association, partnership or corporation, and the name and address, including city and street, of the custodian of such records.

(iv) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership or corporation.

(v) That the records required by subdivision (k) of Section 94312 are maintained at the address stated, and are true and accurate.

Any change in the items of information required to be included in this affidavit shall be reported to the superintendent within 20 days of such change.

Within 90 days of the receipt of the affidavits described in paragraphs (1), (2), and (3) of this subdivision, and prior to granting the initial authorization to operate, the superintendent shall verify the truthfulness and accuracy of the affidavits by impaneling a three-member team comprised of one representative which he or she shall select, one representative of the California Postsecondary Education Commission, and one representative selected by but not affiliated with the institution to be inspected. Within 30 days of the receipt of the report from the three-member team, the superintendent shall grant or deny authorization to operate. Authorization to operate may be denied only if the affidavits are inaccurate. Authorization to operate may be granted for one year initially and for periods of three years upon each subsequent renewal, subject to payment of an annual fee pursuant to Section 94331. For all affidavits beyond the initial application, the superintendent may take such steps as may be necessary to verify the truthfulness and accuracy of the affidavits. Filing pursuant to this subdivision shall not be interpreted to mean, and it shall be unlawful for, any institution to expressly or impliedly represent by any means whatsoever, that the State of California, Superintendent of Public Instruction, the State Board of Education, or the Department of Education has made any evaluation, recognition, accreditation,

approval, or endorsement of the course of study or degree.

Prior to July 1, 1983, the Council for Private Postsecondary Educational Institutions shall submit to the Legislature recommendations for a revision of this subdivision. These recommendations shall include the proposed authorization standards developed pursuant to Section 94304 5.

(d) 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. Section 94310 is added to the Education Code, to read:

94310. No institution may issue, confer, or award an academic or honorary degree unless the institution meets the requirements of at least one of the subdivisions of this section.

(a) The institution, which at the time of the issuance of a degree, has accreditation of the institution, program, or specific course of study upon which the degree is based by a national accrediting agency recognized by the United States Department of Education, the Western Association of Schools and Colleges, or by the Committee of Bar Examiners for the State of California. The institution must file with the superintendent an annual affidavit by the administrative head of the institution stating that the institution is so accredited. Institutions authorized to operate under this subdivision may issue diplomas and certificates as well as degrees.

(b) The institution has been approved by the superintendent to award or issue specific degrees. The superintendent shall not approve an institution to issue degrees until it is determined, based upon information submitted to him or her, that the institution has the facilities, financial resources, administrative capabilities, faculty, and other necessary educational expertise and resources to afford students and require of students the completion of a program of education which will prepare them for the attainment of a professional, technological, or educational objective, including, but not limited to, a degree; and the curriculum is consistent in quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The criteria developed hereunder shall be such as will effectuate the purposes of this chapter, but will not unreasonably hinder legitimate educational innovation.

Upon the receipt of a complete application, the superintendent shall, within 90 days, impanel a special committee for the purpose of evaluating the applicant institution. Within 90 days of the receipt of the special committee's recommendations, the superintendent shall take one of the following actions:

(1) Grant a full approval for a period not to exceed three years.

(2) Grant a conditional approval for a period not to exceed one year plus the remainder of the year in which the application was made.

(3) Disapprove the application. If the application is disapproved or a conditional approval is granted, the institution shall be advised of the specific reasons for such action and the specific corrective measures needed to achieve full approval.

Those institutions approved to issue degrees pursuant to this subdivision may also be authorized by the superintendent to issue diplomas for the completion of courses of study, within their approved degree program, but which do not fully meet the degree requirements. The superintendent may approve an application to issue honorary degrees, provided the applicant institution has full approval to issue academic degrees.

(c) The institution has met standards developed and recommended by the Council for Postsecondary Educational Institutions pursuant to Section 94304.5, and adopted by the Legislature.

(d) The institution is structured by schools of theology, and awards degrees primarily in theology and other areas of religious study, and it has filed the following affidavits with the superintendent:

(1) An annual affidavit of "full disclosure" describing the institutional objectives and proposed methods of achieving them, the curriculum, instruction, faculty with qualifications, physical facilities, administrative personnel, educational recordkeeping procedures, tuition and fee schedule, tuition refund schedule, scholastic regulations, degrees to be conferred, graduation requirements, and financial stability as evidenced by a certified financial statement for the preceding year.

(2) An affidavit by the president or other head stating that the institution owns, and shall continue to own, net assets in the amount of fifty thousand dollars ($50,000) which is used solely for the purpose of education as stated in paragraph (1) of this subdivision, located within the State of California, and stating that these assets provide sufficient resources to achieve the educational objectives of the institution. Such assets shall include such real property as buildings and facilities, library materials, and instructional materials, but shall not include other personal property not used directly and exclusively by the institution for the purpose of education. The affidavit shall be accompanied by a statement from a public accountant showing the value of the interest of the institution therein to be at least fifty thousand dollars ($50,000) above the unpaid balance on any note secured by a mortgage, deed of trust, or the unpaid balance on a contract of sale.

(3) An annual affidavit by the president or other head setting forth, as a minimum, the following information:

(i) All names, whether real or fictitious, of the person, institution, firm, association, partnership or corporation under which it has done or is doing business.

(ii) The address, including city and street, of every place of doing business of the person, firm, association, partnership or corporation,

within the State of California

(iii) The address, including city and street, of the location of the records of the person, firm, association, partnership or corporation, and the name and address, including city and street, of the custodian of such records.

(iv) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership or corporation.

(v) That the records required by subdivision (k) of Section 94312 are maintained at the address stated, and are true and accurate.

Any change in the items of information required to be included in this affidavit shall be reported to the superintendent within 20 days of such change.

Within 90 days of the receipt of the affidavits described in paragraphs (1), (2), and (3) of this subdivision, and prior to granting the initial authorization to operate, the superintendent shall verify the truthfulness and accuracy of the affidavits by impaneling a three-member team comprised of one representative which he or she shall select, one representative of the California Postsecondary Education Commission, and one representative selected by but not affiliated with the institution to be inspected. Within 30 days of the receipt of the report from the three-member team, the superintendent shall grant or deny authorization to operate. Authorization to operate can be denied only if the affidavits are inaccurate. Authorization to operate may be granted for one year initially and for periods of three years upon each subsequent renewal, subject to payment of an annual fee pursuant to Section 94331. For all affidavits beyond the initial application, the superintendent may take such steps as may be necessary to verify the truthfulness and accuracy of the affidavits. Filing pursuant to this subdivision shall not be interpreted to mean, and it shall be unlawful for, any institution to expressly or impliedly represent by any means whatsoever, that the State of California, Superintendent of Public Instruction, the State Board of Education, or the Department of Education has made any evaluation, recognition, accreditation, approval, or endorsement of the course of study or degree.

(e) This section shall become operative July 1, 1983

SEC. 6 Section 94312 of the Education Code is amended to read:

94312. All institutions authorized, or approved, under this chapter shall be maintained and operated, or in the case of a new institution, shall demonstrate that it will be maintained and operated, in compliance with the following minimum standards:

(a) That the institution is financially capable of fulfilling its commitments to its students.

(b) That the institution and its agents do not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation

(c) That the institution designates an agent for service of process within this state.

(d) That the institution has and maintains a fair and equitable policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course. Such a policy shall be in compliance with the minimum standard of refunds as adopted by the superintendent. The superintendent shall take into consideration the length and character of the educational program in determining standards for refunds.

(e) That any written contract or agreement signed by a prospective student away from the institution premises will not become operative until the student makes an initial visit to the institution. The provision applies only in those situations when the student begins payment on tuition charges (beyond the registration fee) prior to arriving at the campus. The student is obligated to visit the campus at least six days prior to the start of classes. The school officials are obligated to provide the student with a thorough tour of the campus facilities and to place a written statement, signed by the student, in the student's file to verify that the visitation and campus tour were provided. Following the visitation to the campus, the student will have a three-day "cooling off" period to void the contract with no money to be retained by the school as provided in subdivision (d) of this section. If the student does not visit the campus after signing the contract, the "cooling off" period shall automatically begin six days prior to the start of classes. The student may waive the right to visit the campus at any time after signing the contract. This provision does not apply to correspondence schools or other mail study institutions. The superintendent shall take into consideration the character of the educational program in determining if other types of institutions should also be excluded from this provision.

(f) That any written contract or agreement for a course of study with an institution shall include on the first page of such agreement or contract, in 12-point boldface print or larger, the following statement:

"Any questions or problems concerning this institution which have not been satisfactorily answered or resolved by the institution should be directed to the Superintendent of Public Instruction, State Department of Education, Sacramento, California 95814."

In addition, such written contracts or agreements shall specify, in underlined capital letters on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the institution in numbers or letters

(g) That neither the institution nor its agents engage in sales, collection, credit, or other practices of any type which are false, deceptive, misleading, or unfair

(h) That the institution makes available to students and other

interested persons a catalog or brochure containing information describing the courses offered, program objectives, length of program, faculty and their qualifications, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, the total cost of tuition over the entire period, and (for vocational training programs for which specific placement claims are made) placement data, as well as such other material facts concerning the institution and the program or course of instruction, as are reasonably likely to affect the decision of the student to enroll therein, as specified by the superintendent and defined in the rules and regulations; and that such information is made available to prospective students prior to enrollment.

(i) That upon satisfactory completion of training, the student is given an appropriate degree or diploma by the institution, indicating that said course or courses of instruction or study have been satisfactorily completed by the student.

(j) That adequate records are maintained by the institution to show attendance, progress, or grades, and that satisfactory standards are enforced relating to attendance, progress, and performance.

(k) That the institution maintains current records for a period of not less than five years at its principal place of business within the State of California, immediately available during normal business hours, for inspection by the superintendent or the Attorney General of California showing the following:

(1) The names and addresses, both local and home, including city and street, of each of its students;

(2) The courses of study offered by the institution;

(3) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each;

(4) The degrees or diplomas and honorary degrees and diplomas granted, the date of granting, together with the curricula upon which the diplomas and degrees were based

(*l*) That the institution provides instruction as part of its educational program Instruction shall include any specific, formal arrangement by an institution for its enrollees to participate in learning experiences wherein the institution's faculty or contracted instructors present a planned curriculum appropriate to the enrollee's educational program

(m) Accreditation by a national or applicable regional accrediting agency recognized by the United States Department of Education shall be accepted by the superintendent as evidence of compliance with the minimum standards established by the accrediting or licensing agency, and therefore as evidence of compliance with the minimum standards specified in the provisions of this section If there is substantial evidence of violation of the standards established by the responsible agency, however, the superintendent may require such further evidence and make such further investigation as may be

necessary.

(n) Institutions licensed solely under the provisions of subdivision (b) of Section 94311 shall comply with subdivisions (b), (e), (g), (h), (i), and (j). The responsibility for developing, monitoring, and enforcing institutional compliance with these minimum standards shall be with the state board or agency responsible for licensing the school.

SEC. 6.5. Section 94331 of the Education Code is repealed.

SEC. 6.7. Section 94331 is added to the Education Code, to read:

94331. The superintendent shall establish and maintain a Private Postsecondary Education Administration Fund. All fees collected pursuant to this section shall be credited to this fund, along with any interest on the money, for administration of the provisions of this chapter. The money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years. However, if the Legislature makes an appropriation for the support of the Office of Private Postsecondary Education in the Budget Act of any fiscal year, the amount for support of the Office of Postsecondary Education expended from the Private Postsecondary Education Administration Fund during that fiscal year shall not exceed the amount appropriated by the Budget Act.

For the approval or authorization of private institutions operating under this chapter, the superintendent shall charge an amount not exceeding the actual costs of approving or authorizing the private institutions. However, in no case shall these fees exceed the fee schedule in this section, except that the maximum amounts may be increased by a percentage which reflects an increase in the Consumer Price Index, all items of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year preceding the fiscal year to which it applies. If the actual costs incurred exceed the proceeds of the maximum amount so computed, the superintendent may further increase the maximum fee up to the amount of the actual costs incurred, with the approval of the council The superintendent shall annually publish a schedule of the current fees to be charged pursuant to this section and shall make such schedule generally available to the public.

The following fee schedule shall govern the fees to be paid by private institutions operating under this chapter:

(a) For approval to issue specified degrees pursuant to subdivision (b) of Section 94310·

(1) One thousand five hundred dollars ($1,500) for an institution's original application.

(2) Five hundred dollars ($500) for an institution's annual renewal

(3) Two hundred dollars ($200) for an institution's change of ownership.

(4) One hundred fifty dollars ($150) for an institution's change of location.

(5) Five hundred dollars ($500) for an institution's additional

degree title.

(b) For authorization to issue degrees pursuant to subdivision (c) of Section 94310:

(1) One thousand five hundred dollars ($1,500) for an institution's original application.

(2) Five hundred dollars ($500) for an institution's annual renewal.

(3) Two hundred dollars ($200) for an institution's change of ownership.

(c) For authorization to issue diplomas or offer courses pursuant to subdivision (c) of Section 94311:

(1) (A) Four hundred dollars ($400) for a new institution.

(B) Two hundred fifty dollars ($250) for an institution converting from approval pursuant to subdivision (d) of Section 94311.

(C) Two hundred dollars ($200) for a new or converted institution of an administrative family.

(2) (A) Two hundred dollars ($200) for an annual renewal of a new or converted institution.

(B) One hundred dollars ($100) for an annual renewal of an administrative family institution.

(d) For approval to issue diplomas or offer courses pursuant to subdivision (d) of Section 94311:

(1) (A) Five hundred dollars ($500) for a new institution.

(B) Two hundred fifty dollars ($250) for a new institution of an administrative family

(C) Two hundred dollars ($200) for a new institution of a nonprofit public benefit corporation, organized pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, if the education is limited to instruction in employment and skill training and if it is offered at no charge to those persons receiving the education.

(2) (A) Two hundred twenty-five dollars ($225) for an institution's annual renewal.

(B) One hundred dollars ($100) for an annual renewal of an institution of an administrative family and for an annual renewal of an institution described in subparagraph (C) of paragraph (1) of subdivision (d).

(3) Two hundred dollars ($200) for an institution's change of ownership.

(4) One hundred fifty dollars ($150) for an institution's change of location.

(5) One hundred dollars ($100) for an institution's additional course.

(e) For an annual filing by an ownership to offer career-related education pursuant to Section 94315. Two hundred dollars ($200)

(f) For purposes of this section, "administrative family" refers to two or more institutions under common ownership, and the ownership maintains centralized administration, records, and reporting at one California location, and has at least a five-year

history of private postsecondary education operations in California.

(g) For evaluation of an applicant for a certificate of authorization for service, issued pursuant to paragraph (3) of subdivision (d) of Section 94311, the original and renewal applications for a three-year authorization shall be accompanied by a twenty-five dollar ($25) fee.

(h) For a private school agent's permit pursuant to Section 94333: Twenty-five dollars ($25) annually per applicant.

SEC. 7. Article 5 (commencing with Section 94350) of Chapter 3 of Part 59 of the Education Code is repealed.

SEC. 8. Article 5 (commencing with Section 94350) is added to Chapter 3 of Part 59 of the Education Code, to read:

Article 5. Termination

94350. This chapter shall remain in effect only until July 1, 1986, and as of such date is repealed, unless a later enacted statute which is chaptered before July 1, 1986, deletes or extends such date.

SEC. 9. Prior to January 1, 1985, the California Postsecondary Education Commission shall review and evaluate the implementation of the provisions of this act by the State Department of Education, and shall report to the Legislature on the results of this review and evaluation.

CHAPTER 792

An act to amend Section 68751 of the Government Code, to add Section 5076.3 to the Penal Code, and to add Sections 1727 and 3157 to the Welfare and Institutions Code, relating to subpoenas.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 68751 of the Government Code is amended to read:

68751. In any investigation or formal proceeding in any part of the State, the process extends to all parts of the State. A person is not obliged to attend as a witness in any investigation or proceeding under this chapter unless the person is a resident within the state at the time of service.

SEC. 2. Section 5076.3 is added to the Penal Code, to read:

5076.3. The Chairman of the Board of Prison Terms shall have the authority of a head of a department set forth in subdivision (e) of Section 11181 of the Government Code to issue subpoenas as provided in Article 2 (commencing with Section 11180) of Chapter 2 of Division 3 of Title 2 of the Government Code. The board shall adopt regulations on the policies and guidelines for the issuance of

subpoenas.

SEC. 3. Section 1727 is added to the Welfare and Institutions Code, to read:

1727. The Chairman of the Youthful Offender Parole Board shall have the authority of a head of a department set forth in subdivision (e) of Section 11181 of the Government Code to issue subpoenas as provided in Article 2 (commencing with Section 11180) of Chapter 2 of Division 3 of Title 2 of the Government Code. The board shall adopt regulations on the policies and guidelines for the issuance of subpoenas.

SEC. 4. Section 3157 is added to the Welfare and Institutions Code, to read:

3157. The Chairman of the Narcotic Addict Evaluation Authority shall have the authority of a head of a department set forth in subdivision (e) of Section 11181 of the Government Code to issue subpoenas as provided in Article 2 (commencing with Section 11180) of Chapter 2 of Division 3 of Title 2 of the Government Code. The authority shall adopt regulations on the policies and guidelines for the issuance of regulations.

CHAPTER 793

An act to amend Sections 2655 and 3258 of the Unemployment Insurance Code, relating to unemployment disability insurance, and making an appropriation therefor.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 2655 of the Unemployment Insurance Code is amended to read:

2655. An individual's "weekly benefit amount" shall be the amount appearing in column B in the table set forth in this section on the line of which in column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his or her disability base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$75–1,149.99	$50
1,150–1,174.99	51
1,175–1,199.99	52
1,200–1,224.99	53
1,225–1,249.99	54

1,250–1,274.99	55
1,275–1,299.99	56
1,300–1,324.99	57
1,325–1,349.99	58
1,350–1,374.99	59
1,375–1,399.99	60
1,400–1,424.99	61
1,425–1,449.99	62
1,450–1,474.99	63
1,475–1,499.99	64
1,500–1,524.99	65
1,525–1,549.99	66
1,550–1,574.99	67
1,575–1,599.99	68
1,600–1,624.99	69
1,625–1,649.99	70
1,650–1,674.99	71
1,675–1,699.99	72
1,700–1,724.99	73
1,725–1,749.99	74
1,750–1,774.99	75
1,775–1,799.99	76
1,800–1,824.99	77
1,825–1,849.99	78
1,850–1,874.99	79
1,875–1,899.99	80
1,900–1,924.99	81
1,925–1,949.99	82
1,950–1,974.99	83
1,975–1,999.99	84
2,000–2,024.99	85
2,025–2,049.99	86
2,050–2,074.99	87
2,075–2,099.99	88
2,100–2,124.99	89
2,125–2,149.99	90
2,150–2,174.99	91
2,175–2,199.99	92
2,200–2,224.99	93
2,225–2,249.99	94
2,250–2,274.99	95
2,275–2,299.99	96
2,300–2,324.99	97
2,325–2,349.99	98
2,350–2,374.99	99
2,375–2,399.99	100
2,400–2,424.99	101
2,425–2,449.99	102
2,450–2,474.99	103

2,475–2,499.99	104
2,500–2,524.99	105
2,525–2,549.99	106
2,550–2,574.99	107
2,575–2,599.99	108
2,600–2,624.99	109
2,625–2,649.99	110
2,650–2,674.99	111
2,675–2,699.99	112
2,700–2,724.99	113
2,725–2,749.99	114
2,750–2,774.99	115
2,775–2,799.99	116
2,800–2,824.99	117
2,825–2,849.99	118
2,850–2,874.99	119
2,875–2,899.99	120
2,900–2,924.99	121
2,925–2,949.99	122
2,950–2,974.99	123
2,975–2,999.99	124
3,000–3,024.99	125
3,025–3,049.99	126
3,050–3,074.99	127
3,075–3,099.99	128
3,100–3,124.99	129
3,125–3,149.99	130
3,150–3,174.99	131
3,175–3,199.99	132
3,200–3,224.99	133
3,225–3,249.99	134
3,250–3,274.99	135
3,275–3,299.99	136
3,300–3,324.99	137
3,325–3,349.99	138
3,350–3,374.99	139
3,375–3,399.99	140
3,400–3,424.99	141
3,425–3,449.99	142
3,450–3,474.99	143
3,475–3,499.99	144
3,500–3,524.99	145
3,525–3,549.99	146
3,550–3,574.99	147
3,575–3,599.99	148
3,600–3,624.99	149
3,625–3,649.99	150
3,650–3,674.99	151
3,675–3,699.99	152

3,700–3,724.99	153
3,725–3,749.99	154
3,750–3,774.99	155
3,775–3,799.99	156
3,800–3,824.99	157
3,825–3,849.99	158
3,850–3,874.99	159
3,875–3,899.99	160
3,900–3,924.99	161
3,925–3,949.99	162
3,950–3,974.99	163
3,975–3,999.99	164
4,000–4,024.99	165
4,025–4,049.99	166
4,050–4,074.99	167
4,075–4,099.99	168
4,100–4,124.99	169
4,125–4,149.99	170
4,150–4,174.99	171
4,175–4,199.99	172
4,200–4,224.99	173
4,225–4,249.99	174
4,250 and over	175

SEC. 2. Section 3258 of the Unemployment Insurance Code is amended to read:

3258. If a voluntary plan does not provide for the assumption by an admitted disability insurer of the liability of the employer to pay the benefits afforded by the plan, the Director of Employment Development shall not approve it unless the employer files with the Director of Employment Development the bond of an admitted surety insurer conditioned on the payment by the employer of his obligations under the plan, or deposits with the Director of Employment Development securities approved by him to secure the payment of such obligations. The penal sum of the bond or the amount of the deposit shall be determined by the Director of Employment Development and shall be not less than the product obtained by multiplying the rate of worker contributions in the ensuing year, as determined in Section 984, by 0.5 of the estimated taxable wages prescribed by Section 985 to be paid to such employees for the ensuing year. Upon approval, such bond, money, or securities shall upon his written order be deposited with the State Treasurer for the purpose herein specified. The Treasurer shall give his receipt for such deposits and the state shall be responsible for the custody and safe return of any securities so deposited.

SEC. 3. The amendment to Section 2655 of the Unemployment Insurance Code made by this act shall become operative with respect to periods of disability commencing on or after January 1, 1982. The provisions of law in effect prior to the amendment of that provision

made by this act shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1982.

CHAPTER 794

An act to add Chapter 4 (commencing with Section 38030) to Division 25 of, and to amend and renumber the heading of Chapter 4 (commencing with Section 38040) of Division 25 of, the Health and Safety Code, relating to direct services contract.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. The Legislature hereby finds and declares:

(a) That there are no specific statutory references to requirements for direct human service contracts.

(b) That the State Administrative Manual contains guidelines but does not carry the force of law.

(c) That on numerous occasions confusion has been displayed as to the state requirements for the direct human services contract bidding and award process, and in the contracts management and evaluation process.

SEC. 2. Chapter 4 (commencing with Section 38030) is added to Division 25 of the Health and Safety Code, to read:

CHAPTER 4. DIRECT SERVICE CONTRACT PROCEDURE

38030 Each department under the Health and Welfare Agency shall identify each program (1) within which direct service contracts are awarded totaling in the aggregate contract amount of more than two hundred fifty thousand dollars ($250,000), and (2) which awards more than five direct service contracts per year. For the purposes of this chapter, "direct service contracts" shall not include contracts, grants, or subventions to other governmental agencies or units of government nor contracts with regional centers or area agencies on aging.

38031. For each program identified pursuant to Section 38030, each department shall develop an annual calendar identifying target dates for requests for proposal, contract bid deadlines, contract award announcements, contract approvals, and contract evaluations. Where funding or funding levels for a program are uncertain or subject to delays beyond the control of the program, the calendar shall so indicate and shall specify a range of dates within which final decisions on funding availability are likely to be made. Each such calendar shall be available to the public and shall be updated at least annually.

38032. For each program identified pursuant to Section 38030, each department shall develop and maintain a central distribution list for requests for proposal. Such lists shall contain a statement of the basis for making additions to the list and any affirmative action policies pertinent to the program's contracting practices.

38033 Each request for proposal shall contain, but not be limited to, the following information: the goals and objectives of the entire program, identification of the specific minimum range of services to be purchased related to those goals, quantitative as well as qualitative measures which will be used by the department to evaluate service outcomes, specific criteria and a description of the methodology and timetable which will be followed to review and approve bids, and all minimum performance standards any agency must meet prior to direct service contract approval.

38034. For each program identified pursuant to Section 38030, each department shall identify the following steps: time estimated for each step; specific staff names, office addresses, and telephone numbers for those responsible for each step; and legal requirements and signatory approvals required prior to final approval of any contract. Any conditions for advance or interim payments shall also be identified. All bidders shall receive, in writing, all information required pursuant to this section.

38035. For each program identified pursuant to Section 38030, each department shall identify and transmit to all agencies awarded direct service contracts forms required for contract payments, management information or reports required pursuant to contract objectives, and conditions and methods for contract evaluations. Methods and conditions for payment recoveries, withholding of payments, and contract terminations relating to nonperformance shall also be identified. This information shall be made available to each agency awarded a direct service contract prior to final approval of the contract.

38036. Each department under the Health and Welfare Agency shall develop a grievance procedure for resolving disputes arising from the awarding or administering of direct service contracts.

38037. Pursuant to Section 38030 through Section 38035, inclusive, all departments under the Health and Welfare Agency shall prepare an implementation schedule to develop the information required pursuant to this chapter. These schedules shall be transmitted within 90 days after the effective date of this chapter to the Joint Legislative Budget Committee and the Assembly and Senate Offices of Research for their review. The implementation schedule shall cover the period of one year from the effective date of this chapter

SEC. 3. The heading of Chapter 4 (commencing with Section 38040) of Division 25 of the Health and Safety Code is amended and renumbered to read:

CHAPTER 5. CONTRACT REFORM PROCESS

CHAPTER 795

An act to amend Section 11460 of the Penal Code, relating to paramilitary activites.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 11460 of the Penal Code is amended to read:

11460. (a) Any two or more persons who assemble as a paramilitary organization for the purpose of practicing with weapons shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars ($1,000), or by both.

As used in this subdivision, "paramilitary organization" means an organization which is not an agency of the United States government or of the State of California, or which is not a private school meeting the requirements set forth in Section 12154 of the Education Code, but which engages in instruction or training in guerilla warfare or sabotage, or which, as an organization, engages in rioting or the violent disruption of, or the violent interference with, school activites.

(b) (1) Any person who teaches or demonstrates to any other person the use, application, or making of any firearm, explosive, or destructive device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such objects or techniques will be unlawfully employed for use in, or in the furtherance of a civil disorder, or any person who assembles with one or more other persons for the purpose of training wih, practicing with, or being instructed in the use of any firearm, explosive, or destructive device, or technique capable of causing injury or death to persons, with the intent to cause or further a civil disorder, shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars ($1,000), or by both.

Nothing in this subdivision shall make unlawful any act of any peace officer or a member of the military forces of this state or of the United States, performed in the lawful course of his official duties.

(2) As used in this section:

(A) "Civil disorder" means any disturbance involving acts of violence which cause an immediate danger of or results in damage or injury to the property or person of any other individual.

(B) "Destructive device" has the same meaning as in Section 12301.

(C) "Explosive" has the same meaning as in Section 12000 of the Health and Safety Code.

(D) "Firearm" means any device designed to be used as a weapon, or which may readily be converted to a weapon, from which is expelled a projectile by the force of any explosion or other form of combustion, or the frame or receiver of any such weapon.

(E) "Peace officer" means any peace officer or other officer having the powers of arrest of a peace officer, specified in Chapter 4 5 (commencing with Section 830) of Title 3 of Part 2.

SEC. 2. No appropriation is made and no reimbursement is required by this act purusant to Section 6 of Article XII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 796

An act to add Chapter 14 (commencing with Section 67300) to Part 40 of the Education Code, relating to disabled student services

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. The Legislature finds and declares that students with verifiable disabilities shall continue to be assured access to all campus programs and activities of those public postsecondary educational institutions for which they are academically qualified To this end, it is the intent of the Legislature that such students continue to receive from the postsecondary educational institution they attend such supportive services as are necessary to permit students to participate fully in the educational programs offered.

It is the further intent of the Legislature that state funds be made available to the California community colleges, the California State University and Colleges, and the University of California to provide supportive services adequate to meet the needs of students with disabilities.

SEC 2 Chapter 14 (commencing with Section 67300) is added to of Part 40 of the Education Code, to read.

CHAPTER 14. DISABLED STUDENT SERVICES

67300. Services for disabled students provided by the California community colleges and the California State University and Colleges shall, and services provided for the University of California may, at a minimum, conform to the level and quality of those services provided by the State Department of Rehabilitation to its clients prior to July 1, 1981. However, nothing in this chapter shall be construed to require the California community colleges, the California State University and Colleges, or the University of California to provide the services for disabled students in the same manner as those services were provided by the State Department of Rehabilitation.

The Board of Governors of the California Community Colleges and the Trustees of the California State University and Colleges shall, for their respective systems, and the Regents of the University of California may, by January 15, 1982, promulgate regulations to implement the provisions of this chapter.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because this act implements a federal law or regulation and involves only "costs mandated by the federal government," as defined by Section 2206 of the Revenue and Taxation Code.

CHAPTER 797

An act to amend Section 9230 of the Corporations Code, relating to religious corporations

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 9230 of the Corporations Code, as added by Chapter 1324 of the Statutes of 1980, is amended to read:

9230. (a) Except as the Attorney General is empowered to act in the enforcement of the criminal laws of this state, and except as the Attorney General is expressly empowered by subdivisions (b), (c) and (d), the Attorney General shall have no powers with respect to any corporation incorporated or classified as a religious corporation under or pursuant to this code

(b) The Attorney General shall have authority to institute an action or proceeding under Section 803 of the Code of Civil Procedure, to obtain judicial determination that a corporation is not properly qualified or classified as a religious corporation under the

provisions of this part.

(c) The Attorney General shall have the authority (1) expressly granted with respect to any subject or matter covered by Sections 9660 to 9690, inclusive; (2) to initiate criminal procedures to prosecute violations of the criminal laws, and upon conviction seek restitution as punishment; and (3) to represent as legal counsel any other agency or department of the State of California expressly empowered to act with respect to the status of religious corporations, or expressly empowered to regulate activities in which religious corporations, as well as other entities, may engage.

(d) Where property has been solicited and received from the general public, based on a representation that it would be used for a specific charitable purpose other than general support of the corporation's activities, and has been used in a manner contrary to that specific charitable purpose for which the property was solicited, the Attorney General may institute an action to enforce the specific charitable purpose for which the property was solicited; provided (1) that before bringing such action the Attorney General shall notify the corporation that an action will be brought unless the corporation takes immediate steps to correct the improper diversion of funds, and (2) that in the event it becomes impractical or impossible for the corporation to devote the property to the specified charitable purpose, or that the directors or members of the corporation in good faith expressly conclude and record in writing that the stated purpose for which the property was contributed is no longer in accord with the policies of the corporation, then the directors or members of the corporation may approve or ratify in good faith the use of such property for the general purposes of the corporation rather than for the specific purpose for which it was contributed.

As used in this section, "solicited from the general public" means solicitations directed to the general public, or to any individual or group of individuals who are not directly affiliated with the soliciting organization and includes, but is not limited to, instances where property has been solicited on an individual basis, such as door to door, direct mail, face to face, or similar solicitations, as well as solicitations on a more general level to the general public, or a portion thereof, such as through the media, including newspapers, television, radio, or similar solicitations

(e) Nothing in this section shall be construed to affect any individual rights of action which were accorded under law in existence prior to the enactment of Chapter 1324 of the Statutes of 1980.

As used in this section, "individual rights of action" include only rights enforceable by private individuals and do not include any right of action of a public officer in an official capacity regardless of whether the officer brings the action on behalf of a private individual.

(f) Nothing in this section shall be construed to require express

statutory authorization by the California Legislature of any otherwise lawful and duly authorized action by any agency of local government

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CHAPTER 798

An act to amend Section 4080.5 of the Business and Professions Code, and to amend Section 1395 of the Health and Safety Code, and to amend Section 14134 of the Welfare and Institutions Code, relating to health care service plans, and making an appropriation therefor.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 4080.5 of the Business and Professions Code is amended to read:

4080.5. (a) Except as otherwise provided in subdivision (b) or (d), the board shall not issue any new permit, nor shall any existing permit be renewed after January 1, 1985, to conduct a pharmacy to any of the following:

(1) A person or persons authorized to prescribe or write a prescription, as specified in Section 4036, in the State of California.

(2) A person or persons with whom a person or persons specified in paragraph (1) shares a community or other financial interest in the permit sought.

(3) A corporation which is controlled by, or in which 10 percent or more of the stock is owned by a person or persons prohibited from pharmacy ownership by paragraph (1) or (2).

(b) Subdivision (a) shall not preclude the issuance of a permit for an inpatient hospital pharmacy, as defined in Section 4035.1, to the owner of the hospital in which it is located or a pharmacy as defined in Section 4035 whose owner is a registered nurse, physician's assistant, or a registered pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

(c) The board may require information necessary for the enforcement of this section.

(d) Subdivision (a) shall not preclude the issuance of a new or renewal permit for a pharmacy to be owned or owned and operated by a person licensed on or before August 1, 1981, under the provisions of the Knox-Keene Health Care Service Plan Act of 1975, (Chapter 22 (commencing with Section 1340), Division 2, Health and Safety Code) and qualified on or before August 1, 1981, under subsection (d) of Section 1310 of Title XIII of the federal Public Health Service Act, as amended, whose ownership includes persons defined

pursuant to paragraphs (1) and (2) of subdivision (a).

SEC. 2. Section 1395 of the Health and Safety Code is amended to read:

1395. (a) Notwithstanding Article 6 (commencing with Section 650) of Chapter 1 of Division 2 of the Business and Professions Code, any health care service plan or specialized health care service plan may, except as limited by this subdivision, solicit or advertise with regards to the cost of subscription or enrollment, facilities and services rendered, provided, however, Article 5 (commencing with Section 600) of Chapter 1 of Division 2 of the Business and Professions Code remains in effect. Any price advertisement shall be exact, without the use of such phrases as "as low as," "and up," "lowest prices" or words or phrases of similar import. Any advertisement which refers to services, or costs for such services, and which uses words of comparison must be based on verifiable data substantiating the comparison. Any health care service plan or specialized health care service plan so advertising shall be prepared to provide information sufficient to establish the accuracy of such comparison. Price advertising shall not be fraudulent, deceitful, or misleading, nor contain any offers of discounts, premiums, gifts, or bait of similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

(b) Plans licensed under this chapter shall not be deemed to be engaged in the practice of a profession, and may employ, or contract with, any professional licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code to deliver professional services. Employment by or a contract with a plan as a provider of professional services shall not constitute a ground for disciplinary action against a health professional licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code by a licensing agency regulating a particular health care profession.

(c) A health care service plan licensed under this chapter may directly own, and may directly operate through its professional employees or contracted licensed professionals, such offices and subsidiary corporations, including pharmacies which satisfy the requirements of subdivision (d) of Section 4080.5 of the Business and Professions Code, as are necessary to provide health care services to the plan's subscribers and enrollees.

(d) A professional licensed pursuant to the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code who is employed by, or under contract to, a plan may not own or control offices or branch offices beyond those expressly permitted by the provisions of the Business and Professions Code.

(e) Nothing in this chapter shall be construed to repeal, abolish, or diminish the effect of Section 431 of the Health and Safety Code.

(f) Except as specifically provided in this chapter, nothing in this chapter shall be construed to limit the effect of the laws governing professional corporations, as they appear in applicable provisions of the Business and Professions Code, upon specialized health care service plans.

SEC. 3 Section 14134 of the Welfare and Institutions Code is amended to read:

14134. A recipient of services under this chapter shall be required to make copayments as follows:

(a) Except for any person age 12 or under or any woman receiving perinatal care, a copayment of five dollars ($5) shall be made for nonemergency services received in an emergency room. For the purposes of this section, "nonemergency services" means any services not required for the alleviation of severe pain or the immediate diagnosis and treatment of severe medical conditions which, if not immediately diagnosed and treated, would lead to disability or death.

(b) Except for any person age 65 or over, any person age 12 or under, any person who has a chronic condition requiring multiple prescription as determined by that person's attending physician, any person receiving service from a pharmacy operated by a physician-owned health maintenance organization, or any person who is an inpatient in a facility as defined in Section 1250 of the Health and Safety Code, a copayment of one dollar ($1) shall be made for each drug prescription.

(c) Except for any person age 12 or under or any woman receiving perinatal care, a copayment of one dollar ($1) shall be made for each visit for services under subdivision (a) of Section 14132.

The above copayment amounts may be collected and retained or waived by the provider. The department shall not reduce the reimbursement otherwise due to providers as a result of such copayment. Such copayment amounts shall be in addition to any reimbursement otherwise due the provider for services rendered under this program.

No copayment shall be required from individuals eligible under the federal program of insurance for the aged and disabled for benefits which will be billed to that program. The provisions of this section shall not apply to any services received by persons covered under the federal program of health insurance for the aged and disabled, for which claims for payment will be billed to the federal program.

CHAPTER 799

An act to amend Section 29536 of the Government Code, and to amend Section 99232 of the Public Utilities Code, relating to transportation.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 29536 of the Government Code is amended to read:

29536. A county that is not included within the jurisdiction of a statutorily created regional transportation agency but for which there is a council of governments may, pursuant to this section, elect, with the concurrence of a majority of the cities which include at least 50 percent of the incorporated population within the county, to form a local transportation commission pursuant to Section 29535. Applications for funds may be allocated by the local transportation commission only if the council of governments has not objected to the application. For those counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, but excluding counties with more than 4,500 miles of maintained county roads as of 1970, the members appointed by the city selection committee of the county from a city for which a transit service is provided and the members appointed by a transit district and the member representing other transit operators shall have no vote in the approval of the claims filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code. For those counties with a population of less than 500,000, as determined under Section 28020 of the Government Code, as now and hereafter amended, and for counties with a population of 500,000 or more, as determined under Section 28020 of the Government Code, as now or hereafter amended, and with more than 4,500 miles of maintained county roads as of 1970, the members appointed by the city selection committee of the county from a city for which all of the proportion of the total revenues placed by the county in the local transportation fund that the city's population bears to the total of the county population is used to pay approved claims filed under Article 4 (commencing with Section 99260), Chapter 4, Part 11, Division 10 of the Public Utilities Code, and the members appointed by a transit district, and the member representing other transit operators shall have no vote in the approval of the claims filed under Article 8 (commencing with Section 99400), Chapter 4, Part 11, Division 10 of the Public Utilities Code

Applications for funds shall be submitted to both the local transportation commission and the council of governments, which

shall have 60 days after the receipt of applications to notify the local transportation commission and the county auditor of any objection. If neither the local transportation commission nor the county auditor receive notice of objection, the approval of the council of governments shall be presumed. Applications for funds to which the council of governments has objected shall not be paid by the county auditor until the objection has been removed.

