Volume 3

# STATUTES OF CALIFORNIA

1967

CONSTITUTION OF 1879 AS AMENDED

GENERAL LAWS, AMENDMENTS TO CODES,
AND RESOLUTIONS

PASSED AT

THE 1967 REGULAR SESSION OF THE LEGISLATURE

AND

THE 1967 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE




*Compiled by*
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122—L-598

# CHAPTER 1621

*An act to amend Sections 74, 186.3 and 186.4 of, to amend and renumber Sections 186.1, 186.2, 194, 194.1, 194.2, 194.5, 195, 195.5, 196, 197.5, 197.8, 198, 200, 202, 203, and 205 of, to add Section 186.5 to, and to repeal Sections 186.5, 186.6, 186.7, 186.8, 197, 199, 201, 2107, and 2118 of, the Streets and Highways Code, and to amend Section 11005 of the Revenue and Taxation Code, relating to the streets and highways.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 74 of the Streets and Highways Code is amended to read:

74. Any city or county aggrieved by any decision of the department under the provisions of Division 3 (commencing with Section 2004.5) or under the provisions of Sections 186.3 and 186.5 may, within 30 days after such decision, petition the California Highway Commission for a hearing. If a petition be filed, the commission shall hear the same as soon as conveniently possible and after reasonable notice to such city or county. The commission shall make its order allowing or disallowing the petition in whole or in part and the commission's order shall be final and conclusive.

SEC. 1.5. Section 186.1 of the Streets and Highways Code is amended and renumbered 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 shall be apportioned monthly among counties and cities for use exclusively for county road and city street purposes, 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) 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 (c) 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 department 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 cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

No apportionment shall be made to any city or county which does not have a select system established in accordance with the provisions of Section 186.3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

SEC. 2. Section 186.2 of the Streets and Highways Code is amended and renumbered to read:

2106.5. Each county and any of its incorporated cities may enter into an agreement regarding the base sum established by paragraph (1) of subdivision (b) of Section 2106, providing for expenditure of the amounts apportioned to the county and apportioned for expenditure within the cities participating in the agreement upon selected roads and streets within the county and the cities participating in the agreement included in the select system of county roads and city streets for such county and cities established as provided in Section 186.3. Any such agreements shall be filed with the Controller. After verification of the agreement or agreements by the Controller, the Controller shall make disposition of the apportionment to the county, and shall make disposition of the amounts to which each city participating in an agreement is entitled, in accordance with terms of the agreement.

SEC. 3. Section 186.3 of the Streets and Highways Code is amended to read:

186.3. Funds apportioned pursuant to Section 2106 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section. On or before the first day of October of each year each county, city, or city and county shall file with the department a report in a form prescribed by the department showing its expenditures of funds apportioned pursuant to

Section 2106 during the preceding fiscal year. The department may conduct such a postaudit of the expenditure of such funds as the department deems necessary to determine whether the expenditures were in conformance with the requirements of this paragraph. If, following the audit, the department determines that the funds were not expended in conformance with the requirements of this paragraph, the department shall notify the Controller, and the Controller shall withhold from future apportionments to the county or city or city and county involved an amount equal to the amount of the prior apportionment not expended in conformance with the requirements of this paragraph.

Until modified as provided in the following paragraph, the select system for each county shall consist of the roads designated as primary roads or secondary collector roads, and for each city shall consist of the streets designated as major arterials and collector streets, in the audited findings of the department as used in the preparation of the report made pursuant to Resolution Chapter No. 208 (Senate Concurrent Resolution No. 62) of the Statutes of 1959.

On or before October 1, 1964, each county and city eligible for allocation and apportionment of funds pursuant to Section 2106 shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes. Such submittals shall be reviewed and approved or modified by the department and shall constitute the select system upon which funds may thereafter be expended.

Notwithstanding prior law, all modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

SEC. 4. Section 186.4 of the Streets and Highways Code is amended to read:

186.4. In selecting or revising the select system of county roads or city streets for a county or city each year, the county or city, and the department in making its review and modification, if any, shall give consideration to the following criteria:

(a) The total mileage of the select system for any county or city shall not exceed 50 percent of the sum of state highway and locally maintained road or street mileage in the county or city less the state highway mileage in the county or city; except that this limit may be exceeded in the case of unusual circumstances reported by the county or city and determined by the commission to constitute sufficient cause for exceeding the limit.