SEC. 2. Section 99232 of the Public Utilities Code is amended to read:

99232. For counties with a population of 500,000 or more, as determined by the 1970 federal decennial census, but excluding counties with more than 4,500 miles of maintained county roads as of 1970, the amount representing the apportionments of the areas of all operators shall be available solely for claims for Section 99234 purposes and for Article 4 (commencing with Section 99260) and Article 4.5 (commencing with Section 99275) purposes, and any money not allocated in any year shall be available for those claims in subsequent years.

CHAPTER 800

An act to amend Sections 6505, 7504, 25250, and 26909 of the Government Code, and to amend Section 928 of the Penal Code, relating to financial audits of public agencies.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 6505 of the Government Code is amended to read:

6505. The agreement shall provide for strict accountability of all funds and report of all receipts and disbursements.

In addition, and provided a separate agency or entity is created, the public officer performing the functions of auditor or controller as determined pursuant to Section 6505.5, shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every agency or entity, except that such officer need not make or contract for such audit in any case where an annual audit of the accounts and records of such agency or entity by a certified public accountant or public accountant is otherwise made by any agency of the state or the United States only as to such accounts and records which are directly subject to such a federal or state audit. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally accepted auditing

standards.

Where an audit of an account and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each of the contracting parties to the agreement and also with the county auditor of the county in which each of the contracting parties is located. Such report shall be filed within 12 months of the end of the fiscal year or years under examination.

Where a nonprofit corporation is designated by the agreement to administer or execute the agreement and no public officer is required to perform the functions of auditor or controller as determined pursuant to Section 6505.5, an audit of the accounts and records of the agreement shall be made at least once each year by a certified public accountant or public accountant, and a report thereof shall be filed as a public record with each of the contracting parties to the agreement. Such reports shall be filed within 12 months after the end of the fiscal year or years under examination.

Any costs of the audit, including contracts with, or employment of certified public accountants or public accountants, in making an audit pursuant to this section shall be borne by the agency or entity and shall be a charge against any unencumbered funds of the agency or entity available for the purpose.

All agencies or entities may, by unanimous request of the governing body thereof, replace the annual special audit with an audit covering a two-year period.

Notwithstanding the foregoing provisions of this section to the contrary, agencies or entities shall be exempt from the requirement of an annual audit if the financial statements are audited by the State Controller to satisfy federal audit requirements.

SEC. 2. Section 7504 of the Government Code is amended to read:

7504. (a) All state and local public retirement systems shall, not less than triennially, secure the services of an enrolled actuary. An enrolled actuary, for the purposes of this section, means an actuary enrolled under subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who has demonstrated experience in public retirement systems. The actuary shall perform a valuation of the system utilizing actuarial assumptions and techniques established by the agency which are, in the aggregate, reasonably related to the experience and the actuary's best estimate of anticipated experience under the system. Any differences between the actuarial assumptions and techniques used by the actuary which differ significantly from those established by the agency shall be disclosed in the actuary's report and the effect of such differences on the actuary's statement of costs and obligations shall be shown.

(b) All state and local public retirement systems shall secure the services of a qualified person to perform an attest audit of the system's financial statements. A qualified person means any of the following:

(1) A person who is licensed to practice as a certified public accountant in this state by the State Board of Accountancy.

(2) A person who is registered and entitled to practice as a public accountant in this state by the State Board of Accountancy.

(3) A county auditor in any county subject to the County Employees Retirement Law of 1937.

(4) A county auditor in any county having a pension trust and retirement plan established pursuant to Section 53216.

(c) All state and local public retirement systems shall submit audited financial statements to the State Controller at the earliest practicable opportunity within six months of the close of each fiscal year. However, the State Controller may delay the filing date for reports due in the first year until such time as report forms have been developed which, in his judgment, will satisfy the requirements of this section. The financial statements shall be prepared in accordance with generally accepted accounting principles in the form and manner prescribed by the State Controller. The penalty prescribed in Section 53895 shall be invoked for failure to comply with this section. Upon a satisfactory showing of good cause, the State Controller may waive the penalty for late filing provided by this subdivision.

(d) The State Controller shall compile and publish a report annually on the financial condition of all state and local public retirement systems containing, but not limited to, the data required in Section 7502.

SEC. 3. Section 25250 of the Government Code is amended to read:

25250. At least biennially the board of supervisors shall examine and audit, or cause to be audited, the financial accounts and records of all officers having responsibility for the care, management, collection, or disbursement of money belonging to the county or money received or disbursed by them under authority of law. The audit shall encompass the immediately preceding two-year period, or any portion thereof not included in a prior audit. This financial examination or audit may be performed in coordination with the investigations conducted by the grand jury under Section 925 of the Penal Code, or the board of supervisors may resolve to accept reports delivered pursuant to Section 933 of the Penal Code in lieu of its own separate examination if such reports are found to fulfill some or all of the requirements of this section. In connection with the requirements of this section and Section 25253, the board of supervisors may employ the services of an independent certified public accountant or licensed public accountant to perform an examination of the financial statements in accordance with generally accepted auditing standards.

SEC. 4. Section 26909 of the Government Code is amended to read:

26909. (a) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual

audit of the accounts and records of every special purpose district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case the minimum requirements of the audit shall be prescribed by the State Controller and shall conform to generally accepted auditing standards.

(b) Where an audit of a district's accounts and records is made by a certified public accountant or public accountant, the minimum requirements of the audit shall be prescribed by the State Controller and shall conform to generally accepted auditing standards, and a report thereof shall be filed with the State Controller and with the county auditor of the county in which the district is located. Such report shall be filed within 12 months of the end of the fiscal year or years under examination.

(c) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special purpose district pursuant to this section shall be borne by the district and shall be a charge against any unencumbered funds of the district available for the purpose.

(d) For joint districts lying within two or more counties, the above provisions shall apply to the auditor of the county in which the treasury is located.

(e) The county controller, or ex officio county controller, shall effect the provisions of this section in those counties having such officer.

All special districts may, by unanimous request of the governing board thereof, with unanimous approval of the board of supervisors, replace the annual special audit with a biennial audit covering a two-year period or, if the district's annual budget does not exceed an amount specified by the board of supervisors, an audit covering a five-year period.

Notwithstanding the foregoing provisions of this section to the contrary, districts shall be exempt from the requirement of an annual audit if the financial statements are audited by the State Controller to satisfy federal audit requirements.

SEC. 5. Section 928 of the Penal Code is amended to read:

928. Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.

CHAPTER 801

An act to add Sections 55601.7 and 55601.8 to the Food and Agricultural Code, relating to processors of walnuts, raisins, and prunes, and making an appropriation therefor.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 55601.7 is added to the Food and Agricultural Code, to read:

55601.7. Notwithstanding Section 55461, every processor who handles walnuts, raisins, or prunes in California annually shall furnish to the director, on or before February 28 of each year, on forms provided by the director, the reporting information specified herein showing the number of tons purchased by the processor in that crop year. In the report, the tonnage shall be broken down by at least major varieties and weighted average price paid for the tonnage acquired (including any bonuses or allowances) and may contain such other information as required by the director, including, but not limited to, the following:

(a) For walnuts, including inshell acquisitions and shelling stock acquisitions, the color, size, percentage of edible yield, and percentage of offgrade.

(b) For raisins, the percentage of mold, moisture content, sand, offgrade, or micro-organisms on offgrade acquisitions.

(c) For prunes, by size and percentage offgrade.

The above reporting shall be on a statewide basis.

SEC. 2. Section 55601.8 is added to the Food and Agricultural Code, to read:

55601.8. (a) The director shall not release, or otherwise make available, any information furnished by a cooperative or an individual processor under Section 55601.7 or this section, including information relating to the weighted average prices paid, except in proceedings brought against the processor by the director for the purpose of enforcing this section.

(b) The director shall enforce the collection of the information required in Section 55601.7 and shall, on or before April 1, publish a summary report reflecting the statistics derived from the reports. The summary report shall include summaries of all information required to be furnished to the director.

(c) The director may dispense with the reporting required hereunder and his or her duties to enforce the collection of this information and the publishing of summary reports if the director determines that the same or similar information is made public information within the same time periods of subdivision (b) by any federal or state committee or organization responsible for regulating

the handling of any of the commodities subject to this section.

(d) To provide funds to carry out the provisions of this section, each processor including agricultural cooperatives subject to the reporting hereunder shall pay to the director the amount determined by the director to be necessary to cover these costs, but not to exceed twelve cents ($0.12) per dry ton for raisins and prunes and twelve cents ($0.12) per inshell dry ton for walnuts handled by the processor during each marketing season. The amount of the fee shall be paid to the director on or before January 10 of each year for all commodities received by December 20. The amount of the fee for any commodity received after December 20 shall be paid to the director on or before June 30 of that marketing season.

The director may fix the fee at a lesser amount and may adjust the fee from marketing season to marketing season. Any processor who fails, neglects, or refuses to pay the required fee shall be in violation of this chapter as provided for in subdivision (i) of Section 55601.5. Any such processor shall not be entitled to pass the penalty onto the producer of the commodity.

All funds received under the provisions of this section shall be deposited in the State Treasury to the credit of the Department of Food and Agriculture Fund.

(e) If the director finds that any processor has failed, refused, or neglected to provide the information required herein, the director may proceed in accordance with Sections 55721 and 55722.

(f) Any cooperative subject to the reporting provisions of this section shall, in lieu of reporting prices, report all advances and other payments made as of the reporting date and its good faith estimate of the market value of the commodity for the crop year.

(g) The willful failure of any processor to report to the director, as required by this section, shall constitute a violation of this chapter and shall be a separate and distinct violation of this chapter for each day the processor fails to meet the reporting requirements.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 802

An act to amend Sections 12041, 12121, and 12843 of the Food and Agricultural Code, relating to pest control.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 12041 of the Food and Agricultural Code is amended to read:

12041. (a) There is in the department an Agricultural Pest Control Advisory Committee consisting of 12 members. The committee shall be appointed by the director and shall be composed of two pest control research specialists, one of whom shall specialize in biological control, one agricultural extension service specialist nominated by the Regents of the University of California, and nine additional members, one each representing the following: the Trustees of the California State University and Colleges, the Board of Governors of the California Community Colleges, agricultural pest control advisers, licensed pest control operators, the State Department of Health Services, the Department of Fish and Game, producers as defined in Section 56110, the agricultural chemical industry, and the department. The director may appoint one additional member on the committee, who shall be a public member.

(b) Upon the director's request, the committee shall submit to the director the names of three or more natural persons, each of whom shall be a citizen and resident of this state, for appointment by the director as a public member of the committee. The director may appoint one of the nominees as the public member on the committee. If all nominees are unsatisfactory to the director, the committee shall continue to submit lists of nominees until the director has made a selection. Any vacancy in the office of the public member of the committee shall be filled by appointment by the director from the nominee or nominees similarly qualified submitted by the committee. The public member of the committee shall represent the interests of the general public in all matters coming before the committee and shall have the same voting and other rights and immunities as other members of the committee.

SEC. 2. Section 12121 of the Food and Agricultural Code is amended to read:

12121. It is unlawful for any person who is subject to this chapter to do any of the following:

(a) Fail to demonstrate to the director qualifications to act in the capacity of a pesticide dealer.

(b) Fail to notify the director of any transfer or change of address.

(c) Fail to comply with the provisions of this division or Division 7 (commencing with Section 12501) relating to pesticides or the rules and regulations adopted pursuant to those provisions.

(d) Make false or fraudulent statements, or misrepresent or fail to disclose any material fact in making application for a license or renewal of license.

(e) Make any false or misleading statements or promises of a

character likely to influence, induce, or deceive, or publish, or cause to be published, or distributed or displayed any false or misleading literature or advertisement, concerning any pesticide or method of pest control.

SEC. 3. Section 12843 of the Food and Agricultural Code is amended to read:

12843. The payment required by Section 12841, together with a return in a form prescribed by the director, shall be made quarterly one calendar month after March 31, June 30, September 30, and December 31 of each year. For any delinquency in making a return, or any deficiency in payment, the director may add to such delinquent payment a penalty of 10 percent of the amount which is due to defray the cost of collection of such delinquent or deficient payment.

SEC. 4. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 803

An act to add Section 21626.5 to the Business and Professions Code, relating to secondhand goods.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 21626.5 is added to the Business and Professions Code, to read:

21626.5. "Secondhand dealer," as used in this article, does not include any person who performs the services of an auctioneer for a fee or salary.

CHAPTER 804

An act to amend Section 326.5 of the Penal Code, relating to bingo.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 326.5 of the Penal Code is amended to read:

326.5. (a) Neither this chapter nor Chapter 10 (commencing with Section 330) applies to any bingo game which is conducted in a city, county, or city and county pursuant to an ordinance enacted under Section 19 of Article IV of the State Constitution, provided that such ordinance allows games to be conducted only by organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701*l* of the Revenue and Taxation Code and by mobilehome park associations and senior citizens organizations; and provided that the receipts of such games are used only for charitable purposes.

(b) It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games as provided in subdivisions (j) and (k).

(c) A violation of subdivision (b) of this section shall be punishable by a fine not to exceed ten thousand dollars ($10,000), which fine shall be deposited in the general fund of the city, county, or city and county which enacted the ordinance authorizing the bingo game. A violation of any provision of this section, other than subdivision (b), is a misdemeanor.

(d) The city, county, or city and county which enacted the ordinance authorizing the bingo game may bring an action to enjoin a violation of this section.

(e) No minors shall be allowed to participate in any bingo game.

(f) An organization authorized to conduct bingo games pursuant to subdivision (a) shall conduct a bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subdivision shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to such organization.

(g) All bingo games shall be open to the public, not just to the members of the authorized organization.

(h) A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision, or any other phase of such game. This subdivision does not preclude the employment of security personnel who are not members of the authorized organization at such bingo game by the organization conducting the game.

(i) No individual, corporation, partnership, or other legal entity

except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

(j) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

(k) With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by organizations not within subdivision (j). Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or one thousand dollars ($1,000) per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

(3) Such proceeds may be used to pay license fees.

(4) A city, county, or city and county which enacts an ordinance permitting bingo games may specify in such ordinance that if the monthly gross receipts from bingo games of an organization within this subdivision exceed five thousand dollars ($5,000), a minimum percentage of the proceeds shall be used only for charitable purposes not relating to the conducting of bingo games and that the balance shall be used for prizes, rental of property, overhead, administrative expenses and payment of license fees. The amount of proceeds used for rental of property, overhead, and administrative expenses is subject to the limitations specified in paragraph (2) of this subdivision.

(*l*) (1) A city, county, or city and county may impose a license fee on each organization which it authorizes to conduct bingo games. The fee, whether for the initial license or renewal, shall not exceed fifty dollars ($50) annually, except as provided in paragraph (2). If an application for a license is denied, one-half of any license fee paid shall be refunded to the organization.

(2) In lieu of the license fee permitted under paragraph (1), a city, county, or city and county may impose a license fee of fifty dollars ($50) paid upon application. If an application for a license is denied, one-half of the application fee shall be refunded to the organization. An additional fee of 1 percent of the monthly gross receipts over five thousand dollars ($5,000) derived from bingo games shall be collected monthly by the city, county, or city and county issuing the license.

(m) No person shall be allowed to participate in a bingo game,

unless the person is physically present at the time and place in which the bingo game is being conducted.

(n) The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars ($250) in cash or kind, or both, for each separate game which is held.

(o) As used in this section "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. Notwithstanding Section 330c, as used in this section, the game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law.

CHAPTER 805

An act to add Section 12461.2 to the Government Code, relating to state government.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 12461.2 is added to the Government Code, to read:

12461.2. If any state agency, department, board, or commission, which is required by statute or regulation to furnish a financial statement or report to the Controller fails to furnish a complete and accurate financial report or statement within 20 days of the date prescribed, the Controller may withhold any or all operating funds from the agency, department, board, or commission, upon 30 days prior notification in writing to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or upon such lesser time as the chairperson of the committee, or his or her designee, may in each instance determine, until the agency, department, board, or commission provides a complete and accurate report or statement.

The provisions of this section shall not be applicable to any reports required pursuant to Sections 7502, 7503, and 7504.

CHAPTER 806

An act to amend Sections 6859, 6882, 6886, 6886.1, 6887, 6893, 6895, 6904, 6904.4, 6914.5, 6915.4, 6930, 6949.2, and 6956 of, to add Section 6895.1 to, to repeal Section 6885 of, and to repeal and add Section 6894.10 to, the Business and Professions Code, relating to collection agencies, and making an appropriation therefor.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 6859 of the Business and Professions Code is amended to read:

6859. As used in this chapter, "qualified certificate holder" means a person who has met the requirements prescribed by this chapter for qualification, who meets the requirements prescribed by Section 6893 for continuation of a qualification certificate, and whose qualification certificate has not been suspended or revoked.

SEC. 1.5. Section 6882 of the Business and Professions Code is amended to read:

6882. All applications shall be approved and the license issued or rejected within 60 days of their receipt, except that the director may, from time to time, extend such time for a reasonable period of time where, in his discretion, unusual circumstances warrant such extension in connection with a specific application and shall, in such instance, advise the applicant of the delay and the reason therefor.

SEC. 2. Section 6885 of the Business and Professions Code is repealed.

SEC. 3. Section 6886 of the Business and Professions Code is amended to read:

6886. Except as in this chapter otherwise provided, an applicant for a qualification certificate shall:

(a) Be at least 18 years of age.

(b) Not subject to denial pursuant to Section 480.

(c) Have been actively engaged in the collection agency business for at least one year in this state or two years in another state during the five years next preceding the date on which his application is filed.

(d) Pass the examination required.

(e) Pay the required application and examination fees to the chief.

SEC. 4. Section 6886.1 of the Business and Professions Code is amended to read:

6886.1. After a hearing the director may refuse to grant permission to take the collection agency examination, and to issue a qualification certificate if the applicant has:

(a) Committed or done any act which, if committed or done by

a licensee, would be grounds for the suspension or revocation of a license.

(b) Committed or done any act involving dishonesty, fraud, or deceit whereby the applicant has been benefited or where some injury has been sustained by another.

(c) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude arising out of, or in connection with, or related to the activities of such person in such a manner as to demonstrate his or her unfitness to be or become a licensee, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

(d) Been convicted of illegally carrying or possessing a dangerous weapon.

(e) Been refused a license or registration under this chapter or had a license or registration revoked. The director shall not, however, refuse to grant permission to take the collection agency examination or refuse to issue a qualification certificate to an applicant on the ground specified in this subdivision if subsequent to the refusal or revocation referred to in this subdivision the director issued a license or certificate of registration to such applicant.

(f) Been an officer, director, partner, or manager of any person who has been refused a license under this chapter or whose license has been revoked. The director shall not, however, refuse to grant permission to take the collection agency examination or refuse to issue a qualification certificate to an applicant on the ground specified in this subdivision if subsequent to the refusal or revocation referred to in this subdivision the director issued a license to the person referred to herein.

(g) Falsified or omitted any of the information submitted to the chief in support of an application under this chapter.

(h) Impersonated, or permitted or aided and abetted another to impersonate, a law enforcement officer or employee of the United States, a state, or any political subdivision thereof.

(i) Used a badge in connection with his or her employment, or made any statement in connection with his or her employment, with the intent to give an impression that he or she was a law enforcement officer of the United States, a state, or any political subdivision thereof, or used with intent to deceive the public, any uniform or insignia in connection with his or her employment likely to be confused with that of any law enforcement officer of the United States, a state, or any political subdivision thereof.

(j) A bad moral character, intemperate habits, or a bad reputation for truth, honesty and integrity.

(k) Been adjudicated as a bankrupt within two years preceding the time of filing the application.

(*l*) Been an officer, director, partner, or manager of any person who has been refused a license under Chapter 11 (commencing with Section 7500) of Division 3.

(m) Been refused a license or registration, or had a license or registration revoked under Chapter 11 (commencing with Section 7500) of Division 3.

Nothing contained in this section shall preclude the applicant from showing rehabilitation.

SEC. 5. Section 6887 of the Business and Professions Code is amended to read:

6887. The director may fix and determine by rule and regulation the qualifications for examination and for qualification certificates.

The rules and regulations shall require, among other things, that the educational qualifications of applicants shall be at least graduation from a four-year high school, or proof satisfactory to the chief that applicants are possessed of the equivalent to a four-year high school education in point of intellectual competency and achievement.

SEC. 6. Section 6893 of the Business and Professions Code is amended to read:

6893. On or before June 30 of each year a person desiring continuation of his or her qualification certificate shall apply for continuation of the certificate on a form prescribed by the chief, and pay the continuation fee prescribed by this chapter. If the holder of the certificate fails to request continuation and pay the fee within the time fixed, the certificate shall automatically lapse, but may be reinstated if within one year after it has lapsed, the holder of a lapsed certificate applies for reinstatement and pays the reinstatement fee prescribed by this chapter.

A qualification certificate may not be continued or reinstated if the holder thereof ceases to engage or be employed in the collection agency business for a continuous period of five years or more exclusive of time spent in active service in the United States military service or armed forces.

Reinstatement of a lapsed certificate shall not prohibit the bringing of disciplinary proceedings against the holder of the certificate.

SEC. 7. Section 6894.10 of the Business and Professions Code is repealed.

SEC. 7.5. Section 6894.10 is added to the Business and Professions Code, to read:

6894.10. The bureau shall send a notice of noncontinuance of a registration 30 days prior to the expiration of a registration.

Upon receipt of a notice of noncontinuance of a registration from the bureau, a registered employee shall, within 30 days of the notification, apply for a continuation of his or her registration and pay the registered employee continuation fee prescribed by this

chapter.

An expired registration may be renewed within 30 days after the date of expiration provided that an application for continuation has been submitted together with a remittance for the payment of the continuation fee and delinquency fee as prescribed by this chapter.

SEC. 8. Section 6895 of the Business and Professions Code is amended to read:

6895. The applicant for a license shall file with the chief concurrently with the application for license, and each licensee shall maintain on file with the chief during the period of licensure, a bond in the penal sum of ten thousand dollars ($10,000). The bond shall at all times reflect the name and address of the licensee as shown on the records of the bureau.

The bond shall run to the people of the State of California and shall be executed and acknowledged by the applicant or licensee as principal and by an admitted surety insurer as surety.

The chief shall keep the bond on file for a period of four years following termination of any bond filed under this chapter.

SEC. 8.5. Section 6895.1 is added to the Business and Professions Code, to read:

6895.1. In lieu of the surety bond required by this article there may be deposited with the State of California the sum of ten thousand dollars ($10,000) in cash, or evidence of deposit of the sum of ten thousand dollars ($10,000) in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the amount of ten thousand dollars ($10,000) issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation, or evidence of a certificate of funds or share account of the sum of ten thousand dollars ($10,000) in a credit union, as defined in Section 14002 of the Financial Code, whose share deposits are guaranteed by the National Credit Union Administration or guaranteed by any other agency approved by the Department of Corporations.

SEC. 9. Section 6904 of the Business and Professions Code is amended to read:

6904. If the director determines that a licensee has failed to pay sums owed to a customer, has misappropriated trust funds, is insolvent, or has failed to dispose of assigned accounts and judgments within 30 days after having ceased to be engaged actively in the collection agency business, as defined in Section 6914.5, he or she may appoint a conservator to take possession of the licensee's books, accounts, records, papers, files, safes, vaults, property, and other assets used in connection with the business, and the trust bank account in which customer funds are deposited.

SEC. 10. Section 6904.4 of the Business and Professions Code is amended to read:

6904.4. The conservator shall be entitled to reimbursement for his or her traveling expenses in accordance with rules and

regulations of the State Board of Control, and to reimbursement in an amount equal to the reasonable value, as determined by the director, of all other expenses, including but not limited to expenses for legal or secretarial services, reasonably and necessarily incurred by him or her in carrying out his or her duties under this article, and shall be entitled to a reasonable fee for his or her services in an amount fixed by the director.

If the determination of the director made pursuant to Section 6904 is reversed, the fee and expenses of the conservator shall be paid by the state out of the Collection Agency Fund. If the determination is not reversed and becomes final, the fee and expenses of the conservator shall be paid by the licensee and shall be a first claim, as against customers of the licensee, against the assets of the licensee.

If the fee and expenses or any part thereof are not paid by the licensee within 10 days after the amount of such fee and expenses is fixed and determined by the director, the fee and expenses, or the unpaid amount thereof shall be paid out of the bond of the licensee, except that no more than five thousand dollars ($5,000) shall be paid out of the bond for such fee and expenses. The conservator's claim against the bond for his or her fee and expenses shall have priority over any other claim against the bond, regardless of when such other claim may have been made, except to the extent that such other claim may have been paid and satisfied before notice to the bonding company of the appointment of the conservator.

If the total amount of the conservator's fee and expenses exceeds the amount realized by him or her from the licensee and from the bond, the balance thereof shall be paid by the state out of the Collection Agency Fund.

SEC. 11. Section 6914.5 of the Business and Professions Code is amended to read:

6914.5. Whenever a licensee ceases to be engaged actively in the collection agency business, he or she shall forthwith dispose of accounts assigned to him or her by sale or transfer to another licensee of the right to solicit reassignment of all uncollected accounts or by returning to the assignors the accounts and all things that rightfully belong to them. All accounts in litigation shall be disposed of through dismissals and satisfactions, where appropriate, or, if reassigned, through substitution of attorneys. Where a judgment has been obtained on behalf of more than one creditor against a single debtor, an effort shall be made to obtain collective reassignment of the creditors' interests therein.

The licensee shall within 30 days of ceasing business inform the bureau in writing of the manner in which the accounts have been disposed of, including the name of any agency to which the right to solicit has been sold.

A licensee who fails to properly dispose of accounts within 30 days of ceasing business is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding one year or by both fine and imprisonment.

The licensee shall be deemed to have ceased being actively engaged in the collection agency business when his or her license has expired, been surrendered, or been revoked or whenever the business premises are no longer open for service to customers and the public.

SEC. 11.5. Section 6915.4 of the Business and Professions Code is amended to read:

6915.4. The provisions of this article shall not preclude the director from inspecting, examining, or investigating the business, including the books, accounts, records, and files used therein by the licensee, on such basis and on such occasion as shall be necessary to insure compliance with this chapter and any rule or regulation adopted by the director pursuant to this chapter. For the purposes of this provision, the director shall have free access to the offices and places of business, books, accounts, records, papers, files, safes, and vaults of all licensees.

When an audit is performed as a consequence of information disclosed by the trust reconciliation statements or the bank statements filed pursuant to Section 6915.1, or if a second audit is required due to the unavailability of records required to be maintained pursuant to Section 6915 or regulations promulgated in accordance with Section 6863, the cost of the audit shall be charged to and paid by the licensee at a rate of twenty-one dollars ($21) per audit hour, subject to a maximum of seven hundred fifty dollars ($750) for any one audit. "Audit hour" means one auditor working one hour.

Prior to the conduct of an audit, the licensee shall be given written notice of the discrepancies or violations and allowed 15 days from the receipt of the notice to submit a written reply which provides information that eliminates the need for an audit.

Upon completion of an audit conducted pursuant to this section, the bureau shall provide written notice to the licensee of the charge due. If the licensee fails to pay the charge within 30 days after the date of the bureau's notice, his or her license shall forthwith be revoked.

No licensee shall be required to pay a charge for any inspection, examination, investigation, or audit of his or her business under this chapter except to the extent provided for by this section.

SEC. 12. Section 6930 of the Business and Professions Code is amended to read:

6930. If it be found upon the hearing, or from the evidence in uncontested cases, that the licensee or employee has willfully violated any of the provisions of this chapter, or the rules and regulations established under it, or that he or she has been guilty of fraud, dishonesty, or misrepresentation, or any act or omission inconsistent with the faithful discharge of his or her duties or obligations, or that a final conviction of felony or a crime involving moral turpitude has been entered against him or her, or that he or she has violated or failed to comply with any conditions imposed

upon him or her by a decision of the director, the director shall, within thirty (30) days after final submission of the case, render a decision which may:

(a) Order the revocation of the license or licenses of the licensee or licensees accused, or order any accused person disqualified from further employment in the collection agency business.

(b) Order the license or licenses suspended for such period of time as may be specified.

(c) Impose upon the licensee, licensees, or employee compliance with such just and reasonable conditions as may be specified.

(d) Order the revocation or suspension of the qualification certificate of a holder thereof.

(e) Dismiss the accusation as to any one or more of the licensees or employees accused.

SEC. 13. Section 6949.2 of the Business and Professions Code is amended to read:

6949.2. Any person whose application has been denied pursuant to the provisions of Section 6886.1, 6894.7, or 6906, or who is disqualified from being in charge of a licensed office or agency pursuant to the provisions of Section 6923, or whose license, qualification, certificate, or registration is suspended or revoked pursuant to the provisions of Section 6930, or who has been disqualified from employment with a collection agency licensee pursuant to the provisions of this chapter, may file with the director a petition for reinstatement or review setting forth the grounds upon which the petitioner claims fitness to engage in the collection agency business. No such petition may be filed for a period of two years after the effective date of a decision of denial, revocation, or disqualification. The director shall determine the fitness of the petitioner to engage in the collection agency business. He or she may grant the petition without a hearing or may grant or deny the petition after a hearing conducted under the Administrative Procedure Act, Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If the petition is denied, such denial shall be without prejudice and petitioner may file a new petition at any subsequent time but not sooner than one year from the date of denial. If the petition is granted, the petitioner shall, as a condition precedent to reinstatement, pay a fee in the amount of the original license fee required by this chapter.

The director shall notify the petitioner within 60 days of the receipt of the petition whether the petition will be set for hearing or granted without a hearing. If the petition will be heard it shall be filed and the hearing shall be set within 60 days of the notice.

SEC. 14. Section 6956 of the Business and Professions Code is amended to read:

6956. (a) The director shall fix, charge, and collect the following fees:

(1) An original license fee of not more than three hundred dollars ($300).

(2) A license continuation fee of not more than one hundred eighty dollars ($180).

(3) A duplicate license fee of not more than twenty dollars ($20).

(4) A temporary license fee of not more than fifty dollars ($50).

(5) A delinquency fee of not more than twenty dollars ($20).

(6) An examination fee of not more than one hundred dollars ($100).

(7) A qualification certificate application fee of not more than twenty dollars ($20).

(8) A qualification certificate continuation fee of not more than twenty dollars ($20).

(9) A reinstatement fee equal to the amount of the annual continuation fee plus a penalty of 50 percent thereof.

(10) A fee not more than forty dollars ($40) for reinstatement of a qualification certificate under Section 6893.

(11) An employee registration fee of not more than ten dollars ($10).

(12) An employee registration continuation fee of not more than ten dollars ($10).

(13) A registration continuation delinquency fee equal to the amount of the registration continuation fee plus a penalty of 50 percent thereof, notwithstanding the provisions of Section 163.5.

(b) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge; and shall charge and collect a fee of one dollar ($1) plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

(c) Notwithstanding the provisions of subdivisions (a) and (b), from the effective date of the amendments to this section made at the 1977–78 Regular Session of the Legislature until, and including, June 30, 1983, the provisions of this subdivision shall prevail over subdivisions (a) and (b) and the director shall fix, charge, and collect the following fees:

(1) An original license fee of not more than five hundred dollars ($500).

(2) A license continuation fee of not more than three hundred ninety dollars ($390) for the 1979–80, 1980–81, 1981–82, and 1982–83 fiscal years.

(3) A duplicate license fee of not more than thirty dollars ($30).

(4) A temporary license fee of not more than sixty dollars ($60).

(5) A delinquency fee of not more than fifty dollars ($50), notwithstanding the provisions of Section 163.5.

(6) An examination fee of not more than one hundred dollars ($100)

(7) A qualification certificate application fee of not more than one hundred dollars ($100).

(8) A qualification certificate continuation fee of not more than one hundred dollars ($100).

(9) A reinstatement fee equal to the amount of the annual continuation fee plus a penalty of 50 percent thereof, notwithstanding the provisions of Section 163.5.

(10) A reinstatement fee equal to the amount of the qualification certificate continuation fee plus a penalty of 50 percent thereof, notwithstanding the provisions of Section 163.5.

(11) An employee registration fee of not more than twenty-five dollars ($25).

(12) An employee registration continuation fee of not more than twenty-five dollars ($25).

(13) A registration continuation delinquency fee equal to the amount of the registration continuation fee plus a penalty of 50 percent thereof, notwithstanding the provisions of Section 163.5.

(14) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge; and shall charge and collect a fee of three dollars ($3) plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

SEC. 15. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 807

An act to add Chapter 2 (commencing with Section 15511) to Title 2 of, and to repeal Chapter 2 (commencing with Section 15501) of Title 2 of, the Corporations Code, and to amend Section 12209 of, and to add Sections 12213, 12214, and 12215 to, the Government Code, relating to limited partnerships.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Chapter 2 (commencing with Section 15501) of Title 2 of the Corporations Code is repealed.

SEC. 2. Chapter 2 (commencing with Section 15511) is added to Title 2 of the Corporations Code, to read:

CHAPTER 2. LIMITED PARTNERSHIP ACT

Article 1. General Provisions

15511. As used in this chapter, unless the context otherwise requires:

(a) "Acknowledged" means that an instrument is either of the following:

(1) Formally acknowledged as provided in Article 3 (commencing with Section 1180) of Chapter 4 of Title 4 of Part 4 of Division 2 of the Civil Code, or

(2) Accompanied by a declaration in writing signed by the persons executing the same that they are such persons and that the instrument is the act and deed of the person or persons executing the same.

Any certificate of acknowledgment taken without this state before a notary public or a judge or clerk of a court of record having an official seal need not be further authenticated.

(b) "Capital account" of a partner, unless otherwise provided in the partnership agreement, means the amount of the capital interest of such partner in the partnership consisting of such partner's original contribution, as (1) increased by any additional contributions and by such partner's share of the partnership's profits and (2) decreased by any distribution to such partner and by such partner's share of the partnership's losses.

(c) "Certificate of limited partnership" or "certificate" means the certificate referred to in Section 15521, and the certificate as amended.

(d) "Contribution" means any property or services rendered, or a promissory note or other binding obligation to contribute property, or to perform services as permitted in this chapter, which a partner contributes to a limited partnership as capital in his capacity as a partner pursuant to an agreement between the partners, including an agreement as to value.

(e) "Distribution" means the transfer of property by a partnership to its partners without consideration.

(f) "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in Section 15542.

(g) "Foreign limited partnership" means a partnership formed under the laws of any state other than this state or under the laws of a foreign country and having as partners one or more general partners and one or more limited partners (or their equivalents under any name).

(h) "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement.

(i) "Interests of limited partners" means the aggregate interests of all limited partners in the current profits derived from business

operations of the partnership.

(j) "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

(k) "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.

(*l*) "Mail," unless otherwise provided in the partnership agreement, means first-class mail, postage prepaid, unless registered mail is specified. Registered mail includes certified mail.

(m) "Majority-in-interest of the limited partners," unless otherwise provided in the partnership agreement, means more than 50 percent of the interests of limited partners.

(n) "Partner" means a limited or general partner.

(o) "Partnership agreement" means any valid written agreement of the partners as to the affairs of a limited partnership and the conduct of its business, including all amendments thereto.

(p) "Person" means an individual, partnership, limited partnership (domestic or foreign), trust, estate, association, corporation, or other entity.

(q) "Proxy" means a written authorization signed by a partner or the partner's attorney-in-fact giving another person or persons power to vote with respect to the interest of such partner. "Signed," for the purpose of this section, means the placing of the partner's name on the proxy (whether by manual signature, typewriting, telegraphic transmission, or otherwise) by the partner or partner's attorney-in-fact.

(r) "Return of capital," unless otherwise provided in the partnership agreement, means any distribution to a partner to the extent that such partner's capital account, immediately after the distribution, is less than the amount of such partner's contributions to the partnership as reduced by prior distributions which were a return of capital.

(s) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(t) "Time a notice is given or sent," unless otherwise expressly provided, means the time a written notice to a partner or the limited partnership is deposited in the United States mails; or the time any other written notice is personally delivered to the recipient or is delivered to a common carrier for transmission, or actually transmitted by the person giving the notice by electronic means, to the recipient; or the time any oral notice is communicated, in person or by telephone or wireless, to the recipient or to a person at the office of the recipient who the person giving the notice has reason to believe will promptly communicate it to the recipient.

15512. The name of each limited partnership as set forth in its certificate of limited partnership:

(a) Shall contain without abbreviation the words "limited partnership";

(b) May not contain the name of a limited partner unless (1) it is also the name of a general partner or the corporate name of a corporate general partner, or (2) the business of the limited partnership had been carried on under that name before the admission of that limited partner;

(c) May not be the same as, or resemble so closely as to tend to deceive (1) a name which is under reservation for another limited partnership pursuant to Section 15513 or (2), the name of any limited partnership which has previously filed a certificate pursuant to Section 15521 or of a foreign limited partnership registered pursuant to Section 15592; and

(d) May not contain the words "bank," "insurance," "trust" or "trustee."

15513. Any applicant may, upon payment of the fee prescribed therefor in the Government Code, obtain from the Secretary of State a certificate of reservation of any name not prohibited by Section 15512, and upon the issuance of the certificate the name stated therein shall be reserved for a period of 60 days. The Secretary of State shall not, however, issue certificates reserving the same name for two or more consecutive 60-day periods to the same applicant or for the use or benefit of the same person; nor shall consecutive reservations be made by or for the use or benefit of the same person of names so similar as to fall within the prohibitions of subdivision (c) of Section 15512.