(b) Any route included in the select system of county roads or city streets shall meet one or more of the following tests:

(1) It shall provide an important traffic connection to a route in the state highway system.

(2) It shall be an important traffic lateral between two or more routes in the state highway system.

(3) It shall afford substantial traffic relief to one or more routes in the state highway system.

Routes in the state highway system may be included in the select system for the purpose of providing for contributions to and processing of projects pursuant to cooperative agreements with the department.

Any route not qualifying, or only partially qualifying, under any one or more of the foregoing tests may be included in the select system for the county or city only upon a showing of cause by the county or city in its report and upon a determination by the commission that sufficient cause exists for the inclusion of the route in the system.

(c) A showing shall be made by the county or city in its report that every route included in its select system is coordinated with route selections of contiguous local jurisdictions and with routes in the state highway system.

(d) Notwithstanding any other provisions of this section, each county shall be entitled to include within its select system as many miles of county road as were included in its approved system of primary roads pursuant to Chapter 1 (commencing with Section 2000) of Division 3 on January 1, 1963, and each city shall be entitled to include within its select system as many miles of city streets as were included in its approved system of major city streets pursuant to Chapter 2 (commencing with Section 2050) of Division 3 on January 1, 1963.

(e) Notwithstanding any other provisions of this section, the master plan of county roads, as adopted and modified from time to time by the board of supervisors, shall be the select system of county roads for the county.

SEC. 5. Section 186.5 of the Streets and Highways Code is repealed.

SEC 5 5. Section 186.5 is added to the Streets and Highways Code, to read:

186.5. Whenever the local entities involved are unable, within a 30-day period, to agree upon the geometric standards for any streets or roads in their select systems, where such standards would affect the uniform flow of traffic on the select systems from one such local entity to another, the matter shall be submitted to the department. The department shall establish geometric standards for such streets and roads and the established standards shall be binding upon the local entities involved.

SEC. 6. Section 186.6 of the Streets and Highways Code is repealed.

SEC. 7. Section 186.7 of the Streets and Highways Code is repealed.

SEC. 8. Section 186.8 of the Streets and Highways Code is repealed.

SEC. 9. Section 194 of the Streets and Highways Code is amended and renumbered 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 shall be apportioned monthly to the cities and cities and counties of this state from the Highway Users Tax Fund as provided in this section.

Such apportionments shall be made to each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this state. For the purpose of this section the population in each city is that determined by the last preceding federal census. 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. 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.

SEC. 9.2. Section 194.1 of the Streets and Highways Code is amended and renumbered to read:

2107.1. Any city or city and county whose population has been increased substantially since the last federal census may apply to the United States Bureau of Census to determine the increase in population. Upon receipt from the bureau of its determination of population, the city or city and county shall file a certified copy of the determination with the Controller.

All apportionments under Section 2107 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the determination shall be based upon the population so determined. The respective departments in making the computations required by these sections shall add to the total population of all cities and cities and counties all increases of population shown by the determination over the population of the last federal census. For the purposes of this paragraph, a written or telegraphic certification from the Director of the Census to the Controller of the determination of population may be accepted by the Controller in lieu of the filing by the city or city and county of the certified copy of the determination.

The cost of any investigation by the United States Bureau of Census is a proper charge against the city or city and county applying therefor and shall be paid by it to the bureau.

This section does not apply to counties.

SEC. 9.5. Section 194.2 of the Streets and Highways Code is amended and renumbered to read:

2107.2. Any city or city and county may apply to the Department of Finance to estimate its population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate; provided, however, the department may develop or contract for the development of additional information if, in the opinion of the department, such additional information may make an estimate feasible. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the Controller.

All apportionments under Section 2107 and all payments under Section 11005 of the Revenue and Taxation Code for any apportionment subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

Population estimates conducted pursuant to this section shall not be applied for more frequently than once in every calendar year.

This section does not apply to counties.

SEC. 10. Section 194.5 of the Streets and Highways Code is amended and renumbered to read:

2111. Apportionments from the Highway Users Tax Fund provided under Sections 2106 and 2107 shall not be made to any incorporated city which has not held an election of municipal officers within a period of 10 years preceding the date of such apportionment. Apportionments heretofore accumulated for expenditure within any such city shall be reapportioned to all other cities and cities and counties in the manner provided by Sections 2106 and 2107, respectively.