15514. Each limited partnership shall continuously maintain in this state each of the following:

(a) An office, which may be, but need not be, a place of its business in this state, at which shall be kept the records required by Section 15515 to be maintained.

(b) An agent for service of process on the limited partnership.

15515. Each limited partnership shall keep at the office referred to in subdivision (a) of Section 15514 all of the following:

(a) A current list of the full name and last known business or residence address of each partner set forth in alphabetical order together with the contribution and the share in profits and losses of each partner.

(b) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed.

(c) Copies of the limited partnership's federal, state, and local income tax or information returns and reports, if any, for the six most recent years.

(d) Copies of the original partnership agreement and all amendments thereto.

(e) Financial statements of the limited partnership for the six most recent years.

(f) The partnership's books and records for at least the past three years.

15516. A limited partnership may carry on any business that a partnership without limited partners may carry on except the banking, insurance or trust company business.

15517. Except as otherwise provided in the partnership agreement, a partner may lend money to and transact other business with the limited partnership and, subject to other applicable law, has the same rights and obligations with respect thereto as a person who is not a partner.

Article 2. Formation: Certificate of Limited Partnership

15521. (a) In order to form a limited partnership the partners shall execute a partnership agreement and the general partner or partners shall execute, acknowledge and file a certificate of limited partnership. The certificate shall be filed in the office of, and on a form prescribed by, the Secretary of State and shall set forth all of the following:

(1) The name of the limited partnership.

(2) (A) The street address of the principal executive office.

(B) If the principal executive office is not in this state, the street address of an office in this state.

(3) The names and addresses of the general partners.

(4) The name and address of the agent for service of process required to be maintained by Section 15514, unless a corporate agent is designated, in which case only the name of such agent shall be set forth.

(5) The term for which the partnership is to exist.

(6) Any other matters the general partners determine to include therein.

(b) A limited partnership is formed at the time of the filing of the certificate of limited partnership in the office of the Secretary of State.

(c) For all purposes, a copy of the certificate of limited partnership duly certified by the Secretary of State is conclusive evidence of the formation of a limited partnership and prima facie evidence of its existence.

(d) A limited partnership may record in the office of the county recorder of any county in this state a certified copy of the certificate of limited partnership, or any amendment thereto, which has been filed with the Secretary of State. A foreign limited partnership may record in the office of the county recorder of any county in the state a certified copy of the application for registration together with the certificate of registration as provided for in Section 15592, or any amendment thereto, which has been filed with the Secretary of State. The recording shall create a conclusive presumption in favor of any bona fide purchaser or encumbrancer for value of the partnership real property located in the county in which the

certified copy has been recorded, that the persons named as general partners therein are the general partners of the partnership named and that they are all of the general partners of the partnership, and the recording shall also create such other presumptions as provided in Section 15010.5.

15522. (a) A certificate of limited partnership is amended by filing a certificate of amendment thereto executed and acknowledged by all general partners (unless a lesser number is provided in the certificate of limited partnership) in the office of, and on a form prescribed by, the Secretary of State. The certificate of amendment shall set forth all of the following:

(1) The name and the Secretary of State's file number of the limited partnership.

(2) The text of the amendment to the certificate.

(b) The general partners shall cause to be filed, within 30 days after the happening of any of the following events, an amendment to a certificate of limited partnership reflecting the occurrence of any one of the following events:

(1) A change in name of the limited partnership.

(2) A change in either of the following:

(A) The street address of the principal executive office.

(B) If the principal executive office is not in this state, the street address of an office in this state.

(3) A change in the address of or the withdrawal of a general partner or a change in the address of the agent for service of process or appointment of a new agent for service of process.

(4) The admission of a general partner and his address.

(5) The discovery by any of the general partners of any false or erroneous material statement contained in the certificate or any amendment thereto.

(c) A certificate of limited partnership may also be amended at any time in any other respect that the general partners determine.

(d) Any general partner, or any limited partner executing a certificate pursuant to Section 15533 or a certificate of amendment pursuant to Section 15525 or a certificate of dissolution pursuant to paragraph (1) of subdivision (a) of Section 15523 or a certificate of cancellation of certificate of limited partnership pursuant to paragraph (1) of subdivision (b) of Section 15523, shall be liable for any statement materially inconsistent with the partnership agreement or any material misstatement of fact contained in the certificate or such certificate of amendment if the partner knew or should have known that the statement was false when made or became false and an amendment required by subdivision (b) was not filed, and the person suffering the loss relied on the statement or misstatement.

(e) No person has any liability because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of any event referred to in subdivision (b) if the amendment is filed within the time specified in subdivision (b).

(f) Except as provided in subdivision (d), no limited partner shall incur any liability for any misstatement contained in the certificate or for the failure to file an amendment to a certificate of limited partnership pursuant to subdivision (b).

15523. (a) (1) The general partners shall cause to be filed in the office of, and on a form prescribed by, the Secretary of State, a certificate of dissolution upon the dissolution of the limited partnership pursuant to Article 8 (commencing with Section 15581), unless the event causing the dissolution is that specified in subdivision (c) of Section 15581, in which case the limited partners conducting the winding up of the partnership affairs under Section 15583 shall have the obligation to file the certificate of dissolution.

(2) The certificate of dissolution shall set forth all of the following:

(A) The name of the limited partnership and the Secretary of State's file number.

(B) The event causing, and the date of, the dissolution.

(b) (1) The general partners shall cause to be filed in the office of, and on a form prescribed by, the Secretary of State, a certificate of cancellation of certificate of limited partnership upon the completion of the winding up of the affairs of the limited partnership, pursuant to Article 8 (commencing with Section 15581), unless the event causing the dissolution is that specified in subdivision (c) of Section 15581, in which case the limited partners conducting the winding up of the partnership affairs under Section 15583 shall have the obligation to file the certificate of cancellation of certificate of limited partnership.

(2) The certificate of cancellation of certificate of limited partnership shall set forth all of the following:

(A) The name of the limited partnership and the Secretary of State's file number.

(B) The event causing, and date of, the dissolution.

(C) Any other information the partners filing the certificate of cancellation of certificate of limited partnership determine to include therein.

15524. (a) Each certificate required by this article to be filed in the office of the Secretary of State shall be executed in the following manner:

(1) An original certificate of limited partnership shall be executed by all partners named therein (except as provided in Section 15533).

(2) A certificate of amendment shall be executed by all general partners (or a lesser number provided in the certificate of limited partnership) and by each general partner designated in the certificate as a new partner, unless filed by a limited partner pursuant to Section 15525.

(3) A certificate of dissolution shall be executed by all general partners (or a lesser number provided in the certificate of limited partnership) unless filed by a limited partner pursuant to paragraph (1) of subdivision (a) of Section 15523.

(4) A certificate of cancellation of certificate of limited

partnership shall be executed by all general partners (or a lesser number provided in the certificate of limited partnership) unless filed by a limited partner pursuant to paragraph (1) of subdivision (b) of Section 15523.

(5) A certificate or a certificate of amendment filed by a limited partner or partners pursuant to Section 15525 or 15533 or a certificate of dissolution filed by a limited partner or partners pursuant to paragraph (1) of subdivision (a) of Section 15523 or a certificate of cancellation of certificate of limited partnership filed by a limited partner or partners pursuant to paragraph (1) of subdivision (b) of Section 15523 shall be signed by the limited partner or partners.

(b) Any person may execute an original certificate of limited partnership or any certificate of amendment thereto by an attorney-in-fact.

15525. If a person required by this article to execute or file a certificate of amendment fails after demand to do so within a reasonable time or refuses to do so, any other partner may prepare, execute, and file with the Secretary of State an appropriate certificate of amendment.

15526. Upon the filing of a certificate of amendment in the office of the Secretary of State, the certificate of limited partnership is amended as set forth therein, and upon the filing of a certificate of cancellation of certificate of limited partnership pursuant to paragraph (1) of subdivision (b) of Section 15523, the certificate of limited partnership is canceled.

15527. (a) In addition to the provisions of Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure, process may be served upon limited partnerships and foreign limited partnerships as provided in this section.

(b) Personal service of a copy of any process against the limited partnership or the foreign limited partnership by delivery (1) to any individual designated by it as agent or, if a limited partnership, to any general partner or (2) if the designated agent or, if a limited partnership, general partner is a corporation, to any person named in the latest certificate of the corporate agent filed pursuant to Section 1505 at the office of such corporate agent or to any officer of the general partner, shall constitute valid service on the limited partnership or the foreign limited partnership. No change in the address of the agent for service of process or appointment of a new agent for service of process shall be effective (1) for a limited partnership until an amendment to the certificate of limited partnership is filed pursuant to paragraph (3) of subdivision (b) of Section 15522 or (2) for a foreign limited partnership until a certificate is filed pursuant to Section 15595.

(c) (1) If an agent for service of process has resigned and has not been replaced or if the agent designated cannot with reasonable diligence be found at the address designated for personal delivery of the process, and it is shown by affidavit to the satisfaction of the court that process against a limited partnership or foreign limited

partnership cannot be served with reasonable diligence upon the designated agent or, if a foreign limited partnership, upon any general partner by hand in the manner provided in Section 415.10, subdivision (a) of Section 415.20 or subdivision (a) of Section 415.30, of the Code of Civil Procedure, the court may make an order that the service be made upon a domestic limited partnership which has filed a certificate pursuant to Section 15521 or upon a registered foreign limited partnership by delivering by hand to the Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, one copy of the process for each defendant to be served, together with a copy of the order authorizing such service. Service in this manner is deemed complete on the 10th day after delivery of the process to the Secretary of State.

(2) Upon receipt of any such copy of process and the fee therefor, the Secretary of State shall give notice of the service of the process to the limited partnership or foreign limited partnership, at its principal executive office, by forwarding to such office, by registered mail with request for return receipt, the copy of the process.

(3) The Secretary of State shall keep a record of all process served upon the Secretary of State under this chapter and shall record therein the time of service and the Secretary of State's action with reference thereto. A certificate under the Secretary of State's official seal, certifying to the receipt of process, the giving of notice thereof to the limited partnership or foreign limited partnership, and the forwarding of such process pursuant to this section, shall be competent and prima facie evidence of the matters stated therein.

(d) (1) The certificate shall designate, as the agent of such limited partnership or foreign limited partnership, for the purpose of service of process, an individual residing in this state or a corporation which has complied with Section 1505 and whose capacity to act as such agent has not terminated. If an individual is designated, the statement shall set forth such person's complete business or residence address in this state.

(2) An agent designated for service of process may file with the Secretary of State 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 limited partnership or foreign limited partnership addressed to its principal executive office.

(3) If an individual who has been designated agent for service of process dies or resigns or no longer resides in the state or if the corporate agent for such purpose resigns, dissolves, withdraws from the state, forfeits its right to transact intrastate business, has its corporate rights, powers and privileges suspended or ceases to exist, (A) the limited partnership shall promptly file an amendment to the certificate pursuant to paragraph (3) of subdivision (b) of Section 15522 designating a new agent or (B) the foreign limited partnership shall promptly file a certificate pursuant to Section 15595.

15528. (a) Upon receipt of any instrument accompanied by the fee prescribed therefor in the Government Code by the Secretary of State for filing pursuant to this chapter, it shall be filed by, and in the office of, the Secretary of State and the date of filing endorsed thereon. The date of filing shall be the date the instrument is received by the Secretary of State unless withheld from filing for a period of time not to exceed 90 days pursuant to a request by the party submitting it for filing or unless in the judgment of the Secretary of State the filing is intended to be coordinated with the filing of some other document which cannot be filed. The Secretary of State shall file a document as of any requested future date not more than 90 days after its receipt, including a Saturday, Sunday or legal holiday, if that document is received in the Secretary of State's office at least one business day prior to the requested date of filing. Upon receipt and after filing of any document under this chapter the Secretary of State may microfilm or reproduce by other techniques any such filings or documents and destroy the original filing or document. The microfilm or other reproduction of any document under the provision of this section shall be admissible in any court of law.

Article 3. Limited Partners

15531. (a) After the filing of a limited partnership's original certificate of limited partnership, a person may be admitted as an additional limited partner:

(1) In the case of a person acquiring a partnership interest directly from the limited partnership, upon the compliance with the partnership agreement or, if the partnership agreement does not so provide, upon the written consent of all partners.

(2) In the case of an assignee of a partnership interest of a partner who has the power, as provided in Section 15574, to grant the assignee the right to become a limited partner, upon the exercise of that power and compliance with any conditions limiting the grant or exercise of power.

(b) In each case under subdivision (a), the person acquiring the partnership interest shall be added by the general partners as a limited partner to the list required by subdivision (a) of Section 15515.

15532. (a) Except as provided in subdivision (d), a limited partner is not liable for any obligation of a limited partnership unless he is named as a general partner in the certificate or, in addition to the exercise of his rights and powers as a limited partner, the limited partner participates in the control of the business. Even if the limited partner participates in the control of the business without being named as a general partner, he is not liable to persons who transact business with the limited partnership unless they do so with actual knowledge of his participation in control and believing him to be a general partner.

(b) A limited partner does not participate in the control of the business within the meaning of subdivision (a) solely by doing one or more of the following:

(1) Being a contractor for or an agent or employee of the limited partnership or of a general partner, or an officer, director or shareholder of a corporate general partner.

(2) Consulting with and advising a general partner with respect to the business of the limited partnership.

(3) Acting as surety for the limited partnership or guaranteeing one or more specific debts of the limited partnership.

(4) Approving or disapproving an amendment to the partnership agreement.

(5) Voting on one or more of the following matters:

(A) The dissolution and winding up of the limited partnership.

(B) The sale, exchange, lease, mortgage, pledge, or other transfer of all or a substantial part of the assets of the limited partnership other than in the ordinary course of its business.

(C) The incurrence of indebtedness by the limited partnership other than in the ordinary course of its business.

(D) A change in the nature of the business.

(E) Voting on transactions in which the general partners have an actual or potential conflict of interest with the limited partners or the partnership.

(F) The removal of a general partner.

(G) The election of a new general partner.

(H) Any election to continue the business of the limited partnership other than after the retirement, death, or insanity of a general partner.

(I) Any election to continue the business of the limited partnership after the retirement, death, or insanity of a general partner.

(6) Winding up the partnership pursuant to Section 15583.

(7) Executing and filing a certificate pursuant to Section 15533 or a certificate of amendment pursuant to Section 15525 or a certificate of dissolution pursuant to paragraph (1) of subdivision (a) of Section 15523 or a certificate of cancellation of certificate of limited partnership pursuant to paragraph (1) of subdivision (b) of Section 15523.

(8) Serving on an audit committee or committee performing the functions of an audit committee.

(c) The enumeration in subdivision (b) does not mean that any other conduct or the possession or exercise of any other power by a limited partner constitutes participation by the limited partner in the control of the business of the limited partnership.

(d) A limited partner who knowingly permits his or her name to be used in the name of the limited partnership, except under circumstances permitted by subdivision (b) of Section 15512, is liable to creditors who extend credit to the limited partnership without actual knowledge that the limited partner is not a general partner.

15533. (a) Except as provided in subdivision (b), if a certificate of limited partnership has not been filed, a person who makes a contribution to the purported limited partnership and in good faith believes that he has become a limited partner is not liable for the obligations of the purported limited partnership, if, on ascertaining that the certificate has not been filed and after a failure of the general partner or partners to file the certificate within a reasonable time after request, he promptly files the certificate of limited partnership.

(b) A person described in subdivision (a) is liable to any third party who transacted business with the purported limited partnership before the certificate is filed and who reasonably believed that the person was a general partner at the time of the transaction.

15534. (a) Upon the request of a limited partner, the general partners shall promptly deliver to the limited partner, at the expense of the partnership, a copy of the information required to be maintained by subdivision (a), (b), or (d) of Section 15515.

(b) Each limited partner has the right upon reasonable request to each of the following:

(1) Inspect and copy during normal business hours any of the partnership records required to be maintained by Section 15515.

(2) Obtain from the general partners, promptly after becoming available, a copy of the limited partnership's federal, state and local income tax or information returns for each year.

(c) In the case of any limited partnership with more than 35 limited partners:

(1) The general partners shall cause an annual report to be sent to each of the partners not later than 120 days after the close of the fiscal year. Such report shall contain a balance sheet as of the end of such fiscal year and an income statement and statement of changes in financial position for such fiscal year.

(2) A limited partner or partners holding at least 5 percent of the interests of limited partners may make a written request to a general partner for an income statement of the limited partnership for the initial three-month, six-month, or nine-month period of the current fiscal year ended more than 30 days prior to the date of the request and a balance sheet of the partnership as of the end of such period. The statement shall be delivered or mailed to all limited partners within 30 days thereafter.

(3) The financial statements referred to in this section shall be accompanied by the report thereon, if any, of the independent accountants engaged by the partnership or, if there is no such report, the certificate of a general partner of the partnership that such financial statements were prepared without audit from the books and records of the limited partnership.

(d) The general partners shall promptly furnish to a limited partner a copy of any amendment to the partnership agreement executed by a general partner pursuant to a power of attorney from the limited partner.

(e) The general partners shall send to each of the partners within 90 days after the end of each taxable year such information as is necessary to complete federal and state income tax or information returns, and, in the case of a limited partnership with 35 or fewer limited partners, a copy of the limited partnership's federal, state, and local income tax or information returns for such year.

(f) In addition to any other remedies, a court of competent jurisdiction may enforce the duty of making and mailing or delivering the information and financial statements required by this section and, for good cause shown, may extend the time therefor.

(g) In any action under this section, if the court finds the failure of the partnership to comply with the requirements of this section to have been without justification, the court may award an amount sufficient to reimburse the partner or partners bringing the action for the reasonable expenses incurred by such partner or partners, including attorneys' fees, in connection with the action or proceeding.

(h) Any waiver by a partner of the rights provided in this section shall be unenforceable.

15535. (a) The Attorney General, upon complaint that a limited partnership is failing to comply with the provisions of Section 15534, or to afford to the partners rights given to them in the partnership agreement, may in the name of the people of the State of California send to the principal executive office, as specified pursuant to paragraph (2) of subdivision (a) of Section 15521, notice of the complaint.

(b) If the answer of the limited partnership is not received within 30 days of the date the notice was transmitted, or if the answer is not satisfactory, and if the enforcement of the rights of the aggrieved persons by private civil action, by class action or otherwise, would be so burdensome or expensive as to be impractical, the Attorney General may institute, maintain, or intervene in their suits, actions or proceedings in any court of competent jurisdiction or before any administrative agency for relief by way of injunction, the dissolution of entities, the appointment of receivers, or any other temporary, preliminary, provisional, or final remedies as may be appropriate to protect the rights of partners or to restore the position of the partners for the failure to comply with the requirements of Section 15534 or the partnership agreement. In any such action, suit, or proceeding there may be joined as parties all persons and entities responsible for or affected by the activity.

15536. The rights and duties of the partners in relation to the limited partnership shall be determined, subject to any provision in the partnership agreement to the contrary, by the following rules:

(a) No limited partner shall be required to make any additional contribution to the limited partnership.

(b) No limited partner shall have a priority over any other limited partner, as to return of contributions or as to compensation as a limited partner by way of income.

(c) The obligation of a partner to make a contribution or return money or property paid or distributed in violation of this chapter may be compromised only by the written consent of all the partners.

(d) No limited partner shall have the right to receive property other than cash upon any distribution.

(e) A partner may not be compelled to accept a distribution of any asset in kind from a limited partnership in lieu of a proportionate cash distribution being made to other partners.

(f) The limited partners shall have the right to vote on all matters specified in subparagraphs (A) to (H), inclusive, of paragraph (5) of subdivision (b) of Section 15532 and the actions specified therein may be taken by the general partners only with the affirmative vote of a majority in interest of the limited partners. The limited partners shall also have the right to vote on matters specified in subparagraph (I) of paragraph (5) of subdivision (b) of Section 15532 and such action may only be taken by the affirmative vote of all of the limited partners.

15537. (a) Meetings of partners may be held at any place within or without this state as may be stated in or fixed in accordance with the partnership agreement. If no other place is stated or so fixed, partners' meetings shall be held at the principal executive office of the partnership, or if the principal executive office is not in this state, at the street address of an office in this state as set forth in the certificate.

(b) A meeting of the partners may be called by the general partners or by limited partners holding more than 10 percent of the interests of limited partners for any matters on which the limited partners may vote.

(c) (1) Whenever partners are required or permitted to take any action at a meeting, a written notice of the meeting shall be given not less than 10, nor more than 60, days before the date of the meeting to each partner entitled to vote thereat. The notice shall state the place, date, and hour of the meeting and the general nature of the business to be transacted, and no other business may be transacted.

(2) Notice of a partners' meeting or any report shall be given either personally or by mail or other means of written communication, addressed to the partner at the address of the partner appearing on the books of the partnership or given by the partner to the partnership for the purpose of notice, or, if no address appears or is given, at the place where the principal executive office of the partnership 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 article, executed by a general partner, shall be prima facie evidence of the giving of the notice or report.

If any notice or report addressed to the partner at the address of the partner appearing on the books of the partnership is returned to the partnership 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 partner at the address, all future notices or reports shall be deemed to have been duly given without further mailing if they are available for the partner at the principal executive office of the partnership for a period of one year from the date of the giving of the notice or report to all other partners.

(3) Upon written request to the general partners, by any person entitled to call a meeting of partners, the general partner forthwith shall cause notice to be given to the partners entitled to vote that a meeting will be held at a time requested by the person or persons calling the meeting, not less than 10, 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 partnership giving it an opportunity to be heard. The procedure provided in subdivision (c) of Section 305 of the Corporations Code shall apply to the application. The court may issue any order as may be appropriate, including, without limitation, an order designating the time and place of the meeting, the record date for determination of partners entitled to vote, and the form of notice.

(d) When a partners' meeting is adjourned to another time or place, unless the partnership agreement otherwise requires 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 partnership 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 partner of record entitled to vote at the meeting.

(e) The transactions of any meeting of partners, 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 waivers, consents, and approvals shall be filed with the partnership 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 the meeting, except when the person objects, at the beginning of the meeting, and 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 chapter to be included in the notice but not so included, if the objection is expressly made at the meeting. Neither the business to be transacted at nor the purpose of any meeting of partners need be specified in any written waiver of notice, unless otherwise provided in the partnership agreement, except as provided in subdivision (f).

(f) Any partner approval at a meeting, other than unanimous approval by those entitled to vote, pursuant to paragraph (5) of subdivision (b) of Section 15532 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.

(g) (1) Unless otherwise provided in the partnership agreement, a majority in interest of the limited partners represented in person or by proxy, shall constitute a quorum at a meeting of partners.

(2) The partners present at a duly called or held meeting at which a quorum is present may continue to transact business until adjournment notwithstanding the withdrawal of enough partners to leave less than a quorum, if any action taken (other than adjournment) is approved by the requisite percentage of interests of limited partners specified in this chapter or in the partnership agreement.

(3) In the absence of a quorum, any meeting of partners may be adjourned from time to time by the vote of a majority of the interests represented either in person or by proxy, but no other business may be transacted, except as provided in subdivision (b).

(h) Unless otherwise provided in the partnership agreement any action which may be taken at any meeting of the partners may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by partners having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all entitled to vote thereon were present and voted. In the event the limited partners are requested to consent on a matter without a meeting, each partner shall be given notice of the motion to be voted upon in the same manner as described in subdivision (c). In the event any general partner, or limited partners holding more than 10 percent of the interests of the limited partners, request a meeting for the purpose of discussing or voting on such matter, the notice of a meeting shall be given in accordance with subdivision (c) and no action shall be taken until such meeting is held. Any action taken without a meeting will be effective 15 days after the required minimum number of votes have signed such consent, however, the action will be effective immediately if more than 90 percent of the interests of the limited partners have signed such consent.

(i) The use of proxies in connection with this section will be governed in the same manner as corporations formed under the General Corporation Law.

Article 4. General Partners

15541. Unless otherwise provided in the partnership agreement, after the filing of a limited partnership's original certificate of limited partnership, a general partner may be admitted only with the written consent of each general partner in accordance with the provisions of subdivision (f) of Section 15536.

15542. A person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

(a) The general partner withdraws from the limited partnership.

(b) The general partner is removed as a general partner.

(c) Unless otherwise provided in the partnership agreement, an order for relief against the general partner is entered under Chapter 7 of the federal bankruptcy law, or the general partner: (1) makes a general assignment for the benefit of creditors, (2) files a voluntary petititon under the federal bankruptcy law, (3) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law, or regulation, (4) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of this nature, or (5) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties.

(d) Unless otherwise provided in the partnership agreement, 60 days after the commencement of any proceeding against the general partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within 60 days after the appointment without his consent or acquiescence of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties, the appointment is not vacated or stayed, or within 60 days after the expiration of any such stay, the appointment is not vacated.

(e) In the case of a general partner who is an individual, either of the following:

(1) His death.

(2) The entry by a court of competent jurisdiction of an order adjudicating him incompetent to manage his person or his estate.

(f) Unless otherwise provided in the partnership agreement, in the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust (but not merely the substitution of a new trustee, in which case the new trustee automatically becomes the new general partner).

(g) Unless otherwise provided in the partnership agreement, in the case of a general partner that is a separate partnership, the dissolution of the separate partnership.

(h) In the case of a general partner that is a corporation, the filing of a certificate of election to wind up and dissolve or a certificate of

dissolution, or its equivalent, for the corporation.

(i) In the case of a general partner that is an estate, the distribution by the fiduciary of the estate's entire interest in the limited partnership.

15543. Except as otherwise provided in this chapter or in the partnership agreement, a general partner of a limited partnership has the rights and powers and is subject to the restrictions and liabilities of a partner in a partnership without limited partners.

15544. A general partner of a limited partnership may make contributions to the limited partnership and share in the profits and losses of, and in distributions from, the limited partnership as a general partner. A general partner also may make contributions, and share in the profits and losses and distributions, as a limited partner, if the general partner's interest as a limited partner is separately designated in the partnership agreement. A person who is both a general partner and a limited partner has the rights and powers, and is subject to the restrictions and liabilities, of a general partner and, except as otherwise provided in the partnership agreement, also has the powers, and is subject to the restrictions, of a limited partner to the extent of his participation in the limited partnership as a limited partner.

Article 5. Finance

15551. The contribution of a partner may be in property, services rendered, or a promissory note or other obligation to contribute property or to perform services. A limited partner may not make a contribution of an obligation to perform future services in consideration of the receipt of a partnership interest.

15552. Notwithstanding the compromise of a claim referred to in subdivision (c) of Section 15536, a creditor of a limited partnership who extends credit or whose claim arises, before the receipt of notice of the compromise may enforce the original obligation.

15553. The profits and losses of a limited partnership shall be allocated among the partners in the manner provided in the partnership agreement. If the partnership agreement does not so provide, profits and losses shall be allocated in proportion to the contributions of each partner.

15554. Distributions of cash or other assets of a limited partnership shall be made to the partners in the manner provided in the partnership agreement. If the partnership agreement does not so provide, distributions which are a return of capital shall be made in proportion to the contributions of each partner and distributions which are not a return of capital shall be made in proportion to the division of profits.

Article 6. Distributions and Withdrawals

15561. Except as provided in this article, a partner is entitled to receive distributions from a limited partnership before his withdrawal from the limited partnership and before the dissolution and winding up thereof, subject to the limitations contained in Section 15566, to the extent and at the times or upon the happening of the events specified in the partnership agreement.

15562. (a) A general partner may withdraw from a limited partnership at any time by giving written notice to the other partners, but if the withdrawal violates the partnership agreement the limited partnership may recover from the withdrawing general partner damages for breach of the partnership agreement and, in addition to any other remedies, shall have the right to offset the damages against any amounts otherwise distributable to the general partner. Unless otherwise provided in the partnership agreement, in the case of a partnership for a fixed term, a withdrawal by a general partner prior to the expiration of that term is a breach of the partnership agreement.

(b) Unless otherwise provided in the partnership agreement, and subject to the liability created under subdivision (a), a general partner who ceases to be a general partner under Section 15542 shall:

(1) Retain the same interest in capital, profits, and losses but such interest shall be that of a limited partner.

(2) Not be personally liable for partnership debts incurred after the person ceases to be a general partner.

(3) Be entitled to vote as a limited partner on all matters except the election and compensation of a new general partner.

(4) Have the general partner's interest in the partnership reduced pro rata with all other partners to provide both compensation to and an interest in the partnership, or to provide either compensation to or an interest in the partnership to a new general partner.

15563. A limited partner may withdraw from a limited partnership at the time or upon the happening of events specified in the partnership agreement. If the partnership agreement does not specify the time or the events upon the happening of which a limited partner may withdraw or a definite time for the dissolution and winding up of the limited partnership, a limited partner may withdraw upon not less than six months' prior written notice to each general partner at his address set forth in the certificate.

15564. Upon withdrawal, any withdrawing limited partner is entitled to receive any distribution to which he is entitled under the partnership agreement and, if not otherwise provided in the partnership agreement, the limited partner is entitled to receive, within a reasonable time after withdrawal, the fair value of the limited partner's interest in the limited partnership as of the date of withdrawal based upon the limited partner's right to share in distributions from the limited partnership.

15565. Subject to Section 15584, at the time a partner becomes entitled to receive a distribution, he has the status of, and is entitled to all remedies available to, a creditor of the limited partnership with respect to the distribution.

15566. A partner is obligated to return a distribution from a limited partnership to the extent that, after giving effect to the distribution, and notwithstanding the compromise of a claim referred to in subdivision (c) of Section 15536, all liabilities of the limited partnership, other than liabilities to partners on account of their partnership interest and liabilities as to which recourse of creditors is limited to specified property of the limited partnership, exceed the fair salable value of the partnership assets to the extent the value of the assets exceeds that portion of the value of the assets which is subject to liabilities as to which recourse of creditors is limited.

Article 7. Assignment of Partnership Interests

15571. An interest in a limited partnership is personal property and a partner has no interest in specific partnership property.

15572. Except as otherwise provided in the partnership agreement, a limited partnership interest is assignable in whole or in part. An assignment of a limited partnership interest does not dissolve a limited partnership or entitle the assignee to become or to exercise any rights of a partner. An assignment entitles the assignee to receive, to the extent assigned, only the distributions to which the assignor would be entitled. A limited partner remains a partner upon assignment of all or part of the limited partner's limited partnership interest, subject to the assignee becoming a limited partner pursuant to subdivision (a) of Section 15574.

15573. On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the limited partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the limited partnership interest. This chapter does not deprive any partner of the benefit of any exemption laws applicable to the partner's limited partnership interest.

15574. (a) An assignee of a limited partnership interest may become a limited partner if and to the extent that (1) the partnership agreement so provides or (2) all other partners consent.

(b) An assignee who has become a limited partner has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a limited partner under the partnership agreement and this chapter. An assignee who becomes a limited partner also is liable for the obligations of the assignor to make contributions as provided in Article 5 (commencing with Section 15551). However, the assignee is not obligated for liabilities unknown to the assignee at the time the assignee became a limited partner and

which could not be ascertained from the partnership agreement.

(c) If an assignee of a partnership interest becomes a limited partner, the assignor is not released from the assignor's liability to the limited partnership under subdivision (d) of Section 15522, and Sections 15552 and 15566.

15575. If a limited partner who is an individual dies or a court of competent jurisdiction adjudges the limited partner to be incompetent to manage the limited partner's person or the limited partner's property, the partner's executor, administrator, guardian, conservator, or other legal representative may exercise all the partner's rights for the purpose of settling the limited partner's estate or administering the limited partner's property, including any power the partner had to give an assignee the right to become a limited partner. If a limited partner is a corporation, trust, or other entity and is dissolved or terminated, the powers of that partner may be exercised by its legal representative or successor.

Article 8. Dissolution

15581. A limited partnership is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following:

(a) At the time or upon the happening of events specified in the partnership agreement.

(b) Except as otherwise provided in the partnership agreement, written consent of all general partners and a majority in interest of the limited partners.

(c) A general partner ceases to be a general partner under Section 15542, unless (1) at the time there is at least one other general partner and the partnership agreement permits the business of the limited partnership to be carried on by the remaining general partner or partners, if any, and such partner or partners do so, or (2) the partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners pursuant to authority provided in the partnership agreement.

(d) Entry of a decree of judicial dissolution under Section 15582.

15582. Pursuant to an action filed by a partner, a court of competent jurisdiction may decree the dissolution of a limited partnership whenever any of the following occur:

(a) It is not reasonably practicable to carry on the business in conformity with the partnership agreement.

(b) The general partners have been guilty of or have knowingly countenanced persistent and pervasive fraud or abuse of authority or persistent unfairness toward any partners, or the property of the limited partnership is being misapplied or wasted by the general partners.

(c) Liquidation is reasonably necessary for the protection of the rights or interests of the complaining partner or partners.

15583. In the event of a dissolution of a limited partnership:

(a) Except as provided in the partnership agreement, the general partners who have not wrongfully dissolved a limited partnership or, if none, the limited partners, may wind up the limited partnership's affairs.

(b) Upon the petition of a limited partner or partners representing 5 percent or more of the interests of limited partners, or three or more creditors, a court of competent jurisdiction may order the winding up of the limited partnership if that appears necessary for the protection of any parties in interest.

(c) Unless otherwise provided in the partnership agreement, the limited partner or limited partners winding up the affairs of the partnership pursuant to subdivisions (a) and (b) of Section 15583, shall be entitled to reasonable compensation.

15584. Upon the winding up of a limited partnership, the assets shall be distributed as follows:

(a) To creditors, including partners who are creditors to the extent permitted by law, in satisfaction of liabilities of the limited partnership other than liabilities for distributions to partners under Section 15561, 15564 or 15565.

(b) Except as provided in the partnership agreement, to partners and former partners in satisfaction of liabilities for distributions under Sections 15561, 15564, and 15565.

(c) To partners in accordance with their rights under the partnership agreement and Section 15536.

15585. After dissolution, a general partner can bind the partnership as follows:

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution.

(b) By any transaction which would bind the partnership if dissolution had not taken place, provided, the other party to the transaction:

(1) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution.

(2) Though not so extending credit, had nevertheless known of the partnership prior to dissolution, and, had no knowledge or notice of dissolution, and a certificate of dissolution has not been filed as provided in subdivision (a) of Section 15523.

Article 9. Foreign Limited Partnerships

15591. Subject to Section 15594, (a) the laws of the state or country under which a foreign limited partnership is organized govern its organization and internal affairs and the liability of its limited partners, and (b) a foreign limited partnership may not be denied registration by reason of any difference between those laws and the laws of this state.

15592. Before transacting intrastate business in this state, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall submit to the

Secretary of State an application for registration as a foreign limited partnership, signed and acknowledged by a general partner on a form prescribed by the Secretary of State and setting forth all of the following:

(a) The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this state.

(b) The state or country and date of its formation and a statement that the foreign limited partnership is authorized to exercise its powers and privileges in such state or county of formation.

(c) The name and address of an agent for service of process on the foreign limited partnership meeting the qualifications specified in paragraph (1) of subdivision (d) of Section 15527.

(d) A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if the agent has resigned and has not been replaced or if the agent cannot be found or served with the exercise of reasonable diligence.

(e) The address of the principal executive office of the foreign limited partnership and of its principal office in this state, if any.

(f) The names and business or residence addresses of the general partners.

15593. If the Secretary of State finds that an application for registration conforms to law and all requisite fees have been paid, the Secretary of State shall issue a certificate of registration to transact intrastate business in this state; provided, however, no certificate of registration shall be issued for a foreign limited partnership to transact intrastate business in this state under a name which falls within the prohibitions of subdivision (c) of Section 15512 or fails to comply with the provisions of Section 17900 of the Business and Professions Code.

15594. If the limited partners of a foreign limited partnership residing in this state represent 25 percent or more of the interests of limited partners of that partnership, those limited partners shall be entitled to all information and rights provided in Section 15534.

15595. If any statement in the application for registration of a foreign limited partnership was false when made or any statements made have become erroneous, the foreign limited partnership shall promptly file in the office of the Secretary of State a certificate, signed and acknowledged by a general partner, amending such statement.

15596. A foreign limited partnership may cancel its registration by filing with the Secretary of State a certificate of cancellation signed and acknowledged by a general partner. A cancellation does not terminate the authority of the Secretary of State to accept service of process on the foreign limited partnership with respect to causes of action arising out of the transaction of business in this state.

15597. (a) A foreign limited partnership transacting intrastate business in this state may not maintain any action, suit, or proceeding in any court of this state until it has registered in this state.

(b) Any foreign limited partnership which transacts intrastate business in this state without registration is subject to a penalty of twenty dollars ($20) for each day that such unauthorized intrastate business is transacted, up to a maximum of ten thousand dollars ($10,000). An action to recover such penalty may be brought, and any recovery shall be paid, as provided in Section 2258.

(c) The failure of a foreign limited partnership to register in this state does not impair the validity of any contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending any action, suit, or proceeding in any court of this state.

(d) A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of its having transacted intrastate business in this state without registration.

(e) A foreign limited partnership, transacting intrastate business in this state without registration, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this state.

15598. The Attorney General may bring an action to restrain a foreign limited partnership from transacting intrastate business in this state in violation of this article.

Article 10. Class Actions and Derivative Actions

15601. Any limited partner may bring a class action on behalf of all limited partners to enforce any claim common to all limited partners against the partnership or any or all general partners, without regard to the number of limited partners, but each limited partner shall be given an opportunity to exclude himself from the class.

15602. (a) No action may be instituted or maintained in right of any domestic or foreign limited partnership by any partner of such limited partnership unless both of the following conditions exist:

(1) The plaintiff alleges in the complaint that plaintiff was a partner of record or beneficially, at the time of the transaction or any part thereof of which plaintiff complains or that plaintiff's interest thereafter devolved upon plaintiff by operation of law from a partner who was a partner at the time of the transaction or any part thereof complained of; provided that any partner who does not meet such requirements may nevertheless be allowed in the discretion of the court, by motion and after a hearing at which the court shall consider such evidence, by affidavit or testimony, as it deems material, that (A) there is a strong prima facie case in favor of the claim asserted on behalf of the limited partnership, (B) no other similar action has been or is likely to be instituted, (C) the plaintiff acquired the interest before there was disclosure to the public or to the plaintiff of the wrongdoing of which plaintiff complains, (D) unless the action can be maintained the defendant may retain a gain derived from defendant's willful breach of a fiduciary duty, and (E) the

requested relief will not result in unjust enrichment of the limited partnership or any partner of such limited partnership.

(2) The plaintiff alleges in the complaint with particularity plaintiff's efforts to secure from the general partners such action as plaintiff desires or the reasons for not making such effort, and alleges further that plaintiff has either informed the limited partnership or the general partners in writing of the ultimate facts of each cause of action against each defendant or delivered to the limited partnership or the general partners a true copy of the complaint which plaintiff proposes to file.

(b) In any action referred to in subdivision (a), at any time within 30 days after service of summons upon the limited partnership or upon any defendant who is general partner of the limited partnership office at the time of the acts complained of, the limited partnership or the defendant may move the court for an order, upon notice and hearing, requiring the plaintiff to furnish security as hereinafter provided. The motion shall be based upon one or both of the following grounds:

(1) That there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint against the moving party will benefit the limited partnership or its partners.

(2) That the moving party, if other than the limited partnership, did not participate in the transaction complained of in any capacity. The court on application of the limited partnership or any defendant may, for good cause shown, extend the 30-day period for an additional period or periods not exceeding 60 days.

(c) At the hearing upon any motion pursuant to subdivision (b), the court shall consider evidence, written or oral, by witnesses or affidavit, as may be material (1) to the ground or grounds upon which the motion is based, or (2) to a determination of the probable reasonable expenses, including attorneys' fees, of the limited partnership and the moving party which will be incurred in the defense of the action. If the court determines after hearing the evidence adduced by the parties, that the moving party has established a probability in support of any of the grounds upon which the motion is based, the court shall fix the nature and amount of security, not to exceed fifty thousand dollars ($50,000), to be furnished by the plaintiff for reasonable expenses, including attorneys' fees, which may be incurred by the moving party and the limited partnership in connection with the action. A ruling by the court on the motion shall not be a determination of any issue in the action or of the merits thereof. The amount of the security may thereafter be increased or decreased in the discretion of the court upon a showing that the security provided has or may become inadequate or is excessive, but the court may not in any event increase the total amount of the security beyond fifty thousand dollars ($50,000) in the aggregate for all defendants. If the court, upon any such motion, makes a determination that security shall 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. The limited partnership and the moving party shall have recourse to the security in such amount as the court shall determine upon the termination of the action.

(d) If the plaintiff shall, either before or after a motion is made pursuant to subdivision (b), or any order or determination pursuant to such motion, post good and sufficient bond or bonds in the aggregate amount of fifty thousand dollars ($50,000) to secure the reasonable expenses of the parties entitled to make the motion, the plaintiff has complied with the requirements of this section and with any order for security theretofore made pursuant hereto, and any such motion then pending shall be dismissed and no further or additional bond or other security shall be required.

(f) If a motion is filed pursuant to subdivision (b), no pleadings need be filed by the limited partnership or any other defendant and the prosecution of the action shall be stayed until 10 days after the motion has been disposed of.

Article 11. Transition Provisions

15611. Except as provided in Section 15612, this chapter shall not apply to any limited partnership organized under the laws of this state and existing on the effective date, which shall continue to be governed by the law previously applicable to it.

15612. Any limited partnership organized under the laws of this state and existing on the effective date:

(a) Shall file a restated certificate of limited partnership conforming to the provisions of Section 15521 and including the date that such limited partnership filed under the provisions of Chapter 2 (commencing with Section 15501) of Title 2 of the Corporations Code in existence prior to adoption of this chapter and shall thereafter be governed by the provisions of Article 2 (commencing with Section 15521).

(b) Shall not be subject to the limitations of subdivision (c) of Section 15512 if a certificate as required by subdivision (a) of this section is filed prior to December 31, 1983.

(c) May not maintain any action, suit, or proceeding in any court of this state until it has filed a certificate as required by subdivision (a).

15613. The provisions of subdivision (b) of Section 15597 shall not be operative until January 1, 1984.

15614. As used in this article, "effective date" means January 1, 1983.

Article 12. Miscellaneous

15621. This chapter may be cited as the California Limited Partnership Act.

15622. In any case not provided for in this chapter the provisions of the Uniform Partnership Act, Chapter 1 (commencing with Section 15001), govern.

15623. All provisions of this chapter and all provisions that may hereafter be added to this chapter may be altered from time to time or repealed and all rights of partners are subject to this reservation.

SEC. 3. If any provisions of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Section 12209 of the Government Code is amended to read:

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

SEC. 5. Section 12213 is added to the Government Code, to read:

12213. The fee for filing a certificate of limited partnership is seventy dollars ($70).

SEC. 6. Section 12214 is added to the Government Code, to read:

12214. The fee for filing a certificate of amendment by or on behalf of a limited partnership is fifteen dollars ($15). There is no fee for filing a certificate of dissolution or certificate of cancellation by a limited partnership.

SEC. 7. Section 12215 is added to the Government Code, to read:

12215. The fee for issuing a certificate of reservation of limited partnership name is four dollars ($4).

SEC. 8. This act shall become operative on January 1, 1983.

CHAPTER 808

An act to amend Section 99234.7 of the Public Utilities Code, relating to transportation.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 99234.7 of the Public Utilities Code is amended to read:

99234.7. The Department of Transportation is authorized to negotiate and, if feasible, contract with the appropriate railroad corporation to provide passenger rail service between the City and County of San Francisco and the Cities of Monterey and Santa Cruz via Watsonville, or any combination of common points. In negotiating the contract, the department shall take into consideration the funding available and the level of service recommended by the Metropolitan Transportation Commission.

Notwithstanding any provision of this section, a transit district or county may negotiate and contract with the appropriate railroad corporation to provide passenger rail service which is to be primarily operated within its jurisdiction. Adjacent transit districts or counties may jointly negotiate and contract with the appropriate railroad corporation to provide passenger rail service which is to be primarily operated within their jurisdictions.

CHAPTER 809

An act to amend Section 4903 of the Labor Code, to amend Section 7 of Chapter 1041 of the Statutes of 1980, and to repeal Section 5.5 of Chapter 1041 of the Statutes of 1980, relating to workers' compensation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 4903 of the Labor Code is amended to read:

4903. The appeals board may determine, and allow as liens against any sum to be paid as compensation, any amount determined as hereinafter set forth in subdivisions (a) through (i). If more than one such lien be allowed, the appeals board may determine the priorities, if any, between the liens allowed. The liens which may be allowed hereunder are as follows:

(a) A reasonable attorney's fee for legal services pertaining to any claim for compensation either before the appeals board or before any of the appellate courts, and the reasonable disbursements in connection therewith.

(b) The reasonable expense incurred by or on behalf of the injured employee, as provided by Article 2 (commencing with Section 4600) of Chapter 2 of Part 2.

(c) The reasonable value of the living expenses of an injured employee or of his or her dependents, subsequent to the injury.

(d) The reasonable burial expenses of the deceased employee, not

to exceed the amount provided for by Section 4701.

(e) The reasonable living expenses of the spouse or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his or her family. Such expenses shall be allowed in such proportion as the appeals board deems proper, under application of the spouse or guardian of the minor children.

(f) The amount of unemployment compensation disability benefits which have been paid under or pursuant to the Unemployment Insurance Code in those cases where, pending a determination under Division 4 of this code, there was uncertainty whether such benefits were payable under the Unemployment Insurance Code or payable hereunder; provided, however, that any lien under this subdivision shall be allowed and paid as provided in Section 4904.

(g) The amount of unemployment compensation benefits and extended duration benefits paid to the injured employee for the same day or days for which he or she receives, or is entitled to receive, temporary total disability indemnity payments under this division; provided, however, that any lien under this subdivision shall be allowed and paid as provided in Section 4904.

(h) The amount of indemnification granted pursuant to Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code.

(i) The amount of compensation, including expenses of medical treatment, and recoverable costs which have been paid by the Asbestos Workers' Account pursuant to the provisions of Chapter 11 (commencing with Section 4401) of Part 1.

SEC. 2. Section 5.5 of Chapter 1041 of the Statutes of 1980 is repealed.

SEC. 3. Section 7 of Chapter 1041 of the Statutes of 1980 is amended to read:

Sec. 7. The sum of two million six hundred twenty-five thousand dollars ($2,625,000) is hereby appropriated from the General Fund to the Asbestos Workers' Account in the Uninsured Employers Fund for the purposes of providing advances on workers' compensation benefits to asbestos workers, and for the administrative costs directly related to administering the Asbestos Workers' Account.

SEC. 4. On or before January 1, 1982, the Controller shall report to each house of the Legislature on the money received and spent by the Asbestos Workers' 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 the necessity are:

Chapter 1041 of the Statutes of 1980 (AB 946), among other things, allowed a lien against workers' compensation benefits for the amount of compensation and recoverable costs which are paid by the Asbestos Workers' Account pursuant to the provisions of the bill.

However, such provisions were chaptered out of the law by Chapter 1370 of the Statutes of 1980 (AB 203), pursuant to Section 9605 of the Government Code.

In order to permit the recovery of benefits paid by the Asbestos Workers' Account from workers' compensation benefits, as intended by the Legislature, and in order to prevent the loss of recoverable benefits, it is necessary that this act take effect immediately.

CHAPTER 810

An act to amend Sections 233 and 234 of, to add Sections 237.5 and 239 to, and to repeal Sections 237.5 and 239 of, the Civil Code, relating to parent and child.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981.]

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

SECTION 1. Section 233 of the Civil Code is amended to read:

233. Any interested person may petition the superior court of the county in which a minor person described in Section 232 resides or in which the minor person is found or in which any of the acts which are set forth in Section 232 are alleged to have occurred, for an order or judgment declaring the minor person free from the custody and control of either or both of his or her parents. There shall be no filing fee charged for any action instituted in accordance with this section. Upon the filing of the petition, the clerk of the court shall, in accordance with the direction of the court, immediately notify the juvenile probation officer, or the county department designated by the board of supervisors to administer the public social services program, who shall immediately investigate the circumstances of the minor person and the circumstances which are alleged to bring the minor person within any of the provisions of Section 232. The juvenile probation officer or the county department shall render to the court a written report of the investigation with a recommendation to the court of the proper disposition to be made in the action in the best interests of the minor person.

The report shall include all of the following:

(a) A statement that the person making the report explained the nature of the legal action to end parental custody and control to the minor.

(b) A statement of the minor's feelings and thoughts concerning the pending action.

(c) A statement of the minor's attitude towards his or her parent or parents and particularly whether or not the minor would prefer living with his or her parent or parents.

(d) A statement that the minor was informed of his or her right

to attend the hearing on the petition and the minor's feelings concerning attending the hearing. The court shall receive the report in evidence and shall read and consider the contents thereof in rendering its judgment.

(e) If the age, or the physical, emotional, or other condition of the minor precludes his or her meaningful response to the explanations, inquiries, and information required by the provisions of subdivisions (a), (b), (c), and (d), a description of the condition shall satisfy the requirements of those subdivisions.

SEC. 2. Section 234 of the Civil Code is amended to read:

234. Upon the filing of such petition, a citation shall issue requiring any person having the custody or control of the minor person or the person with whom the minor person is, to appear with the minor person at a time and place stated in the citation, except, if the minor is under the age of 10, upon order of the court after necessity being shown. Service of the citation shall be made at least 10 days before the time stated therein for such appearance.

In every case where the minor subject of the petition is 10 years old or older, excepting those minors who are confined because of illness or other incapacity to institutions or residences and are therefore unable to attend, the minor shall be heard by the court in chambers on at least the following matters:

(a) The feelings and thoughts of the minor concerning the custody proceeding about to take place.

(b) The feelings and thoughts of the minor about his or her parent or parents.

(c) The minor's preference as to custody, according to Section 4600. The court shall inform the minor of his or her right to attend the hearing. However, counsel for the minor may waive the in camera hearing by the court.

SEC. 3. Section 237.5 is added to the Civil Code, to read:

237.5. At the beginning of the proceeding on a petition filed pursuant to this chapter counsel shall be appointed as follows:

(a) The court shall consider whether the interests of the minor require the appointment of counsel. If the court finds that the interests of the minor do require such protection, the court shall appoint counsel to represent the minor. If the court finds that the interests of the minor require the representation of counsel, counsel shall be appointed whether or not the minor is able to afford counsel. The minor shall not be present in court unless the minor so requests or the court so orders.

(b) If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless such representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the minor and his or her parent.

(c) The public defender or private counsel may be appointed as counsel pursuant to this section. Private counsel appointed under the provisions of this section shall receive a reasonable sum for

compensation and expenses, the amount of which shall be determined by the court. Such amount shall be paid by the real parties in interest, other than the minor, in such proportions as the court deems just. However, if the court finds that any of the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

(d) The court may continue the proceeding for not to exceed 30 days as necessary to appoint counsel, and to enable counsel to become acquainted with the case.

SEC. 4. Section 237.5 of the Civil Code is repealed.

SEC. 5. Section 239 of the Civil Code is repealed.

SEC. 6. Section 239 is added to the Civil Code, to read:

239. If the court, by order or judgment, declares a minor free from the custody and control of both parents under the provisions of this chapter, or one parent if the other no longer has custody and control, the court shall at the same time take one of the following actions:

(a) Appoint a guardian of the minor.

(b) At the request of the State Department of Social Services or a licensed adoption agency, or where the court finds it is in the minor's best interest, refer the minor to a licensed adoption agency for adoptive placement by the agency; however, no petition for adoption may be heard until the appellate rights of the natural parents have been exhausted. The agency shall be responsible for the care of the minor, and shall be entitled to the exclusive custody and control of the minor at all times until a petition for adoption has been granted. After such a referral no petition for guardianship may be filed without the consent of the agency.

CHAPTER 811

An act to add Section 1134 to the Civil Code, relating to real property.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 25, 1981]

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

SECTION 1. Section 1134 is added to the Civil Code, to read:

1134. (a) As soon as practicable before transfer of title for the first sale of a unit in a residential condominium, community apartment project, or stock cooperative which was converted from an existing dwelling to a condominium project, community apartment project, or stock cooperative, the owner or subdivider, or agent of the owner or subdivider, shall deliver to a prospective buyer a written statement listing all substantial defects or malfunctions in the major systems in the unit and common areas of the premises, or

a written statement disclaiming knowledge of any such substantial defects or malfunctions. The disclaimer may be delivered only after the owner or subdivider has inspected the unit and the common areas and has not discovered a substantial defect or malfunction which a reasonable inspection would have disclosed.

(b) If any disclosure required to be made by this section is delivered after the execution of an agreement to purchase, the buyer shall have three days after delivery in person or five days after delivery by deposit in the mail, to terminate his or her agreement by delivery of written notice of that termination to the owner, subdivider, or agent. Any disclosure delivered after the execution of an agreement to purchase shall contain a statement describing the buyer's right, method and time to rescind as prescribed by this subdivision.

(c) For the purposes of this section:

(1) "Major systems" includes, but is not limited to, the roof, walls, floors, heating, air conditioning, plumbing, electrical systems or components of a similar or comparable nature, and recreational facilities.

(2) Delivery to a prospective buyer of the written statement required by this section shall be deemed effected when delivered personally or by mail to the prospective buyer or to an agent thereof, or to a spouse unless the agreement provides to the contrary. Delivery shall also be made to additional prospective buyers who have made a request therefor in writing

(3) "Prospective buyer" includes any person who makes an offer to purchase a unit in the condominium, community apartment project, or stock cooperative.

(d) Any person who willfully fails to carry out the requirements of this section shall be liable in the amount of actual damages suffered by the buyer.

(e) Nothing in this section shall preclude the injured party from pursuing any remedy available under any other provision of law.

(f) No transfer of title to a unit subject to the provisions of this chapter shall be invalid solely because of the failure of any person to comply with the requirements of this section.

(g) The written statement required by this section shall not abridge or limit any other obligation of disclosure created by any other provision of law or which is or may be required to avoid fraud, deceit, or misrepresentation in the transaction.

SEC. 2. This act shall become operative on July 1, 1982.

CHAPTER 812

An act to add Chapter 9 (commencing with Section 1137) to Part 3 of Division 2 of the Labor Code, relating to labor.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 25, 1981]

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

SECTION 1. Chapter 9 (commencing with Section 1137) is added to Part 3 of Division 2 of the Labor Code, to read:

CHAPTER 9. PUBLIC TRANSPORTATION LABOR DISPUTES

1137. The definitions set forth in this section shall govern the construction and meaning of the terms used in this chapter:

(a) "Local agency" means any city, county, special district, or other public entity in the state. It includes a charter city or a charter county.

(b) "Public transit employee" means an employee of any transit district of the state, an employee of the Golden Gate Bridge, Highway and Transportation District, and an employee of any local agency who is employed to work for transit service provided by such agency.

1137.1. Notwithstanding any other provision of law, the following provisions shall govern disputes between exclusive bargaining representatives of public transit employees and local agencies:

(a) Such disputes shall not be subject to any factfinding procedure otherwise provided by law.

(b) Each party shall exchange contract proposals not less than 90 days before the expiration of a contract, and shall be in formal collective bargaining not less than 60 days before such expiration.

(c) Each party shall supply to the other party such reasonable data as are requested by the other party.

(d) At the request of either party to a dispute, a conciliator from the State Conciliation Service shall be assigned to mediate the dispute and shall have access to all formal negotiations.

The provisions of this section shall not apply to any local agency subject to the provisions of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code.

1137.2. (a) Whenever in the opinion of the Governor, a threatened or actual strike or lockout will, if permitted to occur or continue, significantly disrupt public transportation services and endanger the public's health, safety, or welfare, and upon the request of either party to the dispute, the Governor may appoint a board to investigate the issues involved in the dispute and to make a written report to him or her within seven days. Such report shall include a statement of the facts with respect to the dispute, including the

respective positions of the parties, but shall not contain recommendations. Such report shall be made available to the public.

(b) Any strike or lockout during the period of investigation of the board appointed pursuant to this section is prohibited.

1137.3. The board of investigation shall be composed of no more than five members, one of whom shall be designated by the Governor as chairperson. Members of the board shall receive one hundred dollars ($100) for each day actually spent by them in the work of the board and shall receive their actual and necessary expenses incurred in the performance of their duties.

The board may hold public hearings to ascertain the facts with respect to the causes and circumstances of the dispute. For the purpose of any hearing or investigation, the board may summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records, and papers of any kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony.

1137.4. Upon receiving a report from a board of investigation, the Governor may request the Attorney General to, and he or she shall, petition any court of competent jurisdiction to enjoin such strike or lockout or the continuing thereof, for a period of 60 days. The court shall issue an order enjoining such strike or lockout, or the continuation thereof, if the court finds that such threatened or actual strike or lockout, if permitted to occur or continue, will significantly disrupt public transportation services and endanger the public's health, safety, or welfare.

1137.5. If the charter or establishing legislation of the local agency establishes a time period for the negotiating or meeting and conferring process which is shorter than 60 days, the provisions of this chapter shall not be applicable to any disputes which may arise between the exclusive bargaining representative of public transit employees and the local agency.

1137.6. Except as expressly provided by subdivision (b) of Section 1137.2 and Section 1137.4, nothing in this chapter shall be construed to grant or deprive employees of a right to strike.

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.

CHAPTER 813

An act to amend Sections 39830 and 82321 of, and to add Sections 39830.1 and 82321.1 to, the Education Code, and to amend Sections 545, 2807.1, 2807.2, 9102.5, 12519, 21113, 21203, 21712, 22112, 22352, 22452, 22454, 24606, and 25350 of, and to add Section 546 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 39830 of the Education Code is amended to read:

39830. A schoolbus is any motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, except the following:

(a) A motor vehicle of any type carrying only members of the household of the owner thereof.

(b) A motortruck transporting pupils who are seated only in the passenger compartment, and a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any such vehicle or truck transporting two or more handicapped pupils confined to wheelchairs.

(c) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public or on a run scheduled in response to a request from a handicapped pupil confined to a wheelchair, or from a parent of the handicapped pupil, for transportation to or from nonschool activities; provided, that the motor vehicle is designed for and actually carries not more than 16 persons and the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service.

(d) A school pupil activity bus as defined in Section 39830.1.

(e) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission which is transporting pupils on a school activity entering or returning to the state from another state or country.

(f) Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, if it is primarily used for the transportation of community college students to or from a public community college or to or from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Department

of the California Highway Patrol.

SEC. 2. Section 39830.1 is added to the Education Code, to read:

39830.1. A "school pupil activity bus" is any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th-grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. As used in this section, "common carrier," "publicly owned or operated transit system," and "passenger charter-party carrier" mean carriers in business for the principal purpose of transporting members of the public on a commercial basis. This section shall not apply to a motor vehicle operated by a carrier licensed by the Interstate Commerce Commission transporting pupils on a school activity trip entering or returning to the state from another state or country.

The driver of a school pupil activity bus shall be subject to the regulations adopted by the California Highway Patrol governing schoolbus drivers, except that the regulations shall not require drivers to duplicate training or schooling that they have otherwise received which is equivalent to that required pursuant to the regulations, and the regulations shall not require drivers to take training in first aid. However, a valid certificate to drive a school pupil activity bus shall not entitle the bearer to drive a schoolbus.

SEC. 3. Section 82321 of the Education Code is amended to read:

82321. A schoolbus is any motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, except the following:

(a) A motor vehicle of any type carrying only members of the household of the owner thereof.

(b) A motortruck transporting pupils who are seated only in the passenger compartment, and a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any such vehicle or truck transporting two or more handicapped pupils confined to wheelchairs.

(c) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public or on a run scheduled in response to a request from a handicapped pupil confined to a wheelchair, or from a parent of the handicapped pupil, for transportation to or from nonschool activities; provided, that the motor vehicle is designed for and actually carries not more than 16 persons and the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service

(d) A school pupil activity bus as defined in Section 82321.1.

(e) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission which is transporting pupils on a school activity entering or returning to the state from another state or country.

(f) Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, if it is primarily used for the transportation of community college students to or from a public community college or to or from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Department of the California Highway Patrol.

SEC. 4. Section 82321.1 is added to the Education Code, to read:

82321.1. A "school pupil activity bus" is any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th-grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. As used in this section, common carrier, publicly owned or operated transit system, and passenger charter-party carrier refer to carriers in business for the principal purpose of transporting members of the public on a commercial basis. This section shall not apply to a motor vehicle operated by a carrier licensed by the Interstate Commerce Commission transporting pupils on a school activity trip entering or returning to the state from another state or country.

The driver of a school pupil activity bus shall be subject to the regulations adopted by the California Highway Patrol governing schoolbus drivers, except that the regulations shall not require drivers to duplicate training or schooling that they have otherwise received which is equivalent to that required pursuant to the regulations, and the regulations shall not require drivers to take training in first aid; provided, that a valid certificate to drive a school pupil activity bus shall not entitle the bearer to drive a schoolbus.

SEC. 5. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, except the following:

(a) A motor vehicle of any type carrying only members of the household of the owner thereof.

(b) A motortruck transporting pupils who are seated only in the passenger compartment, and a passenger vehicle designed for and

when actually carrying not more than 10 persons, including the driver, except any such vehicle or truck transporting two or more handicapped pupils confined to wheelchairs.

(c) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, only during the time it is on a scheduled run and is available to the general public or on a run scheduled in response to a request from a handicapped pupil confined to a wheelchair, or from a parent of the handicapped pupil, for transportation to or from nonschool activities; provided, that the motor vehicle is designed for and actually carries not more than 16 persons and the driver, is available to eligible persons of the general public, and the school does not provide the requested transportation service.

(d) A school pupil activity bus as defined in Section 546.

(e) A motor vehicle operated by a carrier licensed by the Interstate Commerce Commission which is transporting pupils on a school activity entering or returning to the state from another state or country.

(f) Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, if it is primarily used for the transportation of community college students to or from a public community college or to or from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Department of the California Highway Patrol.

SEC. 6. Section 546 is added to the Vehicle Code, to read:

546. A "school pupil activity bus" is any motor vehicle, other than a schoolbus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between a school and carrier to transport school pupils at or below the 12th-grade level to or from a public or private school activity, or used to transport pupils to or from residential schools, when the pupils are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the pupil or place the pupil on the bus. As used in this section, common carrier, publicly owned or operated transit system, and passenger charter-party carrier refer to carriers in business for the principal purpose of transporting members of the public on a commercial basis. This section shall not apply to a motor vehicle operated by a carrier licensed by the Interstate Commerce Commission that is transporting pupils on a school activity trip entering or returning to the state from another state or country.

The driver of a school pupil activity bus shall be subject to the regulations adopted by the California Highway Patrol governing schoolbus drivers, except that the regulations shall not require drivers to duplicate training or schooling that they have otherwise

received which is equivalent to that required pursuant to the regulations, and the regulations shall not require drivers to take training in first aid. However, a valid certificate to drive a school pupil activity bus shall not entitle the bearer to drive a schoolbus.

SEC. 7. Section 2807.1 of the Vehicle Code is amended to read:

2807.1. (a) The Department of the California Highway Patrol shall inspect and certify every school pupil activity bus specified in Section 546 at least once each year to ascertain whether its condition complies with all provisions of the law.

(b) No person shall drive any motor vehicle specified in subdivision (a) unless there is displayed therein a certificate issued by the Department of the California Highway Patrol stating that on a certain date, which shall be within 13 months of the date of operation, an authorized employee of the Department of the California Highway Patrol inspected such motor vehicle and found that on the date of inspection such motor vehicle complied with the applicable provisions of the state law. The Commissioner of the California Highway Patrol shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

SEC. 8. Section 2807.2 of the Vehicle Code is amended to read:

2807.2. The Department of the California Highway Patrol shall, by regulation, provide for a preventive maintenance inspection guide for use by operators of motor vehicles specified in Sections 2807 and 2807.1. The regulations shall provide that the record of inspection shall be signed by the person making the inspection, and the record of the inspections shall be retained on file by the operator for review and inspection by the Department of the California Highway Patrol.

SEC. 8.5. Section 9102.5 of the Vehicle Code 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.

(c) Notwithstanding any other provision, any schoolbus used exclusively to transport students at or below the 12th-grade level to or from any school, education-related purpose, or activity sponsored by a nonprofit organization shall be deemed to be a schoolbus for the purposes of this section and shall pay a fee of ten dollars ($10) in lieu of all other fees which are specified in this code, except fees for duplicate plates, certificates, or cards.

SEC. 9. Section 12519 of the Vehicle Code is amended to read:

12519. (a) No person shall operate a farm labor vehicle unless he has in his possession a driver's license for the appropriate class of vehicle to be driven, and, when transporting one or more farm worker passengers, a certificate issued by the department to permit the operation of farm labor vehicles.

(b) The applicants shall present evidence that they have successfully completed the driver training course developed by the Department of Education pursuant to Section 40070 of the Education Code, and approved by the Department of Motor Vehicles and the Department of the California Highway Patrol before a permanent certificate will be issued.

(c) The certificate shall be issued only to applicants qualified by examinations prescribed by the Department of Motor Vehicles and the Department of the California Highway Patrol. Such examinations shall be conducted by the Department of the California Highway Patrol.

SEC. 10. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor operate any bicycle or motorized bicycle, nor ride or propel any skateboard or roller skates, nor shall any person stop, park, or leave standing any vehicle or animal, or bicycle or motorized bicycle, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, transit development board, or any property under the direct control of the legislative body of a municipality, or

any state, county, or hospital district institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the legislative body of the municipality, or the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, or state, county, or hospital district institution or building, or harbor district, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board, legislative body, or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board, legislative body, or officer shall also prepare and keep available at the principal administrative office of the board, legislative body, or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

(d) With respect to the permitted use of vehicles or animals on property under the direct control of the legislative body of a municipality, no change in the use of vehicles or animals on such property, which had been permitted as of the effective date of the amendments to this section made during the 1975–76 Regular Session of the Legislature, shall be effective unless and until the legislative body, at a meeting open to the general public, determines that the use of vehicles or animals on such property should be prohibited or regulated.

SEC. 11. Section 21203 of the Vehicle Code is amended to read:

21203. No person riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any streetcar or vehicle on the roadway.

SEC. 12. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(b) No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(c) Subdivisions (a) and (b) shall not apply to any employee engaged in the necessary discharge of his duty or in the case of persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

(d) No person shall drive a motor vehicle which is towing a trailer

coach or camp trailer containing any passenger.

(e) No person shall knowingly drive a motor vehicle which is towing any person riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, skis, or toy vehicle.

(f) Subdivision (d) shall not apply to a trailer coach being towed with a fifth-wheel device if the trailer coach is equipped with safety glazing materials wherever glazing materials are used in windows or doors, with an audible or visual signaling device which a passenger inside the trailer coach can use to gain the attention of the motor vehicle driver, and with at least one unobstructed exit capable of being opened from both the interior and exterior of the trailer coach.

SEC. 13. Section 22112 of the Vehicle Code is amended to read:

22112. The driver of a schoolbus shall operate the flashing red signal lamps required on the schoolbus at all times when children are unloading from the schoolbus to cross a highway or private road or when the schoolbus is stopped for the purpose of loading children who must cross a highway or private road to board the schoolbus, except that the signal lamps shall not be operated at any place where traffic is controlled by a traffic officer or official traffic control signal. The schoolbus signal lamps shall not be operated at any other time.

SEC. 14. Section 22352 of the Vehicle Code is amended to read:

22352. The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(3) On any alley.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either

during school hours or during the noon recess period. Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign.

SEC. 15. Section 22452 of the Vehicle Code is amended to read:

22452. (a) The provisions of subdivisions (b) and (c) of this section shall apply to the operation of the following vehicles:

Any bus carrying passengers.

Any motortruck transporting employees in addition to those riding in the cab.

Any schoolbus and any school pupil activity bus transporting school pupils, except as otherwise provided in paragraph (4) of subdivision (c).

Any vehicle carrying explosive substances as a cargo or part of a cargo.

Any tank vehicle as defined in Section 34003 whether loaded or empty.

Any vehicle transporting more than 120 gallons of flammable liquids or liquefied petroleum gas in containers having a capacity of more than 20 gallons as a cargo or major portion of a cargo.

(b) Before traversing a railroad grade crossing, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 15 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train and for signals indicating the approach of a train, and shall not proceed until he can do so safely. Upon proceeding, the gears shall not be shifted manually while crossing the tracks.

(c) No stop need be made at any crossing:

(1) Of railroad tracks running along and upon the roadway within a business or residence district.

(2) Where a traffic officer or an official traffic control signal directs traffic to proceed.

(3) Where an exempt sign was authorized by the Public Utilities Commission prior to January 1, 1978.

(4) Where an official railroad crossing stop exempt sign in compliance with Section 21400 has been placed by the Department of Transportation or a local authority pursuant to Section 22452.5. This paragraph shall not apply with respect to any schoolbus or to any school pupil activity bus.

SEC. 16. Section 22454 of the Vehicle Code is amended to read:

22454. The driver of any vehicle upon meeting or overtaking from either direction any schoolbus equipped with signs as required in this code, which has stopped for the purpose of receiving or discharging any schoolchildren and displays a flashing red light signal visible from front and rear, shall bring the vehicle to a stop immediately before passing the schoolbus and shall not proceed past the schoolbus until the red flashing signal ceases operation.

The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a schoolbus which is upon the other roadway. The driver of a vehicle need not stop upon meeting or passing a schoolbus when the schoolbus is stopped at an intersection where traffic is controlled by a traffic officer or official traffic control signal, or when the schoolbus is stopped at a place where traffic is controlled by a traffic officer or official traffic control signal.

The provisions of this section shall also be applicable to a roadway upon private property.

SEC. 17. Section 24606 of the Vehicle Code is amended to read:

24606. (a) Every motor vehicle, other than a motorcycle, of a type subject to registration and manufactured on and after January 1, 1969, shall be equipped with one or more backup lamps either separately or in combination with another lamp. Any vehicle may be equipped with backup lamps.

(b) Backup lamps shall be so directed as to project a white light illuminating the highway to the rear of the vehicle for a distance not to exceed 75 feet. A backup lamp may project incidental red, amber, or white light through reflectors or lenses that are adjacent or close to, or a part of, the lamp assembly.

(c) Backup lamps shall not be lighted except when the vehicle is about to be or is backing or except in conjunction with a lighting system which activates the lights for a temporary period after the ignition system is turned off.

(d) Any motor vehicle may be equipped with a lamp emitting white light on each side near or on the rear of the vehicle which is designed to provide supplemental illumination in an area to the side and rear not lighted by the backup lamps. These lamps shall be lighted only with the backup lamps.

SEC. 18. Section 25350 of the Vehicle Code is amended to read:

25350. Any passenger common carrier motor vehicle manufactured prior to January 1, 1968, may be equipped with green identification lamps. Any bus may be equipped with an illuminated termini sign, an illuminated identification sign, or any combination thereof, which shall not project any glaring light. Internally illuminated termini signs, identification signs, or any combination thereof, meeting the requirements of Section 25400 may be mounted inside a bus. Any commercial vehicle, other than a passenger common carrier motor vehicle, may be equipped with an illuminated identification sign upon the front thereof which shall not exceed 24 inches in length or 8 inches in width and which emits diffused white light without glare.

SEC. 19. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime

or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 814

An act to add Section 1028.5 to the Code of Civil Procedure, relating to court costs.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 1028.5 is added to the Code of Civil Procedure, to read:

1028.5. (a) In any civil action between a small business or a licensee and a state regulatory agency, involving the regulatory functions of a state agency as applied to a small business or a licensee, if the small business or licensee prevails, and if the court determines that the action of the agency was undertaken without any substantial justification, the small business or licensee may, in the discretion of the court, be awarded reasonable litigation expenses in addition to other costs. Funds for such expenses and costs shall be paid from funds in the regular operating budget of the state regulatory agency where the appropriation therefor encompasses the payment of such costs and expenses, and not from unappropriated money in the General Fund.

(b) "Reasonable litigation expenses" means any expenses not in excess of seven thousand five hundred dollars ($7,500) which the judge finds were reasonably incurred in opposing the agency action, including court costs, expenses incurred in administrative proceedings, attorney's fees, witness fees of all necessary witnesses, and such other expenses as were reasonably incurred.

(c) "Small business" means any person or entity who qualifies as a small business under the regulations of the Office of Small Business Development.

(d) "Licensee" means any person licensed by a state agency who does not qualify as a small business, but whose annual gross receipts from the use of such license do not exceed the annual gross receipts of the small business with the least maximum annual gross receipts under the regulations of the Office of Small Business Development.

(e) A small business or a licensee shall be deemed to prevail in any action in which there is no adjudication, stipulation, or acceptance of liability on the part of the small business or licensee.

(f) A small business or licensee shall not be deemed to have prevailed in actions commenced at the instance of, or on the basis of a complaint filed by, a person who is not an officer, employee, or other agent of the state regulatory agency if the action is dismissed

by the agency upon a finding of no cause for the action, or is settled by the agency and small business or licensee without a finding of fault.

(g) Section 800 of the Government Code shall not apply to actions which are subject to the provisions of this section.

(h) Every state regulatory agency against which litigation expenses have been awarded under this section shall, at the time of submission of its proposed budget pursuant to Section 13320 of the Government Code, submit a report to the Department of Finance and the Legislature as to the amount of those expenses awarded and paid during the fiscal year.

(i) This section shall be known and may be cited as the Carpenter-Katz Small Business Equal Access to Justice Act of 1981.

CHAPTER 815

An act to add Section 7190 to the Financial Code, relating to savings and loan associations.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 7190 is added to the Financial Code, to read:

7190. An association may make and purchase unsecured small business administration loans or loans secured by a mortgage or trust deed upon real property or a lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if the loan is one which the Small Business Administration guarantees, participates in, or cooperates through agreements with an association, or participates on an immediate or deferred basis under the federal Small Business Act. An association may make small business loans guaranteed by other governmental programs such as the Economic Development Administration, the Farmer's Home Administration, and the State of California Small Business Development Loan Guarantee Program.

CHAPTER 816

An act to amend Sections 275, 1226, 1710, 1936, and 3103 of the Financial Code, relating to banks.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 275 of the Financial Code is amended to read:

275. The superintendent shall deliver all money collected by him pursuant to Sections 270, 271, and 272, or pursuant to any other provision of this code, to the State Treasurer, who shall deposit the money to the credit of the State Banking Fund.

SEC. 2. Section 1226 of the Financial Code is amended to read:

1226. The limitations of Section 1221 shall not apply to the following and the following shall not be included among the obligations of a person for the purpose of applying such limitations:

(a) Loans secured by obligations of the United States or by obligations unconditionally guaranteed both as to principal and interest by the United States, having a market value at least 10 percent in excess of the loans secured thereby.

(b) Loans in an amount and of a type or class previously approved in writing by the superintendent which are secured by not less than a like amount of obligations of the United States or by obligations unconditionally guaranteed both as to principal and interest by the United States.

(c) Loans to the extent that they are covered by guarantees or by commitments to take over or to purchase without recourse made by (1) any Federal Reserve bank, (2) the United States, (3) any department, bureau, board, commission, agency, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States or (4) any small business development corporation, urban development corporation, or rural development corporation incorporated pursuant to the California Job Creation Law (Part 5 (commencing with Section 14000) of Division 3 of Title 1 of the Corporations Code).

(d) Drafts or bills of exchange drawn in good faith against actual existing values with negotiable bills of lading attached, whether or not accepted by the drawee.

(e) Bankers' acceptances of other banks which are eligible for rediscount with a Federal Reserve bank.

(f) Obligations resulting from daily clearances through any clearinghouse association.

(g) Obligations which are fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the Federal Housing Administrator.

SEC. 3. Section 1710 as added to the Financial Code by Chapter 67 of the Statutes of 1981 is amended to read:

1710. (a) (1) No foreign bank (other than a foreign (other nation) bank which is licensed to maintain an agency or branch office) shall be issued a license to maintain a representative office

unless it shall have first filed with the superintendent, in such form as the superintendent may by regulation or order require, an appointment irrevocably appointing the superintendent and the superintendent's successor from time to time in office to be such bank's attorney to receive service of any lawful process in any noncriminal judicial or administrative proceeding against the bank or any of its successors which arises out of the activities in this state of the representative office after such appointment has been filed, with the same force and validity as if served personally on the bank or its successor, as the case may be.

(2) Any foreign bank (other than a foreign (other nation) bank which is licensed to maintain an agency or branch office or which maintains a federal agency or federal branch in this state) which maintains a representative office and which has not filed with the superintendent an appointment pursuant to paragraph (1) shall be deemed by the maintenance of such office to have appointed the superintendent as its attorney to receive service of any lawful process in any noncriminal judicial or adminstrative proceeding against the bank or any of its successors which arises out of the activities in this state of the representative office with the same force and validity as if served personally on the bank or its successor, as the case may be.

(b) (1) No foreign (other nation) bank shall be issued a license to maintain an agency or branch office unless it shall have first filed with the superintendent, in such form as the superintendent may by regulation or order require, an appointment irrevocably appointing the superintendent and the superintendent's successor from time to time in office to be such bank's attorney to receive service of any lawful process in any noncriminal judicial or administrative proceeding against the bank or any of its successors which arises after such appointment has been filed, with the same force and validity as if served personally on the bank or its successor, as the case may be.

(2) Any foreign (other nation) bank which maintains an agency or branch office (other than a federal agency or federal branch) and which has not filed with the superintendent an appointment pursuant to paragraph (1) shall be deemed by the maintenance of such office to have appointed the superintendent as its attorney to receive service of any lawful process in any noncriminal judicial or administrative proceeding against the bank or any of its successors with the same force and validity as if served personally on the bank or its successor, as the case may be.

(c) Service may be made on a foreign bank which has appointed or is deemed to have appointed the superintendent as its attorney for service of process by leaving a copy of the process at any office of the superintendent. However, such service is not effective unless (1) the party making the service, who may be the superintendent, forthwith sends notice of the service and a copy of the process by registered or certified mail to the bank served at its last address on file with the superintendent at any of its offices in this state or at its head office, and (2) an affidavit of compliance with this subdivision by the party

making service is filed in the case on or before the return date, if any, or within such further time as the court, in the case of a judicial proceeding, or the administrative agency, in the case of an administrative proceeding, allows.

SEC. 4. Section 1936 of the Financial Code is amended to read:

1936. Every corporation, domestic or foreign, licensed to transact a banking or trust business, or to perform any functions of a bank or trust company, shall keep its corporate records, financial records, and books of account pertaining to its California business in words and figures of the English language and in form satisfactory to the superintendent.

This section shall not apply to any foreign bank which is subject to Section 1705.

SEC. 5. Section 3103 of the Financial Code is amended to read:

3103. Upon taking possession of the property and business of any bank, the superintendent shall forthwith give notice of such fact to all persons holding or having in their possession any assets of such bank. No person knowing of such taking or who has been notified thereof shall have a lien or charge upon any assets of the bank for any payment, advance, or clearance thereafter made or for any liability thereafter incurred.

The giving of notice in accordance with this section shall not be deemed to be a prerequisite to the taking of possession of the property and business of the bank.

SEC. 6. (a) It is the intent of the Legislature that the amendment to Section 3103 of the Financial Code which is made by Section 5 of this act shall abrogate the holding of the United States District Court for the Southern District of New York in In Re Universal Money Order Co., 470 F. Supp. 869, that the giving of notice in accordance with Section 3103 of the Financial Code is a prerequisite to the taking of possession of the property and business of a bank or other institution which is subject to Section 3103.

(b) The amendment to Section 3103 of the Financial Code which is made by Section 5 of this act does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 817

An act to amend Sections 18909, 18913, 18926, 18930, 18937, 18942, and 18943 of the Health and Safety Code, and to amend Section 142.3 of the Labor Code, relating to building standards.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 18909 of the Health and Safety Code is amended to read:

18909. (a) "Building standard" means any rule, regulation, order, or other requirement promulgated by a state agency, including any amendment or repeal of such a requirement, which specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.

(b) Except as provided in subdivision (d), "building standard" includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.

(c) "Building standard" does not include a regulation, rule, or order relating to the enforcement of a building standard, including the penalties for failure to comply with a building standard.

(d) "Building standard" does not include any safety regulations which any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating including, but not limited to, warehousing and food processing operations, excepting safety regulations relating to permanent appendages, accessories, apparatus, appliances, and equipment attached to such building as a part thereof, as determined by the commission.

(e) "Building standard" does not include temporary scaffoldings and similar temporary safety devices and procedures, which are used in the erection, demolition, moving, or alteration of buildings.

(f) "Building standard" does not include any regulation relating to operations or procedures established for the administration of a program of a state agency or for the internal management of a state agency.

(g) "Building standard" does not include any regulation, rule, order, or standard which pertains to mobilehomes, commercial coaches, or recreational vehicles.

(h) "Building standard" does not include any regulation, rule, order, or standard which pertains to mausoleums regulated under Part 5 (commencing with Section 9501) of Division 8.

SEC. 2. Section 18913 of the Health and Safety Code is amended to read:

18913. "Emergency standard" means either of the following:

(a) A building standard or an order of repeal of a building standard filed for publication in the code by the commission pursuant to the provisions of 11346.1 of the Government Code.

(b) A building standard adopted by the Occupational Safety and

Health Standards Board which is substantively identical to a federal standard promulgated under Section 6 of the federal Occupational Safety and Health Act of 1970 (P.L. 91-596).

SEC. 3. Section 18926 of the Health and Safety Code is amended to read:

18926. (a) There is, in the office of the executive secretary, a coordinating council. The membership of such council shall consist of the executive secretary who shall serve as chairperson, and representatives appointed by the State Director of Health Services, the Director of the Office of Statewide Health Planning and Development, the Director of Housing and Community Development, the Director of Industrial Relations, the State Fire Marshal, the Executive Director of the State Energy Resources Conservation and Development Commission, and the Director of General Services.

(b) Subject to the pleasure of the commission:

(1) The council or any member of the council shall, when called and directed in writing by the executive secretary, work with and assist an adopting agency in the development of proposals for building standards.

(2) When an adopting agency contemplates the adoption of any building standard, it shall, prior to commencing any action to prepare a draft of the proposal, advise the executive secretary, in writing, of such intent and request the executive secretary to call the council, or any member of the council, as appropriate, for assistance.

(3) Whenever the commission returns for amendment, or rejects any proposed building standard, and one of the reasons for that action is that approval of the proposal would create a conflict with existing building standards of other adopting agencies, the executive secretary shall call the council or any member of the council, as appropriate, to assist in the elimination of the conflict.

(4) The council shall draft proposed building standards which the commission is authorized to adopt pursuant to Section 18933 for the consideration of the commission and approval, utilizing the criteria of Section 18930.

SEC. 4. Section 18930 of the Health and Safety Code is amended to read:

18930. (a) Any building standard adopted by state agencies shall be submitted to and approved by the State Building Standards Commission prior to codification and publication into the State Building Standards Code. In order to accomplish this task, building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

(1) The proposed building standard does not conflict with, overlap, or duplicate other building standards.

(2) The proposed building standard is within the parameters

established by enabling legislation.

(3) The public interest requires the adoption of such building standards.

(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

(5) The cost to the public is reasonable based on the overall benefit to be derived from such building standards.

(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.

(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

(8) The format of the proposed building standards is consistent with that adopted by the commission.

(b) In reviewing building standards submitted for its approval, the commission shall consider only the following:

(1) The record of the proceedings of the adopting agency.

(2) The evidence submitted to and considered by the adopting agency.

(c) The commission shall give great weight to the determinations and analysis of the adopting agency on each of the criteria for approval set forth in subdivision (a). Any factual determinations of the adopting agency shall be considered conclusive by the commission unless the commission specifically finds, and sets forth its reasoning in writing, that such factual determination is arbitrary and capricious or substantially unsupported by the evidence considered by the adopting agency.

Whenever the commission makes such a finding, it shall return the standard to the adopting agency for a reexamination of its original determination of the disputed fact.

(d) Whenever a building standard is principally intended to protect the public health and safety, its adoption shall not be a "factual determination" for purposes of subdivision (c). Whenever a building standard is principally intended to conserve energy or other natural resources, the commission shall consider or review the cost to the public or benefit to be derived as a "factual determination" pursuant to subdivision (c).

(e) Whenever the commission finds, pursuant to paragraph (2) of subdivision (a) that a building standard is adopted by an adopting agency pursuant to statutes requiring adoption of such building standard, the commission shall not consider or review whether such adoption is in the public interest pursuant to paragraph (3) of subdivision (a).

SEC. 5. Section 18937 of the Health and Safety Code is amended to read:

18937. (a) Emergency standards shall be acted on by the commission within 30 days and, except for building standards adopted by the Occupational Safety and Health Standards Board which are substantively identical to a federal standard promulgated

under Section 6 of the federal Occupational Safety and Health Act of 1970 (P.L. 91-596), only when the adopting agencies have made the finding of emergency required by Sections 11346.1 and 11346.5 of the Government Code and have adopted the emergency standard in compliance with Section 11346.1 of the Government Code, and the commission concurs with that finding. Both the concurrence and the approval of the emergency standards require an affirmative vote of two-thirds of the members of the commission attending a meeting, or not less than six affirmative votes, whichever is greater.

(b) Emergency standards approved by the commission pursuant to subdivision (a) shall be filed by the commission pursuant to Section 11346.1 of the Government Code and shall be subject to the provisions of that section.

SEC. 6. Section 18942 of the Health and Safety Code is amended to read:

18942. (a) The commission shall publish, or cause to be published, bound editions of the code in its entirety once in every three years, commencing January 1, 1980. In each intervening year the commission shall publish, or cause to be published, annual bound supplements. In addition, the commission shall publish, for emergency standards defined in subdivision (a) of Section 18913, an emergency standards supplement whenever the commission determines it is necessary. The commission shall also publish, for emergency standards defined in subdivision (b) of Section 18913 and for building standards approved pursuant to subdivision (b) of Section 142.6 of the Labor Code, a semiannual supplement, or a more frequent supplement if required by federal law.

(b) All building standards approved shall be incorporated into the next applicable triennial edition or supplement thereto, and no building standards, except emergency standards and those approved pursuant to subdivision (b) of Section 142.3 of the Labor Code and published pursuant to subdivision (c) of Section 18943, shall become effective until its required approval by the commission and its publication in the triennial edition or annual supplement.

(c) Except emergency standards and building standards approved pursuant to subdivision (b) of Section 142.3 of the Labor Code, no building standards or regulations shall be published in the triennial edition of the code or annual supplement less than 90 days after approval by the commission.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, transmitted to the Office of Administrative Law, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal pursuant to the provisions of Section 11346.1 of the Government Code of emergency standards defined in subdivision (a) of Section 18913 within the period

specified by that section shall also be given to such parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.

(e) The commission may publish, stockpile, and sell at a reasonable price the code and any materials incorporated therein by reference if it deems the latter is insufficiently available to the public, or unavailable at a reasonable price. Each state department concerned and each city and county shall have an up-to-date copy of the code available for public inspection.

SEC. 7. Section 18943 of the Health and Safety Code is amended to read:

18943. (a) State agencies shall repeal all building standards promulgated by such agencies and published in any other title of the California Administrative Code other than the State Building Standards Code as soon as practicable after such building standards are published into the triennial edition or annual supplements of the code, or by January 1, 1985, whichever occurs earlier. Pursuant to the provisions of subdivision (b) of Section 18933, after such publication, the commission may repeal such standards.

(b) Building standards in individual titles of the California Administrative Code other than the State Building Standards Code in effect on January 1, 1980, shall continue in effect until the earlier of the following:

(1) Incorporation into the triennial edition or annual supplements of the code.

(2) Repeal by the state agencies affected.

(3) January 1, 1985.

(c) Notwithstanding the provisions of subdivision (a), building standards adopted by the Occupational Safety and Health Standards Board shall be published as provided in Section 18942 by the commission in the State Building Standards Code. Those building standards may also be published by the Occupational Safety and Health Standards Board in other provisions in Title 8 of the California Administrative Code prior to publication in the State Building Standards Code if that other publication includes an appropriate identification of building standards contained in the other publication.

SEC. 8. Section 142.3 of the Labor Code is amended to read:

142.3. (a) The board, by an affirmative vote of at least four members, may adopt, amend or repeal occupational safety and health standards and orders. The board shall be the only agency in the state authorized to adopt occupational safety and health standards. For the provisions within those standards which are different from the corresponding provisions of a federal standard and which are building standards as defined in Section 18909 of the Health and Safety Code, the board shall comply with the provisions of Section 18930 of the Health and Safety Code and the provisions of subdivision (c) of this section.

The board shall adopt standards at least as effective as the federal

standards for all issues for which federal standards have been promulgated under Section 6 of the Occupational Safety and Health Act of 1970 (P.L. 91-596) within six months of the effective date of the federal standards and which, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce.

(b) The State Building Standards Commission shall approve, codify, and publish building standards adopted by the board in the State Building Standards Code as follows:

(1) When the substantive provisions of the building standard adopted by the board is identical to a previously adopted or amended federal standard promulgated under Section 6 of the federal Occupational Safety and Health Act of 1970 (P.L 91-596), which are expressly required to be at least as effective as federal standards published in the Federal Register pursuant to Section 6 of the Occupational Safety and Health Act of 1970 (P.L. 91-596) within the time period specified by federal law and as provided in subdivision (b) of Section 142.4, and as approved by the Occupational Safety and Health Administration of the United States Department of Labor as meeting the requirements of subdivision (a), it shall be approved and published by the State Building Standards Commission pursuant to the provisions of this part and shall take precedence over building standards adopted or proposed by other adopting agencies. When these standards are not acted upon by the commission within the time period specified by federal law or in subdivision (b) of Section 142.4, the standards shall be deemed approved, and shall be codified and published in the State Building Standards Code, without further review or delay and without return or rejection by the commission.

(2) To the extent the board adopts a building standard, with provisions different from the corresponding federal standard, which building standard is required to be at least as effective as a federal standard, an accelerated approval procedure shall be utilized by the State Building Standards Commission. Such differing provisions shall be acted on by the State Building Standards Commission within 30 days and published in the State Building Standards Code within the time constraints required by federal law, and as provided in subdivision (b) of Section 142.4. These differing provisions adopted by the board and approved by the State Building Standards Commission shall take precedence over building standards adopted by other state agencies. In reviewing those standards, the State Building Standards Commission shall limit its review to the criteria of Section 18930 of the Health and Safety Code, as modified by subdivision (c) of this section.

The board and the State Building Standards Commission shall jointly develop an accelerated procedure to assure adoption and approval of building standards adopted and approved pursuant to this subdivision within the time period specified by federal law.

(3) When building standards adopted by the board address

subjects or issues not mandated by federal law, the board and the State Building Standards Commission shall comply fully with all provisions of the State Building Standards Law, Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, except as otherwise provided in subdivision (c) of this section.

(c) Except for those standards defined in subdivision (b) of Section 18913 of the Health and Safety Code, all other occupational safety and health standards that are building standards as defined in Section 18909 of the Health and Safety Code shall be submitted to the State Building Standards Commission for approval as provided in Section 18930 of the Health and Safety Code and subdivision (b) of this section. Notwithstanding paragraph (7) of subdivision (a) of Section 18930 of the Health and Safety Code, the adoption or refusal to adopt provisions of the model codes as part of occupational safety and health standards by the board are presumed to be appropriate in the interests of employee health and safety. Notwithstanding paragraph (5) of subdivision (a) of Section 18930 of the Health and Safety Code, and recognizing that cost data may not be presented to the board and that the benefits of eliminating safety and health risks are difficult to quantify, all such building standards are presumed to provide a greater benefit than cost in providing occupational health and safety. The presumptions provided in this subdivision are binding upon the State Building Standards Commission unless they are substantially unsupported by the evidence contained in the board's rulemaking file.

(d) Any occupational safety or health standard or order promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure. Where appropriate, such standards or orders shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such occupational safety or health standard or order shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employee is adversely affected by such exposure.

(e) The results of such examinations or tests shall be furnished only to the Division of Occupational Safety and Health, the State Department of Health Services, any other authorized state agency, the employer, the employee, and, at the request of the employee, to his or her physician.

SEC. 9. If this bill and AB 921 are both chaptered and both bills

amend Section 18930 of the Health and Safety Code, the amendments made to that section by AB 921 shall prevail over the amendments made to that section by this bill, whether this bill is chaptered before or after AB 921, and therefore, in that event, Section 4 of this bill shall not become operative.

SEC. 9.5. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement 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. 10. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

CHAPTER 818

An act to amend Section 21155 of, and to add Sections 21155.1 and 21158 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 21155 of the Government Code is amended to read:

21155. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system as a member of the academic staff of a California community college or of the University of California, if that service does not exceed 90 working days in any fiscal year.

SEC. 2. Section 21155.1 is added to the Government Code, to read:

21155.1. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system as a member of the academic staff of a California state university and college, if that service does not exceed, in any fiscal year, a total of 90 days for all employers or 40 percent of the hours the member was employed during the last fiscal year of service prior to retirement.

SEC. 3. Section 21158 is added to the Government Code, to read:

21158. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by a school employer or by the Trustees of the

California State University and Colleges either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing specialized work of limited duration, if that service does not exceed, in any fiscal year, a total of 90 days for all employers or 35 percent of the hours the member was employed during the last fiscal year of service prior to retirement. The retired person's rate of pay for such employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties.

CHAPTER 819

An act to add Article 8 (commencing with Section 12085) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, and to amend Sections 301.5, 9605, and 9612 of the Unemployment Insurance Code, relating to state government reorganization.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Article 8 (commencing with Section 12085) is added to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 8. State Office of Economic Opportunity

12085. Although the economic well-being of the state has progressed to a level surpassing that of any other achieved in world history, and although these benefits are widely shared throughout the state, poverty continues to be the lot of a substantial number of citizens of the state. California can achieve its full economic and social potential as a state only if every individual has the opportunity to contribute the full extent of his or her capabilities and to participate in the workings of society. The Legislature hereby declares that it is the policy of the state to eliminate poverty by providing everyone with the opportunity for education, training, work, and the opportunity to live with dignity and decency The Legislature finds that it is the purpose of this article to strengthen, supplement, and coordinate efforts to further this policy.

In order to employ the resources of both the public and private sectors of the state, and to effectuate the purposes of this article, there is in the Governor's office, a State Office of Economic Opportunity.

12086. The office is under the direction of an executive officer known as the Director of the State Office of Economic Opportunity. The director shall be appointed by the Governor subject to the

confirmation of the Senate, and shall hold office at the pleasure of the Governor. The compensation of the director shall be determined by the Legislature.

The officers and employees of the office also shall be appointed by the Governor.

12087. The office shall do the following:

(a) Recognize existing community action agencies, as defined by Section 2790 of Title 42 of the United States Code, and Indian tribes or tribal organizations, as the operators of programs to serve the poor in local communities, and, where the programs are of a statewide or multicounty nature, other limited purpose agencies may be considered as program operators.

(b) Provide technical assistance, directly or through grants or contracts, to community action agencies, Indian tribes, and other agencies which operate programs of an antipoverty nature.

(c) Coordinate antipoverty efforts throughout the state, to the extent permissible under federal law, to avoid duplication, improve delivery of services, and relate programs to one another.

(d) Maintain liaison with the Federal Office of Economic Opportunity, county and city commissions on economic opportunity, citizens' groups, and all other governmental agencies engaged in economic opportunity programs.

(e) Collect and assemble pertinent information and data available from other agencies of the state and federal governments and disseminate information in the interests of economic opportunity programs in the state by publication, advertisement, conference, workshops, programs, lectures, and other means.

(f) Plan and evaluate long-range and short-range strategies for overcoming poverty in the state.

(g) Mobilize public and private resources in support of antipoverty programs.

(h) Encourage participation by residents of poor communities in the development and operation of community action programs for their betterment.

(i) Advise the Governor of his or her responsibilities under the Economic Opportunity Program (Chapter 34 (commencing with Section 2701) of Title 42 of the United States Code), as well as any other federal law enacted with respect to meeting the needs of the poor.

(j) To the maximum extent feasible, utilize the community action agency in the community to be served in the recruitment of personnel for the department.

(k) Utilize and employ, to the fullest extent possible, consistent with efficient administration, persons from economically disadvantaged areas in carrying out this article.

(*l*) Measure and evaluate, directly or through grants or contracts, the impact of this article and other poverty-related programs authorized by law, in order to determine the effectiveness of the programs in achieving stated goals, impact on related programs, and

the structure and mechanisms for the delivery of services. All the offices under the executive branch shall cooperate and provide the necessary information to the director, upon his or her request, to achieve the purposes of this subdivision.

12088. The State Office of Economic Opportunity is hereby transferred from the Employment Development Department to the Governor's office. The functions, authorities, and responsibilities of the Employment Development Department with regard to the State Office of Economic Opportunity are transferred to the State Office of Economic Opportunity in the Governor's office. All functions, authorities, and responsibilities of the Director of the State Office of Economic Opportunity in the Employment Development Department and the Director of the Employment Development Department with regard to the functions of the State Office of Economic Opportunity are transferred to the Director of the State Office of Economic Opportunity in the Governor's office.

12089. Pursuant to Sections 12080.3 and 19370, all employees of the State Office of Economic Opportunity in the Employment Development Department who on the operative date of this section are serving in the State Civil Service, other than temporary employees, are transferred to the State Office of Economic Opportunity in the Governor's office. The staff of the State Office of Economic Opportunity shall prepare, on behalf of the commission, an annual report regarding the status of poverty in the state and recommend solutions and resources needed to alleviate poverty in the state. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them. Employees serving in positions exempt from State Civil Service shall continue to serve at the pleasure of the Governor.

12090. The State Office of Economic Opportunity in the Governor's office shall have possession and control of all records, papers, offices, equipment, supplies, land, and other property real or personal held for the benefit or use of the State Office of Economic Opportunity in the Employment Development Department.

12091. All unexpended balances of appropriations and other funds available to the State Office of Economic Opportunity in the Employment Development Department shall be transferred to the State Office of Economic Opportunity in the Governor's office. All funds so transferred shall be for the use and for the purpose for which the appropriation or other funds were originally made available.

12092. There is in the Governor's office a State Office of Economic Opportunity Advisory Commission, which consists of 11 members. Two shall be appointed by the Rules Committee of the Senate, two shall be appointed by the Speaker of the Assembly, and seven shall be appointed by the Governor. Of the Governor's seven appointments, one shall be a representative of organized labor, one shall be a representative of the business community, one shall be a member of the State Community Action Association, one shall be a low-income person from northern California, one from central

California, and two from southern California. The term of each member shall be four years. The commission shall advise the director on program development, establishment of goals, and priorities in combating poverty. It shall also review office performance and make recommendations to the director and the Governor for improvement. The director shall serve as executive secretary to the commission, and shall provide such staff and resources as he or she deems essential.

SEC. 2. Section 301.5 of the Unemployment Insurance Code is amended to read:

301.5. The department succeeds to and has all the duties, powers, purposes, responsibilities and jurisdiction vested in the State Service Center Program authorized by the 1966 Second Extraordinary Session of the Legislature and established in the Governor's office by Executive Order 66-11, July 1966.

SEC. 3. Section 9605 of the Unemployment Insurance Code is amended to read:

9605. The department shall:

(a) Conduct the state manpower program, with the exception of manpower programs conducted by units of local general purpose government.

(b) Be the sole state agency to approve and coordinate publicly funded job training and placement programs, which it administers. The department shall approve programs only if consistent with the plans developed under Section 9600 and other provisions of this division.

(c) Be responsible for developing program objectives for each category of the service program it administers, establishing cost-effective results measurement, and providing accountability for results as related to the objectives set.

(d) Appoint an advisory committee of representatives of employers and employer organizations to enlist the advice and support of private industry in developing a statewide system for making jobs available to job trainees following successful completion of job training and placement programs.

(e) Develop controls to insure that job training and placement programs, it administers meet existing labor market needs as viewed by employers. The department shall study training and personnel selection methods used successfully by private industry.

(f) Encourage placement of eligible persons in public employment with the assistance of an advisory group representing state and local officials and representatives of economically disadvantaged areas appointed by the department.

(g) Evaluate the need for specific new public employment opportunities.

(h) Determine the kinds and quality of job training and placement programs, it administers necessary to provide placement in public employment for eligible persons and develop means to realign job tasks to develop greater employment opportunities for

eligible persons.

(i) Cooperate with the State Personnel Board and local personnel officials in developing and upgrading employment opportunities for and in eliminating unnecessary barriers to the placement of eligible persons in public employment.

The State Personnel Board and other state and local agencies shall cooperate to the maximum extent feasible to achieve the purposes of this division.

(j) Conduct and administer the California Migrant Master Plan.

SEC. 4. Section 9612 of the Unemployment Insurance Code is amended to read:

9612. The employees of the department shall be subject to the State Civil Service Act, except for exempt appointees. Members of the California Commission on Aging shall continue to be appointed by the Governor.

CHAPTER 820

An act to amend Sections 12740, 12741, 12743, 12750, 12752, and 12764 of, to add Sections 12753, 12755, 12756, 12757, 12760, and 12761 to, and to repeal Sections 988, 12760, and 12761 of, the Insurance Code, and to amend Sections 12201 and 12221 of the Revenue and Taxation Code, relating to home protection contracts.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 988 of the Insurance Code is repealed.

SEC. 2. Section 12740 of the Insurance Code is amended to read:

12740. The definitions used in this section govern the construction and terms used in this part but shall not affect any other provisions of this code:

(a) "Home protection contract" means a contract or agreement whereby a person, other than a builder, seller, or lessor of the home which is the subject of the contract, undertakes for a specified period of time, for a predetermined fee, to repair or replace all or any part of any component, system or appliance of a home necessitated by wear and tear, deterioration or inherent defect, or by the failure of an inspection to detect the likelihood of any such loss.

Such contract shall provide for a system of service for effectuating such repair or replacement and shall not include protection against consequential damage from the failure of any component, system or appliance.

(b) "Home protection company" means any person licensed pursuant to this part which issues home protection contracts.

(c) "Protection contract fee" means the consideration received,

or to be received, by a home protection company for the issuance of any home protection contract.

(d) "Home" or "residential property" as used in this part means any single or multiple unit or units, including mobilehomes, (as defined in Health and Safety Code Section 18211) used primarily for residential purposes.

SEC. 3. Section 12741 of the Insurance Code is amended to read:

12741. This part shall not apply to:

(a) Performance guarantees or service contracts given by either the builder of a home or the manufacturer or seller of an appliance or other system or component, whether or not an identifiable charge is made for such guarantee or service contract.

(b) Any contract purporting to offer a home protection plan or warranty executed on or before December 31, 1978, by a company regularly transacting the business of offering such contracts on or before May 3, 1978, and which contract by its terms expires on or before March 31, 1980.

(c) Any service contract, guarantee or warranty intending to guarantee or warrant the repairs or service of a home appliance, system or component, provided such service contract, guarantee or warranty is issued by a person who has sold, serviced, repaired or provided replacement of such appliance, system or component at the time of, or prior to issuance of such contract, guarantee or warranty; and, provided, further, that the person issuing the service contract, guarantee, or warranty, does not engage in the business of a home protection company.

(d) The provider of any pest control service agreement pursuant to Section 8516 of the Business and Professions Code.

SEC. 4. Section 12743 of the Insurance Code is amended to read:

12743. The following provisions of this code shall be applicable to home protection contracts and home protection companies:

(a) Sections 1 to 46, inclusive.

(b) Chapter 3 (commencing with Section 330) of Part 1, Division 1.

(c) Chapter 12 (commencing with Section 679.70) of Part 1, Division 1.

(d) These provisions of Chapter 1, Part 2, Division 1:

(1) Article 1 (commencing with Section 680).

(2) Article 1.5 (commencing with Section 685).

(3) Article 2 (commencing with Section 690).

(4) Section 699, 699.5, 700, 701, 704, 704.5, 704.7, 705, 705.1, 707, 708, 709, 710, 713, 714, 715, 716, 717, 718, 720, and 725 of Article 3 (commencing with Section 699).

(5) Section 750.

(6) Article 5.5 (commencing with Section 770).

(7) Article 6.5 (commencing with Section 790).

(8) Article 8 (commencing with Section 820)

(9) Article 9 (commencing with Section 880).

(10) Article 11 (commencing with Section 939).

(11) Article 13 (commencing with Section 980).
(12) Article 14 (commencing with Section 1010).
(13) Article 14.5 (commencing with Section 1065.1).
(14) Article 15 (commencing with Section 1070).
(15) Article 16 (commencing with Section 1080).
(16) Article 17 (commencing with Section 1100).

(e) These provisions of Chapter 2, Part 2, Division 1:

(1) Article 1 (commencing with Section 1140).
(2) Article 2 (commencing with Section 1150).
(3) Article 3 (commencing with Section 1170).
(4) Article 4 (commencing with Section 1190).
(5) Article 4.7 (commencing with Section 1215).
(6) Article 7 (commencing with Section 1250).
(7) Article 8 (commencing with Section 1260).

(f) Article 4 (commencing with Section 1610) of Chapter 4 of Part 2 of Division 1.

(g) Article 3 (commencing with Section 1631) of Chapter 5 of Part 2 of Division 1.

(h) Sections 1850, 1850.5, 1852, 1853.5, 1853.7, 1853.8, 1857, 1857.2, 1857.3, 1857.4, 1857.5, 1858, 1858.05, 1858 1, 1858.15, 1858.2, 1858.3, 1858.4, 1858.5, 1858.6, 1858.7, 1859, 1859.1, 1860, 1860 1, 1860.2 of Chapter 9, Part 2, Division 1.

(i) Division 3 (commencing with Section 12900).

(j) In any references in the provisions made applicable to this part by subdivisions (a) to (i) inclusive of this section:

(1) "Insurer" shall mean home protection company.
(2) "Insured" shall mean a home protection contract holder.
(3) "Premium" shall mean protection contract fee.
(4) "Policy" or "insurance" shall mean home protection contract.

(k) When any provision of this code, other than this part, is applied to home protection companies, such provision shall be construed in accordance with the nature of home protection companies and the home protection business In the event of any conflict between such other provision and this part, this part shall prevail.

SEC. 5. Section 12750 of the Insurance Code is amended to read:

12750. (a) A home protection company which has issued or renewed an aggregate number of 1,000 or less contracts in the preceding calendar year shall maintain a minimum net worth of forty thousand dollars ($40,000) and for each additional 500 contracts, or fraction thereof, up to 10,000 contracts, an additional twenty thousand dollars ($20,000).

(b) Net worth is defined as the excess of admitted assets over all liabilities and required reserves. At least twenty thousand dollars ($20,000) of net worth shall consist of paid-in capital.

SEC. 6 Section 12752 of the Insurance Code is amended to read:

12752. (a) Each home protection company shall file statements exhibiting its conditions and affairs in accordance with Sections 900, 900.5, 900.7, 900.8, 900.9, 902, 903, 903 5, 904 to 911, inclusive, 922 1 to

922.8, inclusive, 923, 923.5, and 924; provided however, the required contents of such statements may be varied from the requirements thereof, pursuant to regulation adopted by the commissioner in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, so as to adapt such requirements to the home protection business.

(b) The commissioner shall, prior to licensure and at such times as appear necessary, examine the business and affairs of any home protection company subject to this part. Every home protection company so examined shall open its books and records for inspection by the commissioner and shall otherwise facilitate and cooperate in such examination. In making such examination, the commissioner shall have the rights specified in Section 733, and the examinee shall be subject to the obligations of Section 736.

SEC. 7. Section 12753 is added to the Insurance Code, to read:

12753. (a) A home protection insurer shall maintain a reserve for unearned premiums in an amount not less than 40 percent of the aggregate premiums charged on its contracts currently in force.

(b) For purposes of this section, such reserve shall not include protection contract fees on home protection contracts to the extent provision is made for reinsurance of the outstanding risk on such contracts.

(c) The commissioner may, by regulation, prescribe the format by which the reserve shall be reported.

SEC. 8. Section 12755 is added to the Insurance Code, to read:

12755. A home protection company shall be deemed insolvent whenever its net worth is reduced below 50 percent of the amount required by Section 12750.

SEC. 9. Section 12756 is added to the Insurance Code, to read:

12756. A home protection company shall invest only in those assets defined in Article 3 (commencing with Section 1170) and Article 4 (commencing with Section 1190) of Chapter 2 of Part 2 of Division 1, except that an amount to be determined by the commissioner by regulation of its admitted assets may be invested in tangible personal property held by it for the purpose of repair or replacement of home components, systems or appliances under its home protection contracts.

SEC. 10. Section 12757 is added to the Insurance Code, to read:

12757. The provisions of Article 14.2 (commencing with Section 1063) of Chapter 1 of Part 2 of Division 1, shall not be applicable to home protection companies.

SEC. 11. Section 12760 of the Insurance Code is repealed.

SEC. 12. Section 12760 is added to the Insurance Code, to read:

12760. No home protection company shall pay a commission to any person as an inducement or compensation for the issuance, purchase or acquisition of a home protection contract. The provisions of this section shall not prohibit payment of an override commission or marketing fee to an employee or commission sales agent who is the marketing representative of the home protection company or its

parent, subsidiary, or affiliate on the sale or marketing of a home protection contract, provided such person is not a real estate licensee sharing in or entitled to share in, or affiliated with a real estate brokerage firm which is entitled to share in the real estate commission generated by the underlying real property transaction.

SEC. 13. Section 12761 of the Insurance Code is repealed.

SEC. 14. Section 12761 is added to the Insurance Code, to read:

12761. (a) The furnishing of a policy of home protection insurance without charge to any person shall constitute a violation of this part. No home protection contract providing coverage prior to the time an interest in the home to which it attaches is sold shall be issued or delivered unless it provides for consideration. Such consideration may consist of a bona fide promise to pay the protection contract fee at the time of and only upon transfer of title.

(b) A home protection company may require an onsite inspection as a prequalification for the issuance of a home protection contract, and in such event offer a report on the inspection in connection with a bona fide application for the issuance of such contract even though the issuance of a contract on the property which is the subject of the inspection does not occur.

SEC. 15. Section 12764 of the Insurance Code is amended to read:

12764. (a) Any home protection contract shall be noncancellable during the initial term for which it was issued, except for:

(1) Nonpayment of protection contract fees;

(2) Fraud or misrepresentation of facts material to the issuance of such contract; or

(3) Contracts providing coverage prior to the time that an interest in the residential property to which it attaches is sold, upon the contingency that such sale does not occur.

(b) Nothing in this section establishes a right of the contract holder to renewal of any contract.

SEC. 16. Section 12201 of the Revenue and Taxation Code is amended to read:

12201. Every insurer doing business in this State shall annually pay to the State a tax on the bases, at the rates, and subject to the deductions from the tax hereinafter specified. For purposes of the tax imposed by this chapter, "insurer" shall be deemed to include a home protection company as defined in Section 12740 of the Insurance Code.

SEC. 17. Section 12221 of the Revenue and Taxation Code is amended to read:

12221. In the case of an insurer not transacting title insurance in this State, the basis of the tax is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this State. "Gross premiums" do not include premiums received for reinsurance and for ocean marine insurance Gross premiums of reciprocal or interinsurance exchanges shall be determined as provided in Section 1530 of the Insurance Code. For purposes of the tax imposed by this chapter,

"gross premiums" shall be deemed to include home protection contract fees defined in Section 12740 of the Insurance Code.

CHAPTER 821

An act to add Section 4790 to the Welfare and Institutions Code, relating to developmentally disabled.

[Approved by Governor September 25, 1981. Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 4790 is added to the Welfare and Institutions Code, to read:

4790. (a) It is the intent of the Legislature to provide an incentive for regional centers to select out-of-home placements that are most appropriate for each person with a developmental disability requiring out-of-home care and to provide a disincentive for inappropriate placement in or delayed discharge from state hospitals.

(b) By March 1, 1982, the Health and Welfare Agency shall submit to the Legislature a detailed implementation plan for a pilot project involving four regional centers. These regional centers shall receive allocations of funds equivalent to the cost of state hospital care for the clients of the individual regional center from which they shall purchase services from state hospitals or other providers.

(c) Funds so allocated shall cover costs of care of all clients of the pilot project regional centers in state hospitals and, in addition, shall be used to pay costs of (1) community care, including but not limited to, out-of-home care for clients currently residing in state hospitals who have been deemed more appropriately served in the community, and (2) out-of-home costs for persons placed after receipt of the allocation.

(d) Regional centers shall be selected on the basis of their willingness to participate in the project, their demonstrated ability to provide necessary community care resources, and their relative standing in the provision of high quality programmatic and administrative services in accordance with the systems evaluation package review of regional centers by the State Department of Developmental Services. In order to ensure the most efficient use of these provisions, one of the four selected regional centers shall have the highest ratio of nonstate hospital out-of-home residential placements in its total active caseload.

CHAPTER 822

An act to amend Section 4801.7 of the Civil Code and Section 674.5 of the Code of Civil Procedure, relating to orders for support.

[Approved by Governor September 25 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 4801.7 of the Civil Code is amended to read:

4801.7. (a) In any proceeding where a court makes or has made an order requiring payment of spousal support, the court may direct that payment thereof shall be made to the officer of the court or county officer designated by the court for the purpose. The court may include in any such order any service charge imposed under the authority of Section 279 of the Welfare and Institutions Code.

(b) In any proceeding where the court has entered an order pursuant to subdivision (a) the court may also refer the matter of enforcement of the spousal support order to the district attorney. The district attorney may bring such enforcement proceedings as he or she in his or her discretion deems appropriate. Nothing in this section shall be construed to prohibit the district attorney from bringing an action or from initiating process to enforce or to punish the failure to obey an order for spousal support under any provision of law which empowers the district attorney to bring such an action or initiate such a process, whether or not there has been a referral by the court pursuant to this section.

(c) Notwithstanding the provisions of subdivision (b), in any case in which the district attorney is required to appear on behalf of a welfare recipient in a proceeding to enforce an order requiring payment of child support, the district attorney shall also enforce any order requiring payment to the welfare recipient of spousal support that is in arrears.

(d) Insofar as expenses of the county clerk or other officer of the court or county officer designated by the court, and expenses of the district attorney incurred in the enforcement of any order referred by the court exceed any service charge imposed under Section 279 of the Welfare and Institutions Code, they shall be a charge upon the county where the proceedings are pending. Any fees for service of process in the enforcement of any such order shall be a charge upon the county where the process is served.

SEC. 2. Section 674.5 of the Code of Civil Procedure is amended to read:

674.5. (a) A certified copy of any judgment or order of the superior court of this state for spousal or child support, when recorded with the recorder of any county, shall from the recording become a lien upon all real property of the judgment debtor, not exempt from execution, in the county, owned by him or her at the

time, or which he or she may afterwards and before the lien expires, acquire, for the respective amounts and installments as they mature (but shall not become a lien for any sum or sums prior to the date they severally become due and payable) which lien shall have, to the extent herein provided and for the period of 10 years from the recording, the same force, effect and priority as the lien created by recordation of an abstract of a money judgment pursuant to Section 674.

(b) The certificate of the judgment debtor, or in the event of legal disability, the affidavit of the personal representative of the judgment debtor, certified by him or her under penalty of perjury, that all amounts and installments which have matured under the judgment prior to the date of the certificate have been fully paid and satisfied shall, when acknowledged and recorded, be prima facie evidence of such payment and satisfaction and conclusive in favor of any person dealing in good faith and for a valuable consideration with the judgment debtor or his or her successors in interest.

(c) A certificate of the judgment debtor shall be accompanied by either: (1) an affidavit executed under penalty of perjury by the judgment creditor that all amounts and installments which have matured under the judgment prior to the date of the affidavit have been fully paid or satisfied; or (2) proof of service, showing proof of service of an unexecuted copy of the certificate intended to be recorded by the judgment debtor, upon the judgment creditor by personal service or by certified mail with a copy of the return receipt attached to the certificate of service, indicating service at least 10 days prior to recordation of the executed certificate of the judgment debtor. Any certificate of the judgment debtor served upon the judgment creditor shall include a notice in substantially the following form:

IMPORTANT NOTICE

The person required to pay you child or spousal support intends to record this certificate stating that the payments are current. If the person is not current in the payments, you must, within 10 days, file an affidavit of nonpayment under penalty of perjury stating the fact of a delinquency and the amount thereof in order to prevent the release of any lien which may exist on the real property of the person.

The affidavit must be recorded with the county recorder of _____ County. (State county in which judgment recorded.)

The judgment creditor may, within 10 days of service of the copy of the certificate, execute an affidavit of nonpayment declaring that matured amounts and installments under the judgment have not been fully paid, and the amount thereof. The affidavit of noncompliance shall be signed under penalty of perjury by the judgment creditor and shall set forth the name of the debtor and shall be recorded in the general index under the name of the

judgment debtor.

The recording of an affidavit of nonpayment by the judgment creditor made within 10 days after date of service by the judgment debtor shall cause any executed certificate of the judgment debtor recorded within the 10-day period to be without any force and effect, unless and until the affidavit of nonpayment is expunged by a court order or until an affidavit is executed under penalty of perjury by the judgment creditor that all amounts and installments which have matured under the judgment prior to the date of the affidavit have been fully paid or satisfied. An affidavit of nonpayment shall be without any force or effect and shall be void if recorded more than 10 days after service of the unexecuted certificate of the judgment debtor upon the judgment creditor.

In the event the judgment creditor records a knowingly false affidavit of nonpayment the judgment creditor shall be liable to the judgment debtor for all damages proximately caused by the false affidavit, in addition to any reasonable attorney's fees.

(d) If any amount of child support provided in a support order has been recorded by or directed to be made to an officer designated by the court pursuant to Section 4702 of the Civil Code or any other provision of law and the directive is set forth in the copy of the recorded judgment or order, or in a recorded certified copy of an amended or supplemental order, the certificate shall not affect the lien unless approved in writing by the designated officer. The provisions of subdivision (c) shall not apply to any release of lien pursuant to this subdivision.

(d) Whenever a certified copy of any judgment or order of the superior court for spousal or child support has been recorded with the recorder of any county, the expiration or satisfaction thereof made in the manner of an acknowledgment of a conveyance of real property may be recorded.

CHAPTER 823

An act to add Section 31808.8 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 31808.8 is added to the Government Code, to read:

31808.8. The board of supervisors of a county of the third class may, by majority vote, adopt a resolution providing either or both of the following:

(a) That subdivision (b) of Section 31808 is applicable to persons

who become members of the county retirement system after the effective date designated in the resolution and that persons who were subject to subdivision (a) of Section 31808 prior to that date may elect to have their retirement allowance for services rendered after that date computed in accordance with subdivision (b) of Section 31808.

(b) That an employee who is subject to subdivision (a) of Section 31808.7 may elect to have his retirement allowance computed, with respect to service rendered after the effective date designated in the resolution, in accordance with 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 31676.12 in the column applicable to his 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 31676.12 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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

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CHAPTER 824

An act to add Section 6546.6 to the Government Code, relating to ports.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 6546.6 is added to the Government Code, to read:

6546.6. In any county with a population determined by the last official census of 4,000,000 or more, any agency, commission, or board provided for by joint powers agreement entered into by cities pursuant to Article 1 (commencing with Section 6500) for the purpose of the acquisition of land, design, engineering, construction, operation, maintenance, improvement, and administration of an intermodal container transfer facility, may carry out that purpose and may authorize the issuance of revenue bonds, pursuant to this

article, to pay for acquiring the land, designing, engineering, constructing, and improving that project, including all facilities, improvements, and all expenses incidental thereto or connected therewith. Only those revenues derived from the lease or operation of the intermodal container transfer facility shall be used to pay the principal of, and the interest and premium, if any, on, those revenue bonds.

The power to issue revenue bonds under this section shall be of no further force and effect after December 31, 1995, unless (1) the entity has initially issued revenue bonds on or prior to December 31, 1995, or (2) the entity is unable to initially issue revenue bonds to accomplish the purpose of this section by reason of litigation relating to the initial issuance, in which case the power to initially issue revenue bonds under this section shall continue to be effective until the final determination of that litigation and for one year thereafter. If the entity has initially issued revenue bonds within either of the time periods permitted by the prior sentence of this paragraph, the power to issue subsequent issues of revenue bonds under this section shall continue so long as this section shall be in effect.

CHAPTER 825

An act to add and repeal Sections 23044 and 25107 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. The Legislature finds that it is desirable to stimulate the conduct of the international banking business within California by recognizing and encouraging the establishment of international banking facilities by institutions conducting banking businesses within the state.

SEC. 2. Section 23044 is added to the Revenue and Taxation Code, to read.

23044. "International banking facility" means a facility represented by a set of asset and liability accounts segregated on the books and records of a commercial bank, the principal office of which is located in this state, and which is incorporated and doing business under the laws of the United States or of this state, a United States branch or agency of a foreign bank, an Edge corporation organized under Section 25 (a) of the Federal Reserve Act, 12 United States Code 611-631, or an Agreement corporation having an agreement or undertaking with the Board of Governors of the Federal Reserve System under Section 25 of the Federal Reserve Act, 12 United States

Code 601-604 (a), that includes only international banking facility time deposits (as defined in subsection (a) (2) of Section 204.8 of Regulation D (12 CFR Part 204), as promulgated by the Board of Governors of the Federal Reserve System), and international banking facility extensions of credit (as defined in subsection (a) (3) of Section 204.8 of Regulation D).

SEC. 3. Section 25107 is added to the Revenue and Taxation Code, to read:

25107. (a) For the purposes of allocation and apportionment of income under Sections 25101 and 25121, an international banking facility maintained by a bank within California shall be considered located without the state. Intangible personal property and sales reflected on the segregated books and records maintained pursuant to Section 23044 and recognized by the Board of Governors of the Federal Reserve System as attributable to the international banking facility shall be attributed to that international banking facility in determining the property, payroll, and sales factors of the bank.

(b) As used in this section, "bank" means a commercial bank, the principal office of which is located in this state and which is incorporated and doing business under the laws of the United States or of this state, a United States branch or agency of a foreign bank, an Edge corporation organized under Section 25 (a) of the Federal Reserve Act, 12 United States Code 611-631, or an Agreement corporation having an agreement or undertaking with the Board of Governors of the Federal Reserve System under Section 25 of the Federal Reserve Act, 12 United States Code 601-604 (a).

SEC. 4. The Department of Finance, in coordination with the Legislative Analyst, shall report to the Legislature on the economic impact and tax implications of this act on or before December 31, 1986.

SEC. 5. This act shall remain in effect only until January 1, 1989, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends such date.

SEC. 6. 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 ending on or after December 3, 1981.

CHAPTER 826

An act to amend Sections 6511.6, 6527.5, 6528, 6545.1, 6548, 6550.5, 6550.6, and 6625 of the Business and Professions Code, relating to barbering.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 6511.6 of the Business and Professions Code is amended to read:

6511.6. (a) All examinations to determine fitness to practice as a barber or to serve as an instructor in a barber college shall be prepared by or under the direction of the board after consultation with an examination review committee appointed by the board pursuant to this section. The board shall appoint the members of the examination review committee by February 1, 1982. The examinations shall be administered by examiners-field representatives appointed by the director, pursuant to the State Civil Service Act, Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code, after consultation with and advice from the board.

The board shall after consultation with the examination review committee establish standards and procedures governing the administration and grading of examinations that will reasonably carry out the purposes of this section and shall exercise the supervision necessary to assure compliance with its provisions.

(b) The examination review committee appointed by the board shall consist of seven persons, two of whom shall be members of the board; two of whom shall possess valid registered barber certificates in this state and shall have practiced barbering in this state for at least two years prior to the appointment; two of whom shall possess valid registered barber instructor certificates in this state and be employed by a barber college which is licensed in this state; and one of whom shall possess a valid registered barber certificate in this state, shall have been licensed in this state for at least two years prior to appointment, and shall represent a professional barber organization with a membership of at least 1,000 persons.

(1) The members of the examination review committee shall serve for a two-year term from the date of appointment, but a member of the examination review committee may be removed by the board for cause as specified in Section 106 or Section 106.5.

(2) The examination review committee shall review all written examination questions, examination procedures, and examination standards used to determine fitness to practice as a barber or to serve as an instructor in a barber college, and shall make recommendations in that connection to the board.

(3) Each member of the examination review committee shall receive a per diem and expenses as provided in Section 103.

(c) An examiner-field representative shall have been engaged in conducting examinations under this chapter to determine fitness to practice as a barber or to serve as an instructor in a barber college for at least six months within the one year immediately prior to

appointment, or shall be a registered barber who has engaged in the practice of barbering in this state for at least two years immediately prior to appointment.

SEC. 2. Section 6527.5 of the Business and Professions Code is amended to read:

6527.5. It is unlawful for any person, firm, or corporation to operate a barber college unless its training program is conducted at all times under the direct supervision of a person holding a certificate of registration in good standing as an instructor or provisional instructor issued by the board.

SEC. 3. Section 6528 of the Business and Professions Code is amended to read:

6528. It is unlawful for any person to act as an instructor in a barber college unless that person holds an instructor certificate or provisional instructor certificate in good standing issued by the board and unless the certificate and the person's certificate as a registered barber are displayed in a conspicuous place on the premises at all times. Any registered barber who applies to the board for an instructor certificate and who fulfills the requirements of subdivisions (a), (b), (c), and (d) of Section 6550.5, pays the amount equal to the instructor certificate fee, and enrolls within nine months of the application date in a teacher training program required by subdivision (a) of Section 6550.6 shall be issued a provisional instructor certificate and may act as an instructor for 12 consecutive months from the date of the original application. No person shall act as an instructor after expiration of that period until an instructor certificate is issued by the board.

SEC. 4. Section 6545.1 of the Business and Professions Code is amended to read:

6545.1. Any person is qualified to receive a certificate of registration to practice barbering who complies with each of the following:

(a) The applicant is at least 17 years of age.

(b) The applicant is not subject to denial pursuant to Section 480.

(c) The applicant has completed the proper grade in school as prescribed in Section 6546.5, or has an equivalent education to be determined by an examination conducted by an examining agency prescribed by the board.

(d) The applicant has either of the following:

(1) A valid cosmetology certificate issued by the California Board of Cosmetology and presents proof satisfactory to the board that the applicant has performed the acts of cosmetology in a properly licensed cosmetology establishment in California for a period of at least three months within the last two years immediately before filing the application, and proof of completion of a 400-hour course in a college approved by the board.

(2) Proof of completion of a 1,600-hour course in a cosmetology school licensed by the California Board of Cosmetology within one year immediately prior to filing of the application required by this

section, and proof of completion of a 400-hour course in a college approved by the board.

(e) The applicant provides such other information the board may require.

(f) The applicant has passed a satisfactory examination conducted by the board.

(g) The applicant has completed and filed an acceptable application with the board and has paid the application, examination and certificate fees required by this chapter.

If the applicant fails to pass the examination, a new application may be filed, accompanied by the required application and examination fees, and another examination taken. In no event shall the applicant be permitted to practice barbering until such time as an examination is satisfactorily passed and a certificate of registration as a registered barber is received.

SEC. 5. Section 6548 of the Business and Professions Code is amended to read:

6548. Not less than four times each year at the times and places it determines, the board shall conduct examinations to ascertain the educational qualifications of each of the following:

(a) Applicants for certificates of registration to practice as registered barbers.

(b) Applicants for certificates of registration to practice as instructors in a barber college.

The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board. The examination for a certificate of registration as a registered barber shall include the standard methods for dressing all textures of hair, including hair relaxing. The written examination shall be limited to the following subjects:

(a) Sanitation, antiseptics, sterilization, hygiene, and bacteria.

(b) Hair tonics, hairdressing preparations, and rinses.

(c) Facials and scalp massages or treatments with creams, lotions, oils, or other cosmetic preparations either by hand or mechanical appliances, but such appliances shall not be galvanic nor faradic.

(d) Shop management, implements, and a brief study of the history of barbering.

(e) Laws and regulations governing the practice of barbering.

(f) Common skin and hair diseases of the scalp, face, and neck.

(g) The structure and functions of the skin and hair of the scalp, face, and neck.

(h) Cosmetic preparations and chemicals used in the practice of barbering.

(i) Circulations, muscles, nerves, and cells of the scalp, face, and neck only as such subjects are related to massaging or other acts of barbering.

(j) Fundamentals of hair coloring and bleaching.

(k) Fundamentals of hair straightening (also known as hair relaxing).

(*l*) Hairpieces (toupees), measuring, fitting, and servicing.

(m) Waving of hair, except that waving shall not include permanent waving.

In the event that an applicant fails to appear for a scheduled examination, the board may assess a penalty fee of not more than 50 percent of the examination fee and in no event to exceed five dollars ($5). The board shall reschedule the examination date for the applicant upon the applicant's payment of the penalty fee.

SEC. 6. Section 6550.5 of the Business and Professions Code is amended to read:

6550.5. The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following:

(a) Files an application with the board in such form as it may prescribe, accompanied by the application and examination fees.

(b) Is not subject to denial pursuant to Section 480.

(c) Holds a valid certificate as a registered barber in this state and has one of the following:

(1) Has had two years of experience in this state as a registered barber.

(2) Has had at least two years of experience as a registered barber in another state or country whose requirements for licensing barbers are substantially equivalent to those in this state.

(3) Has affidavits from at least two persons stating that the applicant has had at least four years of practice as a barber in another state or country whose requirements for licensing barbers are not substantially equivalent to those in this state.

(4) Is a registered barber and has completed an approved 400-hour instructor training program within a six-month period in a barber college.

(d) Has completed the 12th grade or the equivalent thereof as determined by an examination conducted by an examining agency approved by the board.

(e) Has paid the certificate fee required by this chapter.

(f) Successfully passes a written examination on the theory of barbering which shall be limited to the following subjects:

(1) Sanitation, antiseptic, sterilizaton, hygiene, and bacteria.

(2) Shop management, ethics, salesmanship, implements, and the history of barbering.

(3) Laws and regulations governing the practice of barbering.

(4) Common skin and hair diseases of scalp, face, and neck.

(5) Structure and function of the skin and hair of the scalp, face, and neck.

(6) Cosmetics and chemical preparations used in the practice of barbering.

(7) Circulation, muscles, nerves, and cells of the scalp, face, and neck only as subjects are related to massaging or other acts of

barbering.

(8) The principles of teaching which are included in the teacher syllabus.

The amendments made to this section at the 1961 Regular Session of the Legislature shall not apply to any person who holds a certificate of registration as an instructor in a barber college on the effective date of the amendments to this section.

SEC. 7. Section 6550.6 of the Business and Professions Code is amended to read:

6550.6. (a) Within two years from the date of issuance of a certificate to instruct in a barber college, the holder of the certificate shall enroll and successfully complete a course approved by the board in teacher training. A course approved must be equivalent to the 60 hours as required for teachers of industrial education by the State Board of Education. Any instructor who has previously completed an approved training program may use that training to meet the requirements of this section. Licensees who do not complete the training required by this subdivision shall have their instructor certificates suspended until they are in compliance. The board may, in its discretion, and for good cause extend the time allowed for completing the teacher training course. Good cause shall include, but is not limited to, interruptions in completing the course of instruction caused by illness, accident or service in the armed forces of the United States. This subdivision shall not apply to any person who has been issued a certificate prior to the effective date of this subdivision.

(b) Every person who holds a certificate of registration as an instructor in a barber college and is engaged as an instructor in a barber college shall attend a seminar on barbering, approved by the board, at least once every two years. The board may, however, excuse an instructor from attendance of a seminar until the next seminar upon showing of good cause, which shall include but is not limited to illness of or accident to the instructor. To be excused from a seminar the instructor shall make a written request to the board explaining his reason for nonattendance.

The board shall approve seminars based upon the subject matter given, the length of time devoted to each such subject, and the general manner in which conducted.

SEC. 8. Section 6625 of the Business and Professions Code is amended to read:

6625. Certificates to operate a barber college or a facility at which barbering is taught expire at 12 midnight on September 30 of each year, and all other certificates expire at 12 midnight on September 30 of each odd-numbered year, if not, in each instance, renewed.

CHAPTER 827

An act to amend Section 11017.5 of the Government Code, relating to administrative regulations.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 11017.5 of the Government Code is amended to read:

11017.5. (a) When a statute is enacted establishing a new program or requiring interpretation pursuant to the Administrative Procedure Act, the state agency responsible for the program or regulatory action shall, six months after the operative date or the effective date of the statute, whichever is later, issue a clear and concise summary of actions taken to implement the statute to the author of the statute, the policy committees in each house of the Legislature that considered the statute and, if the statute has been considered by the fiscal committee of either house of the Legislature, to the Joint Legislative Budget Committee and to the fiscal committee of each house of the Legislature that considered the statute.

(b) In addition, the state agency responsible for the program or regulatory action shall send copies of all regulations proposed to implement the statute, and notice of any hearings held on those regulations before those hearings are held, to the author of the statute, so long as the author is a Member of the Legislature.

CHAPTER 828

An act to amend Sections 1250.1, 1250.3, and 1275.2 of, and to add Section 437.115 to, the Health and Safety Code, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 437.115 is added to the Health and Safety Code, to read:

437.115. (a) In addition to the exemption required by Section 437.11, the office director shall exempt from the provisions of Sections 438 to 438.13, inclusive, and shall issue a certificate of need for those projects where the applicant has shown and the office director has found all of the following:

(1) The project is for either of the following:

(A) The conversion of a skilled nursing or community care facility, or acute psychiatric hospital or a county funded institution-based alcoholism program, certified by the Department of Alcohol and Drug Programs pursuant to Section 11831 as a residential treatment program, to a chemical dependency recovery hospital as defined in subdivision (a) of Section 1250.3, and provided that the facility to be converted has, prior to June 1, 1981, and continuously thereafter, been used exclusively to provide 24-hour residential chemical dependency recovery services, including the basic services enumerated in Section 1250.3 under the direction of a medical director.

(B) The construction and licensure of a chemical dependency recovery hospital where the project was commenced prior to June 1, 1981, and is being diligently pursued to completion, and provided that the person or entity proposing such facility was, prior to June 1, 1981, operating in this state a skilled nursing or community care facility used exclusively for 24-hour residential chemical dependency recovery services, including the basic services enumerated in Section 1250.3, under the direction of a medical director. As used in this paragraph, "commencement of the project" means acquisition of the site on which the facility is to be located and submission of drawings for the project to the local government having jurisdiction containing substantially sufficient detail for the issuance of a building permit or permits.

(2) The project could not meet the construction standards established by law or regulation for general acute care hospitals.

(3) The applicant has filed a notice of the project with the office director on forms supplied by the office director within 90 days of the effective date of this section.

The office director shall inform the applicant in writing of his or her determination as to eligibility of the application for a certificate of need under this subdivision within 60 days of receipt of a complete application.

(b) In addition to the exemption required by Section 437.11, the office director shall exempt from the provisions of Sections 438 to 438.13, inclusive, and shall issue a certificate of need for a project for the conversion of a portion of the authorized bed capacity of a general acute care hospital in the classifications listed in Section 1250.1 to chemical dependency recovery beds as provided in subdivision (h) of Section 1250.1, or for the conversion of a skilled nursing facility to a chemical dependency recovery hospital as defined in subdivision (a) of Section 1250.3, where the applicant has shown and the office director has found all of the following:

(1) Commencement of the project began prior to August 10, 1981, and is being diligently pursued to completion.

(2) The facility proposing a conversion was, prior to June 1, 1981, operating an alcoholism treatment program, including all the basic services enumerated in Section 1250.3, under the direction of a

medical director, or the facility had obtained, prior to June 1, 1981, the services of a medical director and contracted with program professionals for the conversion of the facility.

As used in this subdivision, "commencement of the project" means a written declaration by the governing body or administration of a hospital of the intention to convert beds of other licensed categories to usage as chemical dependency beds pursuant to subdivision (f) of Section 1250.3 as it existed on August 10, 1981, or a written declaration by the governing body or administration of a skilled nursing facility of the intention to convert to a chemical dependency recovery hospital. Such written declaration shall be transmitted to the State Director of Health Services by August 17, 1981.

(c) Construction or remodeling necessary to enable a facility exempted under this section to comply with applicable licensing regulations shall be deemed to be eligible for exemption under paragraph (2) of subdivision (b) of Section 437.11.

(d) A certificate of exemption issued pursuant to this section shall, for all purposes, have the same effect as a certificate of need issued pursuant to this part.

SEC. 2. Section 1250.1 of the Health and Safety Code is amended to read:

1250.1. The state department shall adopt regulations which define the following bed classifications for health facilities:

(a) General acute care,

(b) General acute care rehabilitation,

(c) Skilled nursing,

(d) Intermediate care-developmental disabilities,

(e) Intermediate care-other,

(f) Acute psychiatric,

(g) Specialized care, with respect to special hospitals only,

(h) Chemical dependency recovery.

Except as provided in Section 1253.1, beds classified as intermediate care beds, on September 27, 1978, shall be reclassified by the state department as intermediate care–other. Such reclassification shall not constitute a "project" within the meaning of Section 437.10 and shall not be subject to any requirement for a certificate of need under Part 1.5 (commencing with Section 437) of Division 1, and regulations of the state department governing intermediate care prior to such date shall continue to be applicable to the intermediate care-other classification unless and until amended or repealed by the state department.

SEC. 2.5. Section 1250.1 of the Health and Safety Code, as amended by Section 2 of this act, is amended to read:

1250.1. The state department shall adopt regulations which define the following bed classifications for health facilities:

(a) General acute care,

(b) General acute care rehabilitation,

(c) Skilled nursing,

(d) Intermediate care—developmental disabilities,

(e) Intermediate care—other,

(f) Acute psychiatric,

(g) Specialized care, with respect to special hospitals only,

(h) Chemical dependency recovery,

(i) Intermediate care facility/developmentally disabled habilitative.

Except as provided in Section 1253.1, beds classified as intermediate care beds, on September 27, 1978, shall be reclassified by the state department as intermediate care—other. Such reclassification shall not constitute a "project" within the meaning of Section 437.10 and shall not be subject to any requirement for a certificate of need under Part 1.5 (commencing with Section 437) of Division 1, and regulations of the state department governing intermediate care prior to such effective date shall continue to be applicable to the intermediate care—other classification unless and until amended or repealed by the state department.

SEC. 3. Section 1250.3 of the Health and Safety Code is amended to read:

1250.3. (a) As defined in Section 1250, "health facility" includes the following type: "chemical dependency recovery hospital" means a health facility which provides 24-hour inpatient care for persons who have a dependency on alcohol or other drugs, or both alcohol and other drugs. Such care shall include, but not be limited to, the following basic services: patient counseling, group therapy, physical conditioning, family therapy, outpatient services, and dietetic services. Each facility shall have a medical director who is a physician and surgeon licensed to practice in this state.

(b) The Legislature finds and declares that problems related to the inappropriate use of alcohol or other drugs, or both alcohol and other drugs are widespread and adversely affect the general welfare of the people of the State of California. It is the intent of the Legislature that the chemical dependency recovery hospital will provide an innovative inpatient treatment program for persons who have a dependency on alcohol or drugs, or both alcohol and other drugs. The Legislature further finds and declares that significant cost reductions can be achieved by chemical dependency recovery hospitals when both of the following conditions exist:

(1) Architectural requirements established by the state department encourage a flexible and open construction approach which significantly reduce capital construction costs.

(2) Programs are designed to provide comprehensive inpatient treatment yet permit substantial flexibility in the use of qualified personnel to meet the specific needs of the patients of the facility.

(c) Beds classified as chemical dependency recovery beds in a general acute care hospital or acute psychiatric hospital or a freestanding facility which is owned or leased by the general acute care hospital or the acute psychiatric hospital and which is located on the same premises or adjacent premises thereof, not to exceed a 15-mile radius within the same health facility planning area, as

defined January 1, 1981, by the Office of Statewide Health Planning and Development and is under the administrative control of the general acute care hospital or the acute psychiatric hospital, shall be used exclusively for alcohol or other drug dependency treatment, or both alcohol and other drug dependency treatment. No general acute care hospital or acute psychiatric hospital or a freestanding facility, as defined in this subdivision, shall, without fulfilling the requirements of the licensing laws and health planning laws, convert beds classified as chemical dependency recovery beds to any other bed classification or provide new chemical dependency recovery beds by increasing bed capacity.

(d) Chemical dependency recovery services may be provided as a supplemental service in existing general acute care beds and acute psychiatric beds in a general acute care hospital or in existing acute psychiatric beds in an acute psychiatric hospital or in existing beds in a freestanding facility, as defined in subdivision (c). When providing chemical dependency recovery services as a supplemental service, the general acute care hospital, acute psychiatric hospital, or freestanding facility, as defined in subdivision (c), shall provide the supplemental services in a distinct part of the hospital or freestanding facility, provided that the distinct part satisfies the criteria established by law and regulation for approval as a chemical dependency recovery supplemental service. A distinct part means an identifiable unit, accommodating beds, and related services, including, but not limited to, contiguous rooms, a wing, a floor or a building that is approved by the State Department of Health Services for a specific purpose. Chemical dependency recovery services provided as a supplemental service under this subdivision shall not require a separate license or reclassification of beds under the health planning laws.

(e) If the chemical dependency recovery hospital is not a supplemental service of a general acute care hospital, it shall have agreements with one or more general acute care hospitals providing for 24-hour emergency service and pharmacy, laboratory, and such other services as the state department may require.

(f) Any reference in any statute to Section 1250 shall be deemed and construed to also be a reference to this section.

SEC. 4. Section 1275.2 of the Health and Safety Code is amended to read:

1275.2. (a) Notwithstanding any rules or regulations governing other health facilities, the regulations adopted by the state department for chemical dependency recovery hospitals shall prevail. The regulations applying to chemical dependency recovery hospitals shall prescribe standards of adequacy, safety, and sanitation of the physical plant, of staffing with duly qualified personnel, and of services based on the needs of the persons served thereby.

(b) The regulations shall include provisions for an "open planning" architectural concept.

(c) Notwithstanding the provisions of Chapter 1 (commencing

with Section 15000) of Division 12.5, the regulations shall exempt from seismic requirements all freestanding structures of a chemical dependency recovery hospital. Chemical dependency recovery services provided as a supplemental service in general acute care beds or general acute psychiatric beds shall not be exempt from seismic requirements.

(d) Regulations shall be developed pursuant to this section and presented for adoption at a public hearing within 180 days of the effective date of this section.

(e) In order to assist in the rapid development of regulations for chemical dependency recovery hospitals, the director of the state department, not later than 30 days after the effective date of this section, shall convene an advisory committee composed of two representatives of the State Department of Alcohol and Drug Programs, two representatives of the State Department of Health Services, one representative of the Office of Statewide Health Planning and Development, two persons with experience operating facilities with alcohol or medicinal drug dependency programs, and any other persons having a professional or personal nonfinancial interest in development of such regulations. The members of such advisory committee who are not state officers or employees shall pay their own expenses related to participation on the committee. The committee shall meet at the call of the director until such time as the proposed regulations are presented for adoption at public hearing.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill 1551 are both chaptered and become effective on or before January 1, 1982, both bills amend Section 1250.1 of the Health and Safety Code, and this bill is chaptered after Assembly Bill 1551, that Section 1250.1 of the Health and Safety Code, as amended by Section 2 of this act, shall remain operative until the effective date of Assembly Bill 1551, and that on the effective date of Assembly Bill 1551 Section 1250.1 of the Health and Safety Code as amended by Section 2 of this act, be further amended in the form set forth in Section 2.5 of this act to incorporate the changes in Section 1250.1 proposed by Assembly Bill 1551. Therefore, if this bill and Assembly Bill 1551 are both chaptered and become effective on or before January 1, 1982, and Assembly Bill 1551 is chaptered before this bill and amends Section 1250.1, Section 2.5 of this act shall become operative on the effective date of Assembly Bill 1551.

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 the necessity are:

This act is necessary for the immediate provision of qualitative 24-hour inpatient care for persons who have a dependency on alcohol or other drugs, or both alcohol and other drugs, and shall go into immediate effect.

Additionally, it is necessary for this act to take effect immediately in order to prevent unnecessary delay in establishment of sorely

needed specialized facilities for treatment of drug and alcohol dependence.

CHAPTER 829

An act to amend, repeal, and add Section 42239.1 to, and to add and repeal Sections 42241.1, 48232, and 48416 of, the Education Code, relating to education.

[Approved by Governor September 26, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 42239.1 of the Education Code is amended to read:

42239.1. (a) Any gain or loss of average daily attendance used in the revenue limit calculation in Section 42238 which is due to reclassifying regular attendance to apprentice attendance pursuant to Section 8150 or to leaves of absence permitted under Section 48232 or 48416 shall not be used in determining the amount allowed in Section 42239.

(b) This section shall remain in effect only until July 1, 1987, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1987, deletes or extends such date.

SEC. 2. Section 42239.1 is added to the Education Code, to read:

42239.1. (a) Any gain or loss of average daily attendance used in the revenue limit calculation in Section 42238 which is due to reclassifying regular attendance to apprentice attendance pursuant to Section 8150 shall not be used in determining the amount allowed in Section 42239.

(b) This section shall become operative on July 1, 1987.

SEC. 3. Section 42241.1 is added to the Education Code, to read:

42241.1. (a) For purposes of increasing the district's revenue limit calculated in Section 42238 for the budget year, a district may increase the estimated average daily attendance by 4 percent of its loss in average daily attendance due to leaves of absence granted pursuant to Section 48232 or 48416.

(b) This section shall remain in effect only until July 1, 1987, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1987, deletes or extends such date.

SEC. 4. Section 48232 is added to the Education Code, to read:

48232. Notwithstanding any other provision of law, a child who will be 15 years old at the time a leave of absence is to begin may take a leave of absence from school for a period of up to one semester, if all of the following conditions are satisfied:

(a) The school district governing board adopts a written policy to allow student leaves of absence consistent with this section.

(b) The purpose of the leave is supervised travel, study, training, or work not available to the student under another education option.

(c) A written agreement is entered into which is signed by the child's parent or guardian, the principal or administrative officer of the school which the child would otherwise attend, a classroom teacher familiar with the child's academic progress selected by the child, and the district supervisor of child welfare and attendance, and which provides for all of the following:

(1) The purpose of the leave.

(2) The length of time the child will be on leave.

(3) A meeting between, or contact with, the child and a school official designated in the agreement at least once a month while the child is on leave.

(4) A statement incorporating the provisions contained in subdivision (b).

(d) The child shall be entitled to return to school at any time. No child who takes a leave of absence shall be penalized from completing his or her academic requirements within a time period equal to that of classmates who did not take a leave of absence, plus a period of time equal to the leave of absence. However, when a child reenrolls at any time other than the beginning of a semester, the school shall not be required to give makeup sessions during that semester for the classes that the child has missed.

(e) A leave of absence may be extended for an additional semester upon approval by all parties to the written agreement and the local school attendance review board.

(f) No leave of absence may be taken which would continue past the end of the school year in which the leave is taken.

(g) If the student does not contact the designated school official as stipulated in the written agreement, the leave of absence shall be nullified.

Any party to the written agreement may nullify the agreement for cause at any time.

(h) No more than 1 percent of the students enrolled and in attendance at each school shall be permitted to take a leave of absence during each academic year.

(i) The Legislative Analyst shall review and report upon the leave-of-absence program authorized by this section in the Analysis of the Budget Bill for the 1984–85 fiscal year. The report shall be based upon data collected by the State Department of Education from a representative sampling of participating school districts and shall include an analysis of the racial and ethnic backgrounds of participating pupils and a review of the opinions of pupils, parents, and school district personnel regarding pupil scholastic achievement and attitudes toward schools. The report shall be presented to the Legislature no later than January 1, 1985.

(j) This section shall remain in effect only until July 1, 1987, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1987, deletes or extends such date.

SEC. 5. Section 48416 is added to the Education Code, to read:

48416. Notwithstanding any other provision of law, a child who, at the time a leave of absence is to begin, will be between the ages of 16 and 18, inclusive, may take a leave of absence from compulsory continuation education classes or, if exempted pursuant to subdivision (b) of Section 48410, from the school which the child attends, for a period of up to two semesters, if all the following conditions are satisfied:

(a) The school district governing board adopts a written policy to allow student leaves of absence consistent with this section.

(b) The purpose of the leave is supervised travel, study, training, or work not available to the student under another education option.

(c) A written agreement is entered into which is signed by the child, the child's parent or guardian, the principal or administrative officer of the school which the child would otherwise attend, a classroom teacher familiar with the child's academic progress selected by the child, and the district supervisor of child welfare and attendance, and which provides for all of the following:

(1) The purpose of the leave.

(2) The length of time the child will be on leave.

(3) A meeting between or contact with the child and a school official designated in the agreement at least once a month while the child is on leave.

(4) A statement incorporating the provisions contained in subdivision (b).

(d) The child shall be entitled to return to school at any time. No child who takes a leave of absence shall be penalized from completing his or her academic requirements within a time period equal to that of classmates who did not take a leave of absence, plus a period of time equal to the leave of absence. However, when a child reenrolls at any time other than the beginning of a semester, the school shall not be required to give makeup sessions during that semester for the classes that the child has missed.

(e) A leave of absence may be extended for an additional semester upon approval by all parties to the written agreement and the local school attendance review board.

(f) No leave of absence may be taken which would continue past the end of the school year in which the leave is taken.

(g) If the student does not contact the designated school official as stipulated in the written agreement, the leave of absence shall be nullified.

Any party to the written agreement may nullify the written agreement for cause at any time.

(h) No more than 1 percent of the students enrolled and in attendance at each school shall be permitted to take a leave of absence during each academic year.

(i) The Legislative Analyst shall review and report upon the leave-of-absence program authorized by this section in the Analysis of the Budget Bill for the 1984–85 fiscal year. The report shall be

based upon data collected by the State Department of Education from a representative sampling of participating school districts and shall include an analysis of the racial and ethnic backgrounds of participating pupils and a review of the opinions of pupils, parents, and school district personnel regarding pupil scholastic achievement and attitudes toward schools. The report shall be presented to the Legislature no later than January 1, 1985.

(j) This section shall remain in effect only until July 1, 1987, and as of such date is repealed, unless a later enacted statute, which is chaptered before July 1, 1987, deletes or extends such date.

SEC. 6. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

CHAPTER 830

An act to add Section 32517 to, and to add and repeal Section 32518 of, the Food and Agricultural Code, relating to dairy products.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 32517 is added to the Food and Agricultural Code, to read:

32517. "Sterilization" or "sterilized" when used to describe a dairy product or a product resembling a milk product means that the product has been subjected to sufficient heat processing, either before or after sealing in a hermetically sealed container, in accordance with the sterilization requirements of regulations established under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Sec. 301 et seq.) so as to produce a product that will maintain its commercial sterility under normal nonrefrigerated conditions as defined in the federal regulations.

SEC. 2. Section 32518 is added to the Food and Agricultural Code, to read:

32518. Notwithstanding Section 32517, the term "sterilization" or "sterilized" may be used to describe milk and milk products processed under conditions equivalent to sterile processing and aseptically packaged in hermetically sealed containers for sale under refrigerated conditions.

This section shall remain in effect only until January 1, 1985, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1985, deletes or extends that date.

SEC. 3. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 831

An act to amend Sections 1268.010, 1513, 1513.5, and 1522 of the Code of Civil Procedure, relating to civil procedure.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 1268.010 of the Code of Civil Procedure is amended to read:

1268.010. (a) Not later than 30 days after final judgment, or 30 days after the conclusion of any other court proceedings, including any federal court proceedings, commenced by the defendant challenging the judgment or any of the condemnation proceedings, whichever date is later, the plaintiff shall pay the full amount required by the judgment.

(b) Payment shall be made by either or both of the following methods:

(1) Payment of money directly to the defendant. Any amount which the defendant has previously withdrawn pursuant to Article 2 (commencing with Section 1255.210) of Chapter 6 shall be credited as a payment to him on the judgment.

(2) Deposit of money with the court pursuant to Section 1268.110. Upon entry of judgment, a deposit made pursuant to Article 1 (commencing with Section 1255.010) of Chapter 6 is deemed to be a deposit made pursuant to Section 1268.110 if the full amount required by the judgment is deposited or paid.

SEC. 1.5. Section 1513 of the Code of Civil Procedure is amended to read:

1513. Subject to Sections 1510 and 1511, the following property held or owing by a business association escheats to this state:

(a) Any demand, savings, or matured time deposit, or account subject to a negotiable order of withdrawal, made with a banking organization, together with any interest or dividends thereon, excluding, from demand deposits and accounts subject to a negotiable order of withdrawal only, any reasonable service charges which may lawfully be withheld and which do not (where made in

this state) exceed those set forth in schedules filed by the banking organization from time to time with the State Controller, when the owner, for more than seven years, has not:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum or other record on file with the banking organization.

No banking organization may discontinue any interest or dividends on any savings deposit because of the inactivity contemplated by this section.

(b) Any savings, or matured time deposit, or matured investment certificate, or account subject to a negotiable order of withdrawal, or other interest in a financial organization or any deposit made therewith, and any interest or dividends thereon, excluding, from accounts subject to a negotiable order of withdrawal only, any reasonable service charges which may lawfully be withheld and which do not (where made in this state) exceed those set forth in schedules filed by the financial organization from time to time with the Controller, when the owner, for more than seven years, has not:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum or other record on file with the financial organization.

No financial organization may discontinue any interest or dividends on any funds paid toward purchase of shares or other interest, or on any deposit, because of the inactivity contemplated by this section.

(c) Any sum payable on a travelers check issued by a business association that has been outstanding for more than 15 years from the date of its issuance, when the owner, for more than 15 years, has not corresponded in writing with the business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with such association.

(d) Any sum payable on any other written instrument on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, any draft, certified check, or money order, that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, when the owner, for more than seven years, has not corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as

evidenced by a memorandum or other record on file with the banking or financial organization.

(e) Any sum payable on a money order issued by a business association (other than a banking or financial organization) that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, when the owner, for more than seven years, has not corresponded in writing with the business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the business association.

(f) For purposes of this section "service charges" means service charges imposed because of the inactivity contemplated by this section.

SEC. 2. Section 1513.5 of the Code of Civil Procedure is amended to read:

1513.5. (a) Except as provided in subdivision (c) every banking or financial organization shall make reasonable efforts to notify by mail any customer that the customer's deposit, account, shares, or other interest in the banking or financial organization will escheat to the state pursuant to subdivision (a) or (b) of Section 1513 not less than six nor more than 12 months before the time such deposit, account, shares, or other interest will be paid to the Controller.

(b) The notice required by this section shall specify the time that the deposit, account, shares, or other interest will escheat and the effects of escheat, including the necessity for filing a claim for the return of the deposit, account, shares, or other interest. It shall also include a form, as prescribed by the State Controller, by which the customer may declare an intention to maintain the deposit, account, shares, or other interest. If that form is filled out, signed by the customer, and returned to the banking or financial organization, it shall satisfy the requirement of paragraph (3) of subdivision (a) or paragraph (3) of subdivision (b) of Section 1513. The banking or financial organization may impose a service charge on the deposit, account, shares, or other interest for this notice in an amount not to exceed the administrative cost of mailing the notice and form and in no case to exceed two dollars ($2).

(c) Notice as provided by subdivisions (a) and (b) shall not be required for deposits, accounts, shares, or other interests of less than twenty-five dollars ($25) and no service charge may be made for notice on these items

SEC. 3. Section 1522 of the Code of Civil Procedure is amended to read:

1522. No service, handling, maintenance or other charge or fee of any kind which is imposed because of the inactive or unclaimed status contemplated by this chapter, may be deducted or withheld from any property subject to escheat under this chapter, unless specifically permitted by this chapter.

Even when specifically permitted by this chapter, such charges or fees may not be excluded, withheld or deducted from property

subject to this chapter if, under its policy or procedure, the holder would not have excluded, withheld or deducted such charges or fees in the event the property had been claimed by the owner prior to being reported or remitted to the Controller.

SEC. 4. The amendments made by this act to Section 1268.010 of the Code of Civil Procedure shall apply to any action commenced prior to the effective date of this act in which there is no final judgment, and to any action commenced on or after the effective date of this act.

CHAPTER 832

An act to amend Sections 73101, 73110, 73113, 73113.5, 73122, and 74131 of, and to add Section 73101.6 to, the Government Code, relating to courts.

[Approved by Governor September 26, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 73101 of the Government Code is amended to read:

73101. The San Bernardino County Municipal Court District shall consist of the following divisions, embracing that territory which is within the following judicial districts in the County of San Bernardino on the date specified, and as such divisions are thereafter modified by the board of supervisors or operation of law.

(a) On November 8, 1967:

(1) East Division—that territory within the Redlands Judicial District. On March 14, 1979, that territory within the Highland and Yucaipa Judicial Districts.

(2) Central Division—that territory within the San Bernardino Judicial District. On October 1, 1980, that territory within the Colton, Crest Forest and Mission Judicial Districts.

(3) Valley Division—that territory within the Fontana and Rialto Judicial Districts. On January 1, 1979, that territory within the Bloomington Judicial District.

(4) West Valley Division—that territory within the West Valley Municipal Court District. On January 12, 1981, that territory within the Cucamonga-Etiwanda Judicial District.

(5) Victorville Division—that territory within the Victor Judicial District.

(b) On August 5, 1973:

(1) Barstow Division—that territory within the Barstow and Yermo-Belleville Judicial Districts.

(c) On November 26, 1973:

(1) Chino Division—that territory within the Chino Judicial

District.

(d) On July 1, 1979:

(1) Morongo Basin Division—that territory within the Twenty-nine Palms Judicial District.

SEC. 2. Section 73101.6 is added to the Government Code, to read:

73101.6. In addition to the number of judges prescribed in Section 73101.5, at such time as the San Bernardino County Board of Supervisors finds there are sufficient funds for up to two additional judges in the Central Division and one additional judge in the West Valley Division, and adopts a resolution or resolutions to that effect, there shall be those additional judges.

SEC. 3. Section 73110 of the Government Code is amended to read:

73110. There shall be one marshal of the San Bernardino County Municipal Court District who shall be appointed by, and serve at the pleasure of, a majority of the council of supervising judges and who shall receive a salary at a rate specified in range 106 of the salary schedule effective on June 27, 1981. The marshal shall be the appointing power for those positions listed in Section 73113 as being appointed by the marshal.

SEC. 4. Section 73113 of the Government Code is amended to read:

73113. The number of positions within each job classification which may be filled by appointment by the municipal court administrator and the marshal and the salary range prescribed in Section 73113.5 which constitutes the compensation for each job classification are as follows:

Appointed by the Municipal Court Administrator

Job classification	Number	Salary range 6/27/81	Salary range 6/26/82
Assistant municipal court administrator	1	98	
Municipal court division manager II	2	95	98
Municipal court division manager I	6	91	94
Data-processing analyst I	1	89	92
Municipal court division supervisor II	2	87	90
Municipal court chief clerk	5	80	83
Courtroom clerk II	30	77	80
Clerk IV	9	70	73
Fiscal clerk II	6	67	70
Fiscal clerk III	2	72	75
Clerk III	53	66	69
Clerk II	3	59	61

Legal procedures clerk I	30	68	71
Legal procedures clerk II	1	74	77

Appointed by Marshal

Job Classification	Number	Salary range 6/27/81	Salary range 6/26/82
Marshal's captain	3	365	371
Marshal's lieutenant	5	359	368
Marshal's sergeant	7	350	356
Deputy marshal	50	309	315
Administrative clerk I	1	73	76
Marshal's clerk II	11	67	70
Marshal's clerk I	12	62	65
Marshal's technician	18	68	71

The marshal shall also appoint as many deputy marshal keepers as may be required by law. The deputy marshal keepers shall be compensated at the fee allowed by law for keeping property.

In hiring for vacancies in the position of deputy marshal, the marshal may appoint successful candidates as deputy marshal probationary at a flat hourly rate. The flat hourly rate shall be in the sum of eight dollars and thirty-four cents ($8.34) commencing June 27, 1981, nine dollars and seventeen cents ($9.17) commencing June 26, 1982, and ten dollars and nine cents ($10.09) commencing June 25, 1983, and shall be payable until successful completion of a probationary period of one year, except that the marshal may extend the probationary period for not to exceed six months, after which the deputy marshal probationary shall be advanced to the deputy marshal classification at the "A" step of the appropriate salary range.

SEC. 5. Section 73113.5 of the Government Code is amended to read:

73113.5. Whenever reference is made to a numbered salary range in any section of this chapter, the salary schedule found in the salary ordinance of San Bernardino County in effect on July 1, 1981, shall apply.

Administration of the salary plan provided by this chapter, including the hiring date; increases within range; salary on promotion, transfer, or demotion; salary on position reclassification, obligations and benefits and all other relevant matters, shall be in accordance with the current personnel rules and ordinances of the County of San Bernardino.

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees provided by Sections 73107, 73110, 73113, 73114, 73122, and this section may be increased or decreased within the range limits of the salary schedule incorporated by reference by this section in order to provide classification and compensation that is comparable to county

employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the board of supervisors. Any salary increases granted or reclassifications made pursuant to this paragraph shall be effective only until January 1, 1983.

SEC. 6. Section 73122 of the Government Code is amended to read:

73122. By majority vote, the judges may appoint one supervising own-recognizance investigator who shall receive a salary at a rate specified in range 86 effective on June 27, 1981, and range 89 effective on June 26, 1982, and five own-recognizance investigators who shall receive a salary at a rate specified in range 83 effective on June 27, 1981 and range 86 effective on June 26, 1982, and be otherwise subject to the salary plan provided by Section 73113.5. Any such appointment shall not be operative until approved by a majority vote of a committee composed of one representative of the municipal court judges, one representative of the superior court judges of the county, and one representative of the county sheriff.

SEC. 7. Section 74131 of the Government Code is amended to read:

74131. There shall be six judges in the Riverside Judicial District, which shall include the City of Riverside. There shall be five judges in the Desert Judicial District, which shall include the Cities of Palm Springs, Indio, and Blythe. There shall be two judges in the Corona Judicial District, which shall include the City of Corona. There shall be two judges in the Mt. San Jacinto Judicial District, which shall include the Cities of Hemet, San Jacinto, Beaumont and Banning. There shall be two judges in the Three Lakes Judicial District.

SEC. 8. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code 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.

SEC. 9. Section 7 of this act shall become operative on July 1, 1982.

CHAPTER 833

An act to amend Sections 18007, 18007.5, 18010, 18010.5, 18025, 18026, 18027, 18028, 18028.5, 18029, 18029.5, 18030, 18030.5, 18031.5, 18032, 18055, 18055.5, 18056, 18056.1, 18056.3, 18056.5, 18056.7, 18057, 18058, 18058.5, 18059, 18063, and 18064 of the Health and Safety Code, relating to manufactured homes.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 18007.5 of the Health and Safety Code is amended to read:

18007.5. "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part.

SEC. 2. Section 18010.5 of the Health and Safety Code is amended to read:

18010.5. "Recreational vehicle" is a motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with less than 320 square feet.

SEC. 3. Section 18055 of the Health and Safety Code is amended to read:

18055. It is unlawful for any person to sell, offer for sale, rent, or lease within this state, any manufactured home or mobilehome manufactured after September 1, 1958, or recreational vehicle manufactured after November 13, 1968, or any trailer coach designed or used for industrial, professional, or commercial purposes manufactured after May 25, 1967, or commercial coach manufactured after November 23, 1970, that does not comply with regulations of the department adopted pursuant to this part for construction and safety, in order to protect the health and safety of the people of this state from unsafe construction, equipment, and installations. All manufactured homes and mobilehomes manufactured on or after June 15, 1976 shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et seq.).

SEC. 4. Section 18055.5 of the Health and Safety Code is amended to read:

18055.5. (a) Pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et seq.), the department is authorized to assume responsibility for enforcement of manufactured housing construction and safety standards relating to any issue with respect to which a federal standard has been established. The department may adopt regulations to ensure acceptance by the Secretary of Housing and Urban Development of California's plan for administration and enforcement of federal manufactured housing construction and

safety standards.

(b) The department is authorized to conduct such inspections and investigations which it determines are necessary to secure enforcement of the provisions of this part and regulations adopted pursuant thereto. For the purposes of enforcement of this part and the related regulations, persons duly designated by the director of the department, upon presenting appropriate credentials to the owner, operator, or agent in charge, may (1) enter, at any reasonable times and without advance notice, any factory, warehouse, sales lot, or establishment in which mobilehomes or manufactured homes are manufactured, stored, held for sale, sold, or offered for sale, rent, or lease; and (2) inspect, at reasonable times and within reasonable limits and in a reasonable manner, any factory, warehouse, sales lot, or establishment, and to inspect such books, papers, records, and documents to ensure compliance with the provisions of this part.

SEC. 5. Section 18056 of the Health and Safety Code is amended to read:

18056. All mobilehomes, manufactured homes, recreational vehicles, and commercial coaches which are sold, offered for sale, rented, or leased within this state shall bear a federal label or an insignia of approval issued by the department to indicate compliance with the regulations adopted pursuant to this part, which were in effect on the date of manufacture of the mobilehome, manufactured home, recreational vehicle, or commercial coach.

The department may issue insignia for mobilehomes, manufactured homes, recreational vehicles, or commercial coaches manufactured prior to the effective dates of the appropriate regulations which meet the requirements of this part or the regulations adopted pursuant thereto in effect at the time of such issue. It is unlawful for any person to remove, or cause to be removed, an insignia of approval without prior authorization by the department.

SEC. 6. Section 18056.1 of the Health and Safety Code is amended to read:

18056.1. To the extent permitted by federal law, the commission shall adopt such regulations for the inspection of manufactured homes or mobilehomes under construction as it determines are reasonably necessary to assure compliance with this part and the regulations promulgated under this part. Such regulations shall include the inspection of the construction, assembly, and installation of parts and components which will subsequently be enclosed within the floor, walls, ceiling, or roof of the manufactured home and mobilehome. All manufactured homes and mobilehomes manufactured on or after June 15, 1976 shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C §5401, et seq.).

An insignia of approval shall not be affixed to any new manufactured home or mobilehome unless such manufactured home

or mobilehome has been inspected by the department while under construction pursuant to the regulations of the commission under this section.

SEC. 7. Section 18056.3 of the Health and Safety Code is amended to read:

18056.3. No manufactured home or mobilehome manufactured in violation of the provisions of Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of this code, or Division 15 (commencing with Section 25000) of the Public Resources Code, or regulations adopted pursuant thereto shall be issued the department's insignia of approval.

SEC. 8. Section 18056.5 of the Health and Safety Code is amended to read:

18056.5. The commission may adopt such regulations for the construction of mobilehomes and commercial coaches as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. These regulations shall be reasonably consistent with the American National Standards Institute standards for the construction of mobilehomes. All manufactured homes and mobilehomes manufactured on or after June 15, 1976 shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. §5401, et seq.).

SEC. 9. Section 18056.7 of the Health and Safety Code is amended to read:

18056.7. The provisions of Section 17920.9, and the rules and regulations adopted pursuant thereto, shall be applicable to the sale, offering for sale, or use in the construction of manufactured homes or mobilehomes of any foam building system, and to any manufactured homes or mobilehome in which such system is used as a component. All manufactured homes or mobilehomes manufactured on or after June 15, 1976 shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. §5401, et seq.).

SEC. 10. Section 18057 of the Health and Safety Code is amended to read:

18057. It is unlawful for any person to alter or convert, or cause to be altered or converted, installations or equipment of a manufactured home, mobilehome, recreational vehicle, or commercial coach which bears a department insignia of approval or federal label when such manufactured home, mobilehome, recreational vehicle, or commercial coach is used, occupied, sold, or offered for sale within this state, unless performance is in compliance with regulations adopted by the commission. The commission may adopt regulations providing requirements for alterations and conversions.

SEC. 11. Section 18058 of the Health and Safety Code is amended to read:

18058 (a) The commission may promulgate rules and regulations which it determines are reasonably consistent with

generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes, mobilehomes, recreational vehicles, and commercial coaches. All manufactured homes and mobilehomes manufactured on or after June 15, 1976 shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. §5401, et seq.).

(b) The chief fire official of every city, county, city and county, fire protection district, or other local fire protection agency shall file a report of each manufactured home and mobilehome fire occurring within his jurisdiction with the State Fire Marshal. Such report shall be made on forms provided by the State Fire Marshal.

The State Fire Marshal shall annually compile a statistical report of all manufactured home and mobilehome fires occurring within this state and shall furnish the commission with a copy of such report. The annual report shall include, but need not be limited to, the number of manufactured home and mobilehome fires, the causes of such fires, the monetary loss, and any casualties or fatalities resulting from such fires.

SEC. 12. Section 18058.5 of the Health and Safety Code is amended to read:

18058.5. If the commission determines that standards for commercial coaches and recreational vehicles, which have been prescribed by the statutes, or regulations of another state, are at least equal to the standards prescribed by the commission, the commission may so provide by regulation. Thereafter, any commercial coaches or recreational vehicles which such other state has approved as meeting its standards shall be deemed to meet the standards of the commission, if the commission determines that the standards of such other state are actually being enforced.

SEC. 13. Section 18059 of the Health and Safety Code is amended to read:

18059. No manufactured home, mobilehome, recreational vehicle, or commercial coach which meets the standards prescribed by this chapter and the regulations adopted pursuant thereto shall be required to comply with any local ordinances or regulations prescribing requirements on the same subject matter.

SEC. 14. Section 18063 of the Health and Safety Code is amended to read:

18063. Nothing in this part or any other provision of law shall be construed to prohibit the installation of fireplaces in manufactured homes and mobilehomes. The commission shall adopt regulations for the installation of fireplaces in manufactured homes and mobilehomes which it may determine are reasonably necessary in order to protect the health and safety of the occupants and to assure that any such installation does not impair the efficiency of the primary heating or cooling system of the manufactured home and mobilehome. All manufactured homes and mobilehomes manufactured on or after June 15, 1976, which contain fireplaces,

shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et seq.).

SEC. 15. Section 18064 of the Health and Safety Code is amended to read:

18064. (a) The manufacturer of any new manufactured home or mobilehome manufactured on or after January 1, 1977, shall affix a label to the manufactured home or mobilehome, if it is to be displayed for retail sale in the State of California, which contains the following information about the manufactured home or mobilehome:

(1) Make, model, and serial or identification number.

(2) Final assembly point.

(3) Name and location of dealer to whom delivered.

(4) Name of city or unincorporated area at which delivered.

(5) Manufacturer's suggested retail price which shall include the price of the following:

(A) The basic manufactured home or mobilehome unit.

(B) Extra construction features and materials

(C) Total price of the manufactured home or mobilehome.

(D) A statement of whether the price includes or excludes the towbar, wheels, wheel hubs, and axles.

(b) Except as otherwise provided in subdivision (c), the removal or alteration of any label required by this section from the manufactured home or mobilehome by anyone except the retail purchaser is a misdemeanor.

(c) The label required by this section may be removed by any person after the manufactured home or mobilehome is affixed to a foundation system.

SEC. 16. Section 18007 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18007. "Manufactured home," for the purposes of this part, means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

SEC. 17. Section 18010 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18010. "Recreational vehicle" is a motorhome, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with less than 320 square feet.

SEC. 18. Section 18025 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18025. (a) Except as provided in subdivision (b), it is unlawful for any person to sell, offer for sale, rent, or lease within this state, any manufactured home or any mobilehome manufactured after September 1, 1958, or any recreational vehicle manufactured after November 13, 1968, or any trailer coach designed or used for industrial, professional, or commercial purposes manufactured after May 25, 1967, or any commercial coach manufactured after November 23, 1970, containing plumbing, heat-producing, or electrical equipment unless the equipment meets the requirements of the department for that equipment and the installation of it. The commission may promulgate those rules and regulations which shall be reasonably consistent with recognized and accepted principles for plumbing, heat-producing, and electrical equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heat-producing, and electrical equipment and installations.

(b) All mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

(c) An insignia of approval shall not be affixed to any new mobilehome unless the mobilehome has been inspected by the department while under construction pursuant to the regulations of the commission under this section.

SEC. 19. Section 18026 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18026. All mobilehomes which are not subject to the National Manufactured Housing Construction and Safety Standards Act of 1974, and all recreational vehicles and commercial coaches which are sold, offered for sale, rented, or leased within this state shall bear a federal label or an insignia of approval issued by the department to indicate compliance with the regulations of the commission adopted pursuant to this part, which were in effect on the date of manufacture of the mobilehome, recreational vehicle, or commercial coach.

The department may issue insignia for mobilehomes, recreational vehicles, or commercial coaches manufactured prior to the effective dates of the appropriate regulations which meet the requirements of reasonable standards of health and safety as set forth in this part or the regulations adopted pursuant thereto in effect at the time of that issue. It is unlawful for any person to remove, or cause to be removed,

an insignia of approval without prior authorization by the department.

SEC. 20. Section 18027 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18027. Any mobilehome or commercial coach which is manufactured in violation of the provisions of Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of this code, or Division 15 (commencing with Section 25004.2) of the Public Resources Code, or regulations adopted pursuant thereto, shall not be issued the department's insignia of approval.

SEC. 21. Section 18028 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18028. (a) The commission may adopt regulations for the construction of commercial coaches and of manufactured homes and mobilehomes which are not subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401 et seq.) which it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. The regulations for commercial coaches shall be reasonably consistent with the American National Standards Institute standards for the construction of mobilehomes, as determined by the commission.

(b) All manufactured homes, including mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

SEC. 22 Section 18028 5 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18028.5. (a) The provisions of Section 17920.9, and the rules and regulations adopted pursuant thereto, shall be applicable to the sale, offering for sale, or use in the construction of commercial coaches and of manufactured homes and mobilehomes which are not subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.), of any foam building system, and to any such mobilehome or commercial coach in which that system is used as a component.

(b) All manufactured homes, including mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

SEC. 23. Section 18029 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18029 It is unlawful for any person to alter or convert, or cause to be altered or converted, installations or equipment of a manufactured home, mobilehome, recreational vehicle, or commercial coach which bears a department insignia of approval or

federal label when the manufactured home, mobilehome, recreational vehicle, or commercial coach is used, occupied, sold, or offered for sale within this state, unless performance is in compliance with regulations adopted by the commission. The commission may adopt regulations providing requirements for alterations and conversions.

SEC. 24. Section 18029.5 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18029.5. (a) The commission may promulgate rules and regulations, which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes, mobilehomes, recreational vehicles, and commercial coaches. All mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.)

(b) The chief fire official of every city, county, city and county, fire protection district, or other local fire protection agency shall file a report of each manufactured home and mobilehome fire occurring within his or her jurisdiction with the State Fire Marshal. The report shall be made on forms provided by the State Fire Marshal.

The State Fire Marshal shall annually compile a statistical report of all manufactured home and mobilehome fires occurring within this state and shall furnish the commission with a copy of the report. The annual report shall include, but need not be limited to, the number of manufactured home and mobilehome fires, the causes of the fires, the monetary loss, and any casualties or fatalities resulting from the fires.

SEC. 25. Section 18030 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18030 If the commission determines that standards for commercial coaches and recreational vehicles, which have been prescribed by the statutes or regulations of another state, are at least equal to the standards prescribed by the commission, the commission may so provide by regulation. Thereafter, any commercial coaches or recreational vehicles which that other state has approved as meeting its standards shall be deemed to meet the standards of the commission, if the commission determines that the standards of the other state are actually being enforced.

SEC. 26. Section 18030 5 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18030.5. A manufactured home, mobilehome, recreational vehicle, or commercial coach which meets the standards prescribed by this chapter, and the regulations adopted pursuant thereto, shall not be required to comply with any local ordinances or regulations

prescribing requirements in conflict with the standards prescribed in this chapter.

SEC. 27. Section 18031.5 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18031.5. Nothing in this part or any other provision of law shall be construed to prohibit the installation of fireplaces in manufactured homes and mobilehomes. The commission shall adopt any regulations for the installation of fireplaces in manufactured homes, mobilehomes, or commercial coaches which it may determine are reasonably necessary in order to protect the health and safety of the occupants and to assure that an installation does not impair the efficiency of the primary heating or cooling system of the manufactured home, mobilehome, or commercial coach. All mobilehomes manufactured on or after June 15, 1976, which contain fireplaces, shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

SEC. 28. Section 18032 of the Health and Safety Code, as added by Senate Bill No. 1193 of the 1981–82 Regular Session, is amended to read:

18032. (a) The manufacturer of any new manufactured home or mobilehome manufactured on or after January 1, 1977, shall affix a label to the manufactured home or mobilehome, if it is to be displayed for retail sale in this state, which contains the following information about the manufactured home or mobilehome:

(1) Make, model, and serial or identification number.

(2) Final assembly point.

(3) Name and location of dealer to whom delivered.

(4) Name of city or unincorporated area at which delivered.

(5) Manufacturer's suggested retail price which shall include the price of the following:

(A) The basic manufactured home or mobilehome unit.

(B) Extra construction features and materials.

(C) Total price of the manufactured home or mobilehome.

(D) A statement of whether the price includes or excludes the towbar, wheels, wheel hubs, and axles.

(b) A dealer may not display a manufactured home or mobilehome for sale or deliver a manufactured home or mobilehome manufactured on or after January 1, 1977, in this state which does not contain the label required by subdivision (a).

(c) Except as otherwise provided in subdivision (d), the removal or alteration of any label required by this section from the manufactured home or mobilehome by anyone except the retail purchaser is a misdemeanor.

(d) The label required by this section may be removed by any person after the manufactured home or mobilehome is affixed to a foundation system.

SEC 29. It is the intent of the Legislature, if this bill and Senate

Bill 1193 are both chaptered and become effective on or before January 1, 1982, Senate Bill 1193 repeals and adds Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code and this bill is chaptered after Senate Bill 1193, that Sections 18007, 18010, 18025, 18026, 18027, 18028, 18028.5, 18029, 18029.5, 18030, 18030.5, 18031.5, and 18032 of the Health and Safety Code, as added by Section 3 of Senate Bill 1193, be further amended on the effective date of this act in the form set forth in Sections 16 to 28, inclusive, of this act to incorporate the changes in that part proposed by this bill. Therefore, if this bill and Senate Bill 1193 are both chaptered and become effective on or before January 1, 1982, and Senate Bill 1193 is chaptered before this bill and repeals and adds Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code, Sections 16 to 28, inclusive, of this act shall become operative on the effective date of this act and Sections 1 to 15, inclusive, of this act shall not become operative.

SEC. 30. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 834

An act to amend Sections 68046.8, 68046.9, 68047, and 68047.5 of, and to add Sections 68047.3 and 68050 to, the Government Code, relating to solid waste.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 68046.8 of the Government Code is amended 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 the notice in a newspaper of general circulation, in the manner provided in Section 6063, 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) 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 the hearing may be provided with the notice required pursuant to subdivision (a).

SEC. 2. Section 68046.9 of the Government Code is amended 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 has been violated by the recipient of the grant or loan, the board shall cause an investigation to be made to determine whether a violation has occurred. If, after notice and public hearing, the board finds that a violation has occurred, the board shall immediately terminate the grant or loan recipient's contract with the board. The grant or loan recipient shall be required to repay all money received from the board under the contract or to transfer possession of all materials and equipment purchased with that money to the board and return the balance of moneys received not expended for that material and equipment and render an accounting of all money received.

SEC. 3. 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 planning and development of curbside collection systems, community recycling centers, or new techniques or equipment 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 or loan, 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) Conclusive 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 materials recovery operation 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) In no instance, shall the board make a grant or loan to an applicant or any company owned or operated by an applicant if that applicant is purchasing or will be purchasing recyclable materials, other than the usual components of recyclable municipal and household waste, at a location within the same general geographic area which will divert the waste away from existing recycling operations which also purchase these recyclable materials.

For the purposes of this section, "usual components of recyclable municipal and household waste" includes only those items commonly left at the curb for municipal curbside collection.

(c) 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 and loans 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.

(d) 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.

SEC. 4. Section 68047.3 is added to the Government Code, to read:

68047.3. In order to carry out the policy set forth in subdivision (b) of Section 68001, an amount not to exceed four hundred fifty thousand dollars ($450,000) of the money appropriated for expenditure subsequent to July 1, 1981, which shall be taken equally from funds available pursuant to Sections 68046 and 68047, may be expended or granted by the board to accomplish any of the following:

(a) Assist and facilitate projects and activities undertaken by public and private entities that will expand existing and create new markets for recyclable materials, that currently are recycled in low volumes.

(b) Provide technical assistance to public and private entities to help them resolve difficulties they have in marketing their recyclable materials.

(c) Encourage the participation of industry and the general public in activities that will help expand markets for recyclable materials.

No money shall be granted or expended pursuant to this section for projects or activities involving markets for scrap metal products, other than those commonly left at the curb for municipal curbside collection, or for projects or activities which displace or will displace existing markets.

SEC. 5. Section 68047.5 of the Government Code is amended to read:

68047.5. 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 that currently are recycled in low volumes. 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.

SEC. 6. Section 68050 is added to the Government Code, to read:

68050. The board may, upon determining that an advance payment is essential for the effective implementation of a program within the provisions of this title, and to the extent funds are available and appropriated subsequent to July 1, 1981, and not more frequently than once each fiscal year, advance to a community-based private nonprofit agency with which it has contracted, pursuant to state law, for the delivery of services, not to exceed 25 percent of the annual allocation to be made pursuant to the contract and such laws, during the fiscal year to the private nonprofit agency. Advance payments may be provided for services to be performed under any contract with a total annual contract amount of two hundred thousand dollars ($200,000) or less, or which the State Department of Finance determines has been entered into with any community-based private nonprofit agency with modest reserves and potential cash flow problems. No advance payment shall be granted if the total annual contract exceeds two hundred thousand dollars ($200,000), without the prior approval of the State Department of Finance.

The board shall develop a plan, to be approved by the State Department of Finance, to establish control procedures for advance payments. The plan shall include a procedure whereby the board determines whether or not an advance payment is essential for the effective implementation of a particular program being funded.

This section shall become operative July 1, 1981.

SEC. 7. Notwithstanding the provisions of Chapter 87 of the Statutes of 1978, Item 175.1 of the Budget Act of 1978 (Ch. 359, Stats. 1978), and Item 192 of the Budget Act of 1979 (Ch. 259, Stats. 1979), the State Solid Waste Management Board shall repay all loans made to the board from the General Fund, with interest at a rate established, and in a manner agreed to, by the State Department of Finance.

CHAPTER 835

An act relating to the disposition of state surplus property.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Notwithstanding any other provision of law, the Director of General Services, with the approval of the State Public Works Board and the Department of Parks and Recreation, is hereby authorized to sell to the First United Presbyterian Church, at fair market value, and upon those terms and conditions and with those reservations and exceptions which, in the director's opinion may be in the best interest of the state, the following surplus real property:

That parcel of land in the County of Tuolumne, being a portion of Lot 4 of Block 19 in the Townsite of Columbia in the Southeast ¼ of Section 11, Township 2, North, Range 14 East, M.D.M., and more particularly described as beginning at the northwest corner of Lot 4, Block 19 of the Townsite of Columbia, thence S.78°38'07"E., along the north line of Lot 4 of Block 19 (S.83° E., Townsite notes) a distance of 90.38 feet; thence S.11°51'53"W., 14.92 feet; thence S.81°58'38"E., 10.67 feet; thence S.11°55'15"W., 17.00 feet; thence N. 78°38'07"W., 100.52 feet to the westerly line of Lot 4 of Block 19; thence S.10°58'22"W., along the westerly line of Lot 4 of Block 19 a distance of 29.33 feet; thence N.78°09'29"W., 23.38 feet to the centerline of Gold Street abandoned in Volume 383 of Official Records at page 160 in the Office of the Tuolumne County Records; thence N.11°27'45"E., along the centerline of the abandoned Gold Street a distance of 60.27 feet; and thence S.79°01'38"E., 22.87 feet to the northwest corner of Lot 4 of Block 19 of the Townsite of Columbia, also being the point of beginning.

SEC. 2. Within 60 days after receipt of the first offer of the Director of General Services to sell the aforementioned property, the First United Presbyterian Church shall notify the director of its acceptance of that offer, or any subsequent offer from the department, to purchase the aforementioned property, and any conditions attached to the acceptance.

SEC. 3. Recent surveys indicate that two of the buildings of the First United Presbyterian Church in Columbia, California, are located in part, on property owned by the state. The buildings have been in existence for approximately 125 years. The historical significance and current occupancy of the property by the church necessitate the sale of this surplus real property. Because of the unique problem presented in this situation, 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 for the resolution of this problem.

SEC. 4. The Director of General Services, with the approval of the State Public Works Board and the Director of Parks and Recreation, is hereby authorized to exchange, for current market

value, upon those terms, conditions, and with those reservations and exceptions, which in his opinion may be in the best interest of the state, surplus real property consisting of not to exceed six acres of land immediately adjacent to, and southerly of, the existing Carmel Sanitary District water pollution control facility.

CHAPTER 836

An act to amend Sections 6019 and 6041 of the Business and Professions Code, relating to the State Bar.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 6019 of the Business and Professions Code is amended to read:

6019. Each place upon the board for which a member is to be elected shall for the purposes of the election be deemed a separate office.

If only one member seeks election to an office, the member is deemed elected. If two or more members seek election to the same office, the election shall be by ballot. The ballots shall be mailed to those entitled to vote at least twenty days prior to the date of canvassing the ballots and shall be returned by mail to the principal office of the State Bar, where they shall be canvassed at least five days prior to the ensuing annual meeting. At the annual meeting, the count shall be certified and the result officially declared.

In all other respects the elections shall be as the board may by rule direct.

SEC. 2. Section 6041 of the Business and Professions Code is amended to read:

6041. A local administrative committee shall be composed of active members of the State Bar.

CHAPTER 837

An act to amend Section 502 of the Penal Code, relating to computer crime.

[Approved by Governor September 26, 1981 Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 502 of the Penal Code is amended to read:

502. (a) For purposes of this section:

(1) "Access" means to instruct, communicate with, store data in, or retrieve data from a computer system or computer network.

(2) "Computer system" means a machine or collection of machines, excluding pocket calculators which are not programmable and capable of being used in conjunction with external files, one or more of which contain computer programs and data, that performs functions, including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control.

(3) "Computer network" means an interconnection of two or more computer systems.

(4) "Computer program" means an ordered set of instructions or statements, and related data that, when automatically executed in actual or modified form in a computer system, causes it to perform specified functions.

(5) "Data" means a representation of information, knowledge, facts, concepts, or instructions, which are being prepared or have been prepared, in a formalized manner, and are intended for use in a computer system or computer network.

(6) "Financial instrument" includes, but is not limited to, any check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security, or any computer system representation thereof.

(7) "Property" includes, but is not limited to, financial instruments, data, computer programs, documents associated with computer systems and computer programs, or copies thereof, whether tangible or intangible, including both human and computer system readable data, and data while in transit.

(8) "Services" includes, but is not limited to, the use of the computer system, computer network, computer programs, or data prepared for computer use, or data contained within a computer system, or data contained within a computer network.

(b) Any person who intentionally accesses or causes to be accessed any computer system or computer network for the purpose of (1) devising or executing any scheme or artifice to defraud or extort or (2) obtaining money, property, or services with false or fraudulent intent, representations, or promises shall be guilty of a public offense.

(c) Any person who maliciously accesses or causes to be accessed any computer system or computer network for the purpose of obtaining unauthorized information concerning the credit information of another person or who introduces or causes to be introduced false information into that system or network for the purpose of wrongfully damaging or wrongfully enhancing the credit rating of any person shall be guilty of a public offense.

(d) Any person who maliciously accesses, alters, deletes, damages, or destroys any computer system, computer network, computer program, or data shall be guilty of a public offense.

(e) Any person who violates the provisions of subdivision (b), (c), or (d) is guilty of a felony and is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison for 16 months, or two or three years, or by both such fine and imprisonment, or by a fine not exceeding two thousand five hundred dollars ($2,500), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

(f) This section shall not be construed to preclude the applicability of any other provision of the criminal law of this state which applies or may apply to any transaction.

SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 838

An act to amend Section 23186 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 26, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 23186 of the Revenue and Taxation Code is amended to read:

23186. (a) Except as otherwise provided in subdivision (b) or subdivision (c), the rate of tax on banks and financial corporations shall be a percentage equal to the percentage of the total amount of net income, allocable to this state, of every corporation taxable under Section 23151 or subdivision (c) of Section 23151.1 or paragraph (1) of subdivision (d) of Section 23151.1, as the case may be, other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this state as franchise taxes according to or measured by such net income, and required to be paid to this state or its political subdivisions by such corporations as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 13 percent. The percentage of the net income of every

corporation taxable under Section 23151, or subdivision (c) of Section 23151.1, or paragraph (1) of subdivision (d) of Section 23151.1, as the case may be, other than public utilities as defined in the Public Utilities Act, required to be paid to this state or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less 9 percent thereof, bears to the total amount of net income of such corporations allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to this state or its political subdivisions during the preceding calendar year or fiscal year ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

(b) For income years ending in 1980, the rate of tax on banks and financial corporations shall be 11.6 percent. For income years ending in 1981 and thereafter, the rate shall be the rate prescribed in subdivision (d) of Section 23151, plus 2.0 percent.

(c) For income years ending in 1982 and thereafter, the rate of tax on banks and financial corporations shall be a percentage equal to the percentage of the total amount of net income, allocable to this state, of every corporation taxable under Section 23151 or subdivision (c) of Section 23151.1 or paragraph (1) of subdivision (d) of Section 23151.1, as the case may be, other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this state as franchise taxes according to or measured by such net income, and required to be paid to this state or its political subdivisions by such corporations as personal property taxes and business license taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 12 percent. The percentage of the net income of every corporation taxable under Section 23151, or subdivision (c) of Section 23151.1, or paragraph (1) of subdivision (d) of Section 23151.1, as the case may be, other than public utilities as defined in the Public Utilities Act, required to be paid to this state or its political subdivisions in personal property taxes and business license taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes and business license taxes, less the rate prescribed in subdivision (e) or (f) of Section 23151, whichever is the applicable percent thereof, bears to the total amount of net income of such corporations allocable to California, increased by the amount of such personal property taxes and business license taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes and business license taxes required to be paid by such corporation to this state or its political subdivisions during the preceding calendar year or fiscal

years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes and business license taxes exceed such net loss allocable to California.

(d) For income years ending in 1982 and thereafter, for the purposes of subdivision (c), the total amount of personal property taxes and business license taxes required to be paid during the income year shall be based on a statistical sample by the Franchise Tax Board, consisting of all of the following:

(1) Every corporation with a net income of more than five million dollars ($5,000,000) for the income year.

(2) Every corporation required to pay one hundred thousand dollars ($100,000) or more of personal property tax or business license tax, or a combination thereof, during the income year.

(3) Two percent or more of all other corporations on a random basis.

For the purposes of this subdivision, corporation means a corporation taxable under Section 23151, or subdivision (c) of Section 23151.1, or paragraph (1) of subdivision (d) of Section 23151.1, as the case may be, other than public utilities as defined in the Public Utilities Act.

(e) The Franchise Tax Board shall redetermine the rate of tax for banks and corporations determined in 1979 (and 1980 if applicable) , taking into account additional local tax billings prior to January 1, 1982, resulting from the final court decision not to uphold the application of the tax rate provided by Article XIII A of the Constitution to the 1978–79 unsecured roll. Any additional taxes resulting from the redetermined rate will be due and payable within 30 days of mailing of a notice and demand by the Franchise Tax Board. In making the redetermination, the Franchise Tax Board shall utilize the statistical sampling method provided in subdivision (d), except that business license taxes shall not be taken into account.

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

CHAPTER 839

An act to amend Section 777 of the Welfare and Institutions Code, relating to juvenile offenders.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 777 of the Welfare and Institutions Code is amended to read:

777. An order changing or modifying a previous order by

removing a minor from the physical custody of a parent, guardian, relative or friend and directing placement in a foster home, or commitment to a private institution or commitment to a county institution, or an order changing or modifying a previous order by directing commitment to the Youth Authority shall be made only after noticed hearing upon a supplemental petition.

(a) The supplemental petition shall be filed by the probation officer, where a minor has been declared a ward of the court under Section 601, and by the prosecuting attorney at the request of the probation officer where a minor has been declared a ward under Section 602, in the original matter and shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(b) Notwithstanding the provisions of subdivision (a), if the petition alleges a violation of a condition of probation and is for the commitment of a minor to a county juvenile institution for a period of 15 days or less, it is not necessary to allege and prove that the previous disposition has not been effective in the rehabilitation or protection of the minor. In order to make such a commitment the court must, however, find that such commitment is in the best interest of the minor. The provisions of this subdivision may not be utilized more than twice during the time the minor is a ward of the court.

(c) Upon the filing of such supplemental petition, the clerk of the juvenile court shall immediately set the same for hearing within 30 days, and the probation officer shall cause notice thereof to be served upon the persons and in the manner prescribed by Sections 658 and 660.

(d) An order for the detention of the minor pending adjudication of the petition may be made only after a hearing is conducted pursuant to Article 15 (commencing with Section 625) of this chapter.

(e) The filing of a supplemental petition and the hearing thereon shall not be required for the commitment of a minor to a county institution for a period of 30 days or less pursuant to an original or a previous order imposing such specified time in custody and staying the enforcement of such order subject to subsequent violation of a condition or conditions of probation, provided that in order to make such commitment, the court finds at a hearing that the minor has violated a condition or conditions of probation.

CHAPTER 840

An act to add and repeal Section 4024.2 to the Penal Code, relating to county jails.

[Approved by Governor September 26, 1981 Filed with Secretary of State September 26, 1981]

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

SECTION 1. Section 4024.2 is added to the Penal Code, to read:

4024.2. (a) Notwithstanding any other provision of law, the board of supervisors of any county may authorize the sheriff or other official in charge of county correctional facilities to require that any person committed to such facility perform 10 hours of labor on the public works or ways in lieu of one day of confinement.

As used in this section "labor on the public works and ways" means manual labor to improve or maintain public facilities, including but not limited to, streets, parks, and schools.

(b) The board of supervisors may prescribe reasonable rules and regulations under which such labor is to be performed and may provide that such persons wear clothing of a distinctive character while performing such work.

(c) This section shall not apply to persons committed for a period longer than six days.

(d) Nothing in this section shall be construed to require the sheriff or other such official to assign labor to a person pursuant to this section if it appears from the record that such person has refused to satisfactorily perform labor as assigned or has not satisfactorily complied with the reasonable rules and regulations governing such assignment.

A person shall be eligible for work release under this section only if the sheriff or other such official concludes that such person is a fit subject therefor.

(e) This section shall remain in effect until January 1, 1985, and on that date is repealed.

CHAPTER 841

An act to amend Sections 5325, 5326, 5326.1, 5326.9, and 5328 of, and to add Chapter 6 (commencing with Section 5500) to Part 2 of Division 5 of, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 26, 1981 Filed with Secretary of State September 26, 1981.]

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

SECTION 1. The Legislature recognizes that current and former recipients of mental health services have the same legal rights guaranteed all other individuals by the federal Constitution, and the laws of the State of California.

Nevertheless, far too frequently, recipients of mental health services are deprived of the protection of the law and their rights are disregarded or abused both in the course of obtaining treatment for their disability and the conduct of their lives in the community. The dignity and human and civil rights of this vulnerable group of California's citizens must be protected to the fullest possible extent.

The Legislature recognizes the need for and the existence of a system of patients' rights advocates responsible to local mental health directors. Through codification of this existing system of protection of patients' rights, the Legislature intends to emphasize its commitment to the protection of not only those rights enjoyed by all citizens of California, but of those special rights granted by the Legislature to recipients of mental health services.

The Legislature also recognizes that without reasonable access to clients and to client records, and without sanctions in cases of rights violation, meaningful protection of client rights cannot occur. At the same time, the Legislature recognizes that safeguards for client confidentiality and training for advocates are necessary in order to ensure effective and responsible advocacy.

SEC. 2. Section 5325 of the Welfare and Institutions Code is amended to read:

5325. Each person involuntarily detained for evaluation or treatment under provisions of this part, each person admitted as a voluntary patient for psychiatric evaluation or treatment to any health facility, as defined in Section 1250 of the Health and Safety Code, in which psychiatric evaluation or treatment is offered, and each mentally retarded person committed to a state hospital pursuant to Article 5 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 shall have the following rights, a list of which shall be prominently posted in the predominant languages of the community and explained in a language or modality accessible to the patient in all facilities providing such services and otherwise brought to his or her attention by such additional means as the Director of Mental Health may designate by regulation:

(a) To wear his or her own clothes; to keep and use his or her own personal possessions including his or her toilet articles; and to keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases.

(b) To have access to individual storage space for his or her private use.

(c) To see visitors each day.

(d) To have reasonable access to telephones, both to make and receive confidential calls or to have such calls made for them.

(e) To have ready access to letterwriting materials, including stamps, and to mail and receive unopened correspondence.

(f) To refuse convulsive treatment including, but not limited to, any electroconvulsive treatment, any treatment of the mental condition which depends on the induction of a convulsion by any means, and insulin coma treatment.

(g) To refuse psychosurgery. Psychosurgery is defined as those operations currently referred to as lobotomy, psychiatric surgery, and behavioral surgery and all other forms of brain surgery if the surgery is performed for the purpose of any of the following:

(1) Modification or control of thoughts, feelings, actions, or behavior rather than the treatment of a known and diagnosed physical disease of the brain.

(2) Modification of normal brain function or normal brain tissue in order to control thoughts, feelings, actions, or behavior.

(3) Treatment of abnormal brain function or abnormal brain tissue in order to modify thoughts, feelings, actions or behavior when the abnormality is not an established cause for those thoughts, feelings, actions, or behavior.

Psychosurgery does not include prefrontal sonic treatment wherein there is no destruction of brain tissue. The Director of Mental Health shall promulgate appropriate regulations to assure adequate protection of patients' rights in such treatment.

(h) To see and receive the services of a patient advocate who has no direct or indirect clinical or administrative responsibility for the person receiving mental health services.

(i) Other rights, as specified by regulation.

Each patient shall also be given notification in a language or modality accessible to the patient of other constitutional and statutory rights which are found by the State Department of Mental Health to be frequently misunderstood, ignored, or denied.

Upon admission to a facility each patient shall immediately be given a copy of a State Department of Mental Health prepared patients' rights handbook.

The State Department of Mental Health shall prepare and provide the forms specified in this section and in Section 5157.

The rights specified in this section may not be waived by the person's parent, guardian, or conservator.

SEC. 3. Section 5326 of the Welfare and Institutions Code is amended to read:

5326. The professional person in charge of the facility or his or her designee may, for good cause, deny a person any of the rights under Section 5325, except under subdivisions (g) and (h) and the rights under subdivision (f) may be denied only under the conditions specified in Section 5326.7. To ensure that these rights are denied only for good cause, the Director of Mental Health shall adopt regulations specifying the conditions under which they may be denied. Denial of a person's rights shall in all cases be entered into the person's treatment record.

SEC. 4. Section 5326.1 of the Welfare and Institutions Code is amended to read:

5326.1. Quarterly, each local mental health director shall furnish to the Director of Mental Health, the facility reports of the number of persons whose rights were denied and the right or rights which were denied. The content of the reports from facilities shall enable the local mental health director and Director of Mental Health to identify individual treatment records, if necessary, for further analysis and investigation. These quarterly reports, except for the identity of the person whose rights are denied, shall be available, upon request, to Members of the State Legislature, or a member of a county board of supervisors.

Notwithstanding any other provision of law, information pertaining to denial of rights contained in the person's treatment record shall be made available, on request, to the person, his or her attorney, his or her conservator or guardian, the local mental health director, or his or her designee, or the Client's Rights Office of the State Department of Mental Health. Such information may include consent forms, required documentation for convulsive treatment, documentation regarding the use of restraints and seclusion, physician's orders, nursing notes, and involuntary detention and conservatorship papers. Such information, except for the identity of the person whose rights are denied, shall be made available to the Members of the State Legislature or a member of a county board of supervisors.

SEC. 5. Section 5326.9 of the Welfare and Institutions Code is amended to read:

5326.9. (a) Any alleged or suspected violation of the rights described in Chapter 2 (commencing with Section 5150) shall be investigated by the local director of mental health, or his or her designee. Violations of Sections 5326.2 to 5326.8, inclusive, shall also be investigated by the Director of Mental Health, or his or her designee. If it is determined by the local director of mental health or Director of Mental Health that a right has been violated, a formal notice of violation shall be issued.

(b) Either the local director of mental health or the Director of Mental Health upon issuing a notice of violation may take any or all of the following action:

(1) Assign a specified time period during which the violation shall be corrected.

(2) Referral to the Board of Medical Quality Assurance or other professional licensing agency. Such board shall investigate further, if warranted, and shall subject the individual practitioner to any penalty the board finds necessary and is authorized to impose.

(3) Revoke a facility's designation and authorization under Section 5404 to evaluate and treat persons detained involuntarily.

(4) Refer any violation of law to a local district attorney or the Attorney General for prosecution in any court with jurisdiction.

(c) Any physician who intentionally violates Sections 5326.2 to

5326.8, inclusive, shall be subject to a civil penalty of not more than five thousand dollars ($5,000) for each violation. Such penalty may be assessed and collected in a civil action brought by the Attorney General in a superior court. Such intentional violation shall be grounds for revocation of license.

(d) Any person or facility found to have knowingly violated the provisions of the first paragraph of Section 5325.1 or to have denied without good cause any of the rights specified in Section 5325 shall pay a civil penalty, as determined by the court, of fifty dollars ($50) per day during the time in which the violation is not corrected, commencing on the day on which a notice of violation was issued, not to exceed one thousand dollars ($1,000), for each and every violation, except that any liability under this provision shall be offset by an amount equal to a fine or penalty imposed for the same violation under the provisions of Sections 1423 to 1425, inclusive, or 1428 of the Health and Safety Code. These penalties shall be deposited in the general fund of the county in which the violation occurred. The local district attorney or the Attorney General shall enforce this section in any court with jurisdiction. Where the State Department of Health Services, under the provisions of Sections 1423 to 1425, inclusive, of the Health and Safety Code, determines that no violation has occurred, the provisions of paragraph (4) of subdivision (b) shall not apply.

(e) The remedies provided by this subdivision shall be in addition to and not in substitution for any other remedies which an individual may have under law.

SEC. 6. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 4 (commencing with Section 4000), Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100), to either voluntary or involuntary recipients of services shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients prior to 1969 shall also be confidential. Information and records shall be disclosed only in any of the following cases:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his or her guardian or conservator shall be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the patient, with the approval of the physician, licensed *psychologist, or social worker* with a masters degree in social work, who is in charge of the patient, designates persons to whom

information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him or her in confidence by members of a patient's family.

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(d) If the recipient of services is a minor, ward, or conservatee, and his or her parent, guardian, guardian ad litem, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him or her in confidence by members of a patient's family.

(e) For research, provided that the Director of Mental Health or the Director of Developmental Services designates by regulation, rules for the conduct of research and requires such research to be first reviewed by the appropriate institutional review board or boards. Such rules shall include, but need not be limited to, the requirement that all researchers shall sign an oath of confidentiality as follows:

_____

Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree to obtain the prior informed consent of such persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, and I further agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____

Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Rules Committee or the Assembly Rules

Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

(j) To the attorney for the patient in any and all proceedings upon presentation of a release of information signed by the patient, except that when the patient is unable to sign such release, the staff of the facility, upon satisfying itself of the identity of the attorney, and of the fact that the attorney does represent the interests of the patient, may release all information and records relating to the patient except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him or her in confidence by members of a patient's family.

(k) Upon written agreement by a person previously confined in or otherwise treated by a facility, the professional person in charge of the facility or his or her designee may release any information, except information which has been given in confidence by members of the person's family, requested by a probation officer charged with the evaluation of the person after his or her conviction of a crime if the professional person in charge of the facility determines that such information is relevant to the evaluation. Such agreement shall only be operative until sentence is passed on the crime of which the person was convicted. The confidential information released pursuant to this subdivision shall be transmitted to the court separately from the probation report and shall not be placed in the probation report. The confidential information shall remain confidential except for purposes of sentencing. After sentencing, the confidential information shall be sealed.

(*l*) Between persons who are trained and qualified to serve on "multidisciplinary personnel" teams pursuant to subdivision (d) of Section 18951. The information and records sought to be disclosed shall be relevant to the prevention, identification, management, or treatment of an abused child and his or her parents pursuant to Chapter 11 (commencing with Section 18950) of Part 6 of Division 9.

(m) To county patients' rights advocates who have been given knowing voluntary authorization by a client or a guardian ad litem. The client or guardian ad litem, whoever entered into the agreement, may revoke such authorization at any time, either in writing or by oral declaration to an approved advocate.

The amendment of subdivision (d) enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 7. Chapter 6 (commencing with Section 5500) is added to Part 2 of Division 5 of the Welfare and Institutions Code, to read:

CHAPTER 6. MENTAL HEALTH ADVOCACY

Article 1. General Provisions

5500. As used in this chapter:

(a) "Advocacy" means those activities undertaken on behalf of persons who are receiving or have received mental health services to protect their rights or to secure or upgrade treatment or other services to which they are entitled.

(b) "Mental health client" or "client" means any person who is receiving or has received services from a mental health facility, service or program and who has personally or through a guardian ad litem, entered into an agreement with a county patients' rights advocate for the provision of advocacy services.

(c) "Mental health facilities, services, or programs" means any publicly operated or supported mental health facility or program; any private facility or program licensed or operated for health purposes providing services to mentally disordered persons; and publicly supported agencies providing other than mental health services to mentally disordered clients.

(d) "Independent of providers of service" means that the advocate has no direct or indirect clinical or administrative responsibility for any recipient of mental health services in any mental health facility, program, or service for which he or she performs advocacy activities.

(e) "County patients' rights advocate" means any advocate appointed, or whose services are contracted for, by a local mental health director.

Article 2. Patients' Rights Office

5510. The Patients' Rights Office is hereby established in the State Department of Mental Health which shall be responsible for ensuring that mental health laws, regulations and policies on the rights of recipients of mental health services are observed in state hospitals and in licensed health and community care facilities.

5511. The Director of Mental Health or the executive director of each state hospital serving mentally disordered persons may contract with independent persons or agencies to perform patients' rights advocacy services in state hospitals.

5512. The Patients' Rights Office shall provide training to county patients' rights advocates. Training shall be directed at ensuring that all county patients' rights advocates possess:

(a) Knowledge of the service system, financial entitlements, and service rights of persons receiving mental health services.

(b) Knowledge of patients' rights in institutional and community facilities.

(c) Knowledge of civil commitment statutes and procedures.

(d) Knowledge of state and federal laws and regulations affecting

recipients of mental health services.

(e) Ability to work effectively with service recipients and providers, public administrators, community groups, and the judicial system.

(f) Skill in interviewing and counseling service recipients, including giving information and appropriate referrals.

(g) Ability to investigate and assess complaints and screen for legal problems.

(h) Knowledge of administrative and judicial due process proceedings in order to provide representation at administrative hearings and to assist in judicial hearings when necessary to carry out the intent of Section 5522 regarding cooperation between advocates and legal representatives.

(i) Knowledge of, and commitment to, advocacy ethics and principles.

5513. The Patients' Rights Office shall serve as a liaison between county patients' rights advocates and the State Department of Mental Health.

5514. There shall be a five-person Patients' Rights Subcommittee of the Citizens Advisory Council. This subcommittee, supplemented by two ad hoc members appointed by the chairperson of the subcommittee, shall advise the Director of Mental Health regarding department policies and practices that affect patients' rights. The subcommittee shall also review the advocacy and patients' rights components of each county Short-Doyle plan and advise the Director of Mental Health concerning the adequacy of each plan in protecting patients' rights. The ad hoc members of the subcommittee shall be persons with substantial experience in establishing and providing independent advocacy services to recipients of mental health services.

Article 3. County Advocates

5520. Each local mental health director shall appoint, or contract for the services of, one or more county patients' rights advocates. The duties of these advocates shall include, but not be limited to, the following:

(a) To receive and investigate complaints from or concerning recipients of mental health services residing in licensed health or community care facilities regarding abuse, unreasonable denial or punitive withholding of rights guaranteed under the provisions of Division 5 (commencing with Section 5000).

(b) To monitor mental health facilities, services and programs for compliance with statutory and regulatory patients' rights provisions.

(c) To provide training and education about mental health law and patients' rights to mental health providers.

(d) To ensure that recipients of mental health services in all licensed health and community care facilities are notified of their rights.

(e) To exchange information and cooperate with the Patients' Rights Office.

This section does not constitute a change in, but is declarative of the existing law.

5521. It is the intent of the Legislature that legal representation regarding changes in client legal status or conditions and other areas covered by statute providing for local public defender or court-appointed attorney representation, shall remain the responsibility of local agencies, in particular the county public defender. County patients' rights advocates shall not duplicate, replace, or conflict with these existing or mandated local legal representations. This section shall not be construed to prevent maximum cooperation between legal representatives and providers of advocacy services.

5522. County patients' rights advocates may conduct investigations if there is probable cause to believe that the rights of a past or present recipient of mental health services have been, may have been, or may be violated.

5523. (a) Notwithstanding any other provision of law, and without regard to the existence of a guardianship or conservatorship, a recipient of mental health services is presumed competent for the purpose of entering into an agreement with county patients' rights advocates for the provision of advocacy services unless found by the superior court to be incompetent to enter into an agreement with an advocate and a guardian ad litem is appointed for such purposes.

(b) In conducting investigations in cases in which an advocate has not received a request for advocacy services from a recipient of mental health services or from another person on behalf of a recipient of mental health services, the advocate shall notify the treating professional responsible for the care of any recipient of services whom the advocate wishes to interview, and the facility, service, or program administrator, of his or her intention to conduct such an interview. Whenever the treating professional is reasonably available for consultation, the advocate shall consult with the professional concerning the appropriate time to conduct the interview.

(c) Any agreement with any county patients' rights advocate entered into by a mental health client shall be made knowingly and voluntarily or by a guardian ad litem. It shall be in a language or modality which the client understands. Any such agreement may, at any time, be revoked by the client or by the guardian ad litem, whoever has entered into the agreement, either in writing or by oral declaration to the advocate.

(d) Nothing in this chapter shall be construed to prohibit a recipient of mental health services from being represented by public or private legal counsel of his or her choice.

(e) The remedies provided by this chapter shall be in addition to any other remedies which may be available to any person, and the failure to pursue or exhaust the remedies or engage in the

procedures provided by this chapter shall not preclude the invocation of any other remedy.

(f) Investigations concerning violations of a past recipients' rights shall be limited to cases involving discrimination, cases indicating the need for education of training, or cases having a direct bearing on violations of the right of a current recipient. This subdivision is not intended to constrain the routine monitoring for compliance with patients' rights provisions described in subdivision (b) of Section 5520.

Article 4. Access to Clients

5530. (a) County patients' rights advocates shall have access to all clients and other recipients of mental health services in any mental health facility, program, or service at all times as are necessary to investigate or resolve specific complaints and in accord with subdivision (b) of Section 5526. County patients' rights advocates shall have access to mental health facilities, programs, and services, and recipients of services therein during normal working hours and visiting hours for other advocacy purposes. Advocates may appeal any denial of access directly to the head of any facility, the director of a county mental health program or the State Department of Mental Health or may seek appropriate relief in the courts. If a petition to a court sets forth prima facie evidence for relief, a hearing on the merits of the petition shall be held within two judicial days of the filing of the petition. The superior court for the county in which the facility is located shall have jurisdiction to review petitions filed pursuant to this chapter.

(b) County patients' rights advocates shall have the right to interview all persons providing the client with diagnostic or treatment services.

(c) Upon request, all mental health facilities shall, when available, provide reasonable space for county patients' rights advocates to interview clients in privacy and shall make appropriate staff persons available for interview with such advocates in connection with pending matters.

(d) Individual patients shall have a right to privacy which shall include the right to terminate any visit by persons who have access pursuant to this chapter and the right to refuse to see any patient advocate.

(e) Notice of the availability of advocacy services and information about patients' rights may be provided by county patients' rights advocates by means of distribution of educational materials and discussions in groups and with individual patients.

Article 5. Access to Records

5540. Except as otherwise provided in this chapter or in other provisions of law, information about and records of recipients of

mental health services shall be confidential in accordance with the provisions of Section 5328.

5541. (a) A specific authorization by the client or by the guardian ad litem is necessary for a county patients' rights advocate to have access to, copy or otherwise use confidential records or information pertaining to the client. Such an authorization shall be given knowingly and voluntarily by a client or guardian ad litem and shall be in writing or be reduced to writing. The client or the guardian ad litem, whoever has entered into the agreement, may revoke such authorization at any time, either in writing or by oral declaration to the advocate.

(b) When specifically authorized by the client or the guardian ad litem, the county patients' rights advocate may inspect and copy confidential client information and records.

5542. County patients' rights advocates shall have the right to inspect or copy, or both, any records or other materials not subject to confidentiality under Section 5328 or other provisions of law in the possession of any mental health program, services, or facilities, or city, county or state agencies relating to an investigation on behalf of a client or which indicate compliance or lack of compliance with laws and regulations governing patients' rights, including, but not limited to, reports on the use of restraints or seclusion, and autopsy reports.

5543. (a) Notwithstanding any other provision of law, with the authorization of the client, a county patients' rights advocate may, to the extent necessary for effective advocacy, communicate to the client information contained in client records. The facility program, or agency, shall be allowed to remove from the records any information provided in confidence by members of a client's family.

5544. Any written client information obtained by county patients' rights advocates may be used and disseminated in court or administrative proceedings, and to any public agencies, or authorized officials thereof, to the extent required in the providing of advocacy services defined in this chapter, and to the extent that authority to so disclose is obtained from the advocate's clients.

5545 Nothing in this chapter shall be construed to limit access to recipients of mental health services in any mental health facility, program, or service or to information or records of recipients of mental health services for the purposes of subdivision (b) of Section 5520 or when otherwise authorized by law to county patients' rights advocates or other individuals who are not county patients' rights advocates.

5546. The actual cost of copying any records or other materials authorized under this chapter, plus any additional reasonable clerical costs, incurred in locating and making the records and materials available, shall be borne by the advocate. The additional clerical costs shall be based on a computation of the time spent locating and making the records available multiplied by the employee's hourly wage.

Article 6. Penalties

5550. (a) Any person participating in filing a complaint or providing information pursuant to this chapter or participating in a judicial proceeding resulting therefrom shall be presumed to be acting in good faith and unless the presumption is rebutted shall be immune from any liability, civil or criminal, and shall be immune from any penalty, sanction, or restriction that otherwise might be incurred or imposed.

(b) No person shall knowingly obstruct any county patients' rights advocate in the performance of duties as described in this chapter, including, but not limited to, access to clients or potential clients, or to their records, whether financial, medical, or otherwise, or to other information, materials, or records, or otherwise violate the provisions of this chapter.

(c) No facility to which the provisions of Section 5325 are applicable shall discriminate or retaliate in any manner against a patient or employee on the basis that such patient or employee has initiated or participated in any proceeding specified in this chapter Any attempt by a facility to expel a patient, or any discriminatory treatment of a patient, who, or upon whose behalf, a complaint has been submitted to a county patients' rights advocate within 120 days of the filing of the complaint shall raise a rebuttable presumption that such action was taken by the facility in retaliation for the filing of the complaint.

(d) No county patients' rights advocate shall knowingly violate any provision of this chapter concerning client privacy and the confidentiality of personally identifiable information.

(e) Any person or facility found in violation of subdivision (b) or (d) shall pay a civil penalty, as determined by a court, of not less than one hundred dollars ($100), or more than one thousand dollars ($1,000) which shall be deposited in the county general funds.

SEC. 8. Notwithstanding Section 6 of Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234. It is recognized, however, that a local agency 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 for which reimbursement is mandated, except for those costs for which reimbursement is not required because the local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because the costs which may be incurred by a local agency will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

SEC. 9. Notwithstanding Section 2231.5 of the Revenue and

Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

CHAPTER 842

An act to amend Sections 11102, 11102.5, 11104, 11105, 11105.2, 11107, and 11111 of, and to add Sections 11105.1, 11105.3, 11108.5, 11111.5, and 11116 to, the Vehicle Code, relating to driving schools and driving instructors.

[Approved by Governor September 26, 1981. Filed with Secretary of State September 26, 1981.]

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

SECTION 1. Section 11102 of the Vehicle Code is amended to read:

11102. (a) A driving school owner shall:

(1) Be a person who has not been convicted of a crime involving an act of dishonesty, fraud, or deceit with the intent to benefit himself or another substantially, or to injure another substantially; or has not committed any act which, if done as a licensed driving school owner, would be grounds for the suspension or revocation of his license.

(2) Pay to the department an application fee of fifty dollars ($50) and upon original application, in addition to the fifty dollars ($50), an initial investigation and inspection fee of fifty dollars ($50).

(3) Maintain an established place of business open to the public. No office or place of business shall be situated within 500 feet of any building used by the department as an office, unless the owner was established at such location on or before January 1, 1976.

(4) Have the proper equipment necessary to giving instruction in the operation of the class of vehicles for which the course is designed.

(5) Procure and file with the department a good and sufficient bond in the amount of two thousand dollars ($2,000) with corporate surety thereon, duly licensed to do business within the State of California, or a cash bond in such amount, and conditioned that such applicant shall not practice any fraud or make any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant. The aggregate liability of the surety for all claims of such persons shall, in no event, exceed the penal sum of such bond The alternative requirement of a cash deposit as provided for in this section can be satisfied by any of the following:

(i) Certificates of deposit payable to the department issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(ii) Investment certificates or share accounts assigned to the

department and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(iii) Cash deposited with the department.

The terms and conditions pertaining to each of the foregoing types of security shall be prescribed by the department.

(6) Meet the requirements of Section 11102.5. If the owner is not the operator of the driving school, he shall designate an operator who shall meet the requirements of Section 11102.5.

(7) File with the department a good and sufficient instrument in writing in which the owner shall appoint the director as the true and lawful agent of the applicant upon whom all process may be served in any action, or actions, which may thereafter be commenced against the applicant, arising out of any claim for damages suffered by any firm, person, association, or corporation by reason of the violation of the applicant of any of the terms and provisions of this code or any condition of the driving school owner's bond. The applicant shall stipulate and agree in such appointment that any process directed to the applicant, when personal service of process upon him cannot be made in this state after due diligence, in such a case which is served upon the director, or in the event of the director's absence from the office, upon any employee in charge of the office of the director, shall be of the same legal force and effect as if served upon the applicant personally. The applicant shall further stipulate and agree in writing that the agency created by the appointment shall continue for and during the period covered by the license and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of the bond. The instrument appointing the director as agent for the applicant for service of process shall be acknowledged by the applicant before a notary public. In any case wherein the licensee is served with process by service thereof upon the director, one copy of the summons and complaint shall be left with the director or in his office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars ($5) shall also be paid to the director at the time of service of the copy of the summons and complaint. The service on the director shall be a sufficient service on the licensee; provided, that a notice of the service and a copy of the summons and complaint shall be forthwith sent by registered mail by the plaintiff or his attorney to the licensee. A copy of the summons and complaint shall be mailed by the plaintiff or his attorney to the surety of the applicant's bond at the address of the surety given in the bond, postpaid and registered with request for return receipt. The director shall keep a record of all process so served upon him which record shall show the day and hour of service and shall retain the summons and complaint so served on him on file. Where the licensee is served with process by service thereof upon the director, the licensee shall be allowed 30 days from and after the service thereof within which to answer any complaint or other pleading which may be filed in the

cause; and provided, further, that for purposes of venue, where the licensee is served with process by service thereof upon the director, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his established place of business.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application and fee shall be required.

SEC. 2. Section 11102.5 of the Vehicle Code is amended to read:

11102.5. (a) A driving school operator shall:

(1) Be a person who has not been convicted of a crime involving an act of dishonesty, fraud, or deceit with the intent to benefit himself or another substantially, or to injure another substantially; or has not committed any act which, if done as a licensed driving school operator, would be grounds for the suspension or revocation of his license.

(2) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, and office procedures and recordkeeping.

(3) Pay to the department an application fee of fifty dollars ($50) which shall entitle the applicant to three examinations.

(4) Be 18 years of age or older.

(5) Have worked for an established licensed California driving school as a driving instructor for a period of not less than 1,000 hours of actual behind-the-wheel teaching and on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, except that this paragraph does not apply to any person who is certified by the Department of Education as fully qualified to teach driver education and driver training and has taught such subjects in the public school system for a period of not less than 1,000 hours.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

SEC. 3. Section 11104 of the Vehicle Code is amended to read:

11104. Every person in order to qualify as a driving instructor, as defined in Section 310.4, shall meet the following requirements:

(a) Be a person who has not been convicted of a crime involving an act of dishonesty, fraud, or deceit with the intent to benefit himself or another substantially, or to injure another substantially; or has not committed any act which, if done as a licensed driving instructor, would be grounds for the suspension or revocation of his license.

(b) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.

(c) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles and teaching methods and techniques.

(d) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(e) Hold a valid California driver's license in a class appropriate for the type of vehicle in which instruction will be given.

(f) Not be on probation to the department as a negligent operator.

(g) Have a driver record which does not have an outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine, as provided in Section 40509.

(h) Pay to the department an application fee of thirty dollars ($30).

(i) Be 18 years of age or older.

(j) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

SEC. 4. Section 11105 of the Vehicle Code is amended to read:

11105. (a) The department shall issue a license certificate to each driving school owner and to each driving school operator when it is satisfied that he has met the qualifications required under this chapter. The license shall be for a period of one year from the date of issue unless canceled, suspended, or revoked by the department.

(b) The license shall be renewed annually. The department shall require all of the following for the renewal of the license:

(1) Compliance with the provisions of Section 11102 for renewal of a driving school owner's license or Section 11102.5, except paragraph (2) of subdivision (a) of Section 11102.5, for renewal of a driving school operator's license.

(2) Satisfactory completion of an examination as provided in Section 11102.5 at least once during each succeeding three-year period after the initial issuance of a license certificate.

In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education. Professional education, as used in this subdivision, means satisfactory completion of courses related to traffic safety, teaching techniques, or the teaching of driver instruction acceptable to the department or participation in professional seminars approved by the department.

(c) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(d) Upon notification of death of a driving school licensee the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the surviving spouse or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one-year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving spouse or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.

SEC. 5. Section 11105.1 is added to the Vehicle Code, to read:

11105.1. (a) The department shall issue a license certificate to each driving school instructor when it is satisfied that he has met the qualifications required under this chapter. The original driving school instructor license and any driving school instructor license renewed pursuant to subdivisions (b) and (c) shall expire on the third birth date of the applicant following the date of application unless canceled, suspended, or revoked by the department.

(b) Every application for the renewal of a driving school instructor license shall be made by the licensee 30 days, or more, prior to the expiration date of the license and by presenting the application form provided by the department.

The department shall require all of the following for the renewal of the license:

(1) Compliance with the provisions of Section 11104, except subdivision (c).

(2) Satisfactory completion of an examination as provided in Section 11104 at least once during each succeeding three-year period after the initial issuance of a license certificate.

In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education as defined in paragraph (2) of subdivision (b) of Section 11105.

(c) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 6. Section 11105.2 of the Vehicle Code is amended to read:

11105.2. (a) Upon application for a duplicate license, there shall be paid to the department a fee of two dollars ($2).

(b) Upon application for each replacement license issued because of a change in school name or location, there shall be paid to the department a fee of two dollars ($2).

(c) Upon application for transfer of an instructor's license to another employing driving school, there shall be paid a fee of two dollars ($2).

(d) Upon application for a change of location of the established place of business, there shall be paid to the department an inspection fee of twenty-five dollars ($25).

SEC. 7. Section 11105.3 is added to the Vehicle Code, to read:

11105.3. Any driving school owner, operator, or instructor required to be licensed under this chapter who fails to renew such license prior to the expiration of the license in accordance with Sections 11105 and 11105.1 and whose license was not canceled, suspended, or revoked by the department at the time of expiration, may reapply for an original license pursuant to Section 11102, 11102.5, or 11104.

SEC. 8. Section 11107 of the Vehicle Code is amended to read:

11107. (a) The department may refuse to issue a license certificate to any applicant to own or operate a driving school or to any driving instructor when it is satisfied that:

(1) The applicant has not met the qualifications required under this chapter.

(2) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has done any act or series of acts which would be a cause for suspension or revocation under Section 11110.

(4) If the applicant is a partnership or corporation, one or more of the limited or general partners, stockholders, directors, or officers, was the holder of a revoked or suspended license previously issued under this chapter, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or one or more of such partners, stockholders, directors, or officers, as the case may be, though not previously the holder of a license, has done any act or series of acts which would be a cause for revocation or suspension under Section 11110.

(5) By reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation, it is likely that the policy or operation of the business will be directed, controlled, or managed by an individual who by reason of the act, series of acts, or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.

(b) Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A person whose license has been revoked or application for a license has been refused may reapply for such license after a period of not less than one year has elapsed from the effective date of the decision revoking the license or refusing the application.

SEC. 9. Section 11108.5 is added to the Vehicle Code, to read:

11108.5. (a) Every driving school owner licensed pursuant to Section 11105 shall notify the department within 10 days of any change in the ownership or corporate structure of the licensee.

(b) Every driving school owner licensed pursuant to Section 11105 shall immediately notify the department upon changing the site or location of the driving school's established place of business.

(c) Every driving school operator and driving instructor licensed pursuant to Sections 11105 and 11105.1 shall report to the department every change of residence address within five days of the change.

SEC. 10. Section 11111 of the Vehicle Code is amended to read:

11111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension, or revocation of the license by the department, except that the department shall forthwith suspend such license without a hearing for failure of the licensee to meet and maintain the requirements of paragraph (3), (5), or (6) of subdivision (a) of Section 11102, or Section 11103, or subdivision (e), (f), or (g) of Section 11104.

(b) Before reinstatement of any license suspended for failure of the licensee to meet and maintain the requirements of paragraph (3), (5), or (6) of subdivision (a) of Section 11102, or Section 11103, or subdivision (e), (f), or (g) of Section 11104, the licensee shall pay to the department a reinstatement fee of five dollars ($5).

(c) The notice and hearings provided for in this division shall be pursuant to and governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

(e) The department may, pending a hearing, temporarily suspend the license or permit of any driving school owner, driving school operator, or driving instructor for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of temporary suspension.

(f) The suspension, expiration, or cancellation of a license issued

under the authority of this chapter shall not prevent the filing of an accusation for the revocation or suspension of the suspended, expired, or canceled license as provided in Section 11110, and the department's decision that the license should be suspended or revoked. Such determination may be considered in granting or refusing to grant any subsequent license authorized by this division to such licensee, or any partner, officer, director, or stockholder of such licensee.

SEC. 11. Section 11111.5 is added to the Vehicle Code, to read:

11111.5. (a) The director may, following the filing of an accusation against a licensee under this chapter and prior to conducting a hearing pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, exercise an option, with the consent of the licensee, to enter into and adopt a stipulated penalty whereby the licensee agrees to accept the terms and conditions of the penalty without hearing or appeal by any party thereto. The penalty may include a period of probation.

(b) Each compromise settlement agreement effected pursuant to this section shall be signed by the respondent licensee, the director, and the accuser, or by their authorized representatives, and filed with the Office of Administrative Hearings, together with the department's notice of withdrawal of the accusation upon which such action was initiated if the agreement is effected before the hearing.

(c) Failure of the respondent to honor the terms and conditions of an agreement effected under this section shall render the agreement null and void, and will be cause for action pursuant to Section 11110 in the same manner as the department may have otherwise proceeded notwithstanding the agreement.

SEC. 12. Section 11116 is added to the Vehicle Code, to read:

11116. (a) Whenever the department cancels, suspends, or revokes the license of a driving school owner, driving school operator, or driving instructor, the licensee or person in possession thereof shall immediately return the license, certificates of completion, and any other evidence of licensing to the department.

SEC. 13. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.