SEC. 11. Section 195 of the Streets and Highways Code is amended and renumbered to read:

2107.4. Except as provided in Section 2115, two-fifths of the moneys apportioned under the provisions of Section 2107 shall be expended for the construction of streets included

in the select system within such city or city and county as established pursuant to the provisions of Section 186.3 of this code.

Three-fifths of the moneys apportioned under the provisions of Section 2107 shall be expended for the maintenance of the select system and of other streets within such city or city and county; provided, that a portion of such moneys so apportioned for maintenance may be expended for construction of streets included within the select system within such city or city and county.

SEC. 12. Section 195.5 of the Streets and Highways Code is amended and renumbered to read:

2112. No money apportioned from the Highway Users Tax Fund as provided in Section 2106 or 2107 shall be used for the construction or improvement of any highway or street if the contract for such construction or improvement specifies the use of any patented or proprietary paving material, unless the contract has been awarded to the lowest responsible bidder therefor after alternate bids have been called for and opportunity afforded for bids to be submitted for nonpatented or nonproprietary paving material in competition with an equal thickness and like design of such patented or proprietary paving material. This section shall not be deemed nor construed to prohibit the use of any patented or proprietary paving material in the maintenance of any highway or street when such highway or street was constructed of such material and, in the opinion of the body, board or officer ordering such maintenance, it would be impractical to use a different paving material for such maintenance.

SEC. 13. Section 196 of the Streets and Highways Code is amended and renumbered to read:

2113. No apportionment of money from the Highway Users Tax Fund as provided in Section 2106 or 2107 shall be made to a city unless the city has set up by ordinance a "special gas tax street improvement fund."

In making any expenditure a city shall follow the law governing it in regard to the doing of the particular type of work in cases which are not exclusively municipal affairs.

No state officer or employee shall be liable for anything done, or omitted to be done, by any city in the performance of any work.

**SEC. 14.** Section 197 of the Streets and Highways Code is repealed.

SEC. 14.5. Section 197.5 of the Streets and Highways Code is amended and renumbered to read:

2113.5. Any city may have any or all of its engineering and administrative work with respect to city streets done by contract. If authorized by their legislative bodies, two or more cities, by agreement, may jointly exercise the power granted by this section pursuant to the provisions of Sections 6500–6513, inclusive, of the Government Code.

SEC. 15. Section 197.8 of the Streets and Highways Code is amended and renumbered to read:

2114. Contracts for any construction and improvement projects on city streets for which funds apportioned from the Highway Users Tax Fund as provided in Section 2106 or 2107 may be expended during any fiscal year may be awarded on and after the first day of January preceding the beginning of the fiscal year.

SEC. 16. Section 198 of the Streets and Highways Code is amended and renumbered to read:

2114.5. In the event that any sums are taken or borrowed from the Highway Users Tax Fund, to augment the General Fund, or to pay any appropriations made from the General Fund, the Controller is authorized to reduce the amounts paid from such reduced fund proportionately to the reduction in such fund, such reductions to be made up when and if such reduced fund is reimbursed from the General Fund.

SEC. 17. Section 199 of the Streets and Highways Code is repealed.

SEC. 18. Section 200 of the Streets and Highways Code is amended and renumbered to read:

2115. To permit the accomplishment of major cooperative street or highway projects in their entirety, the legislative body of a county or city may authorize the Controller to accumulate moneys accruing to the county or city over a period of time from the Highway Users Tax Fund pursuant to Section 2106 or 2107.

SEC. 19. Section 201 of the Streets and Highways Code is repealed.

SEC. 19.5. Section 202 of the Streets and Highways Code is amended and renumbered to read:

2116. Any city may contract with the department for the performance by the department of any or all street work in such city and for such purpose may transfer to the department, for deposit in the State Treasury, any moneys available for expenditure by such city for street purposes.

SEC. 19.7. Section 203 of the Streets and Highways Code is amended and renumbered to read:

2117. Whenever a school district constructs a school building for the construction of which any apportionment is made pursuant to Chapter 8 (commencing with Section 19401) and Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code and the city, city and county, or county in which such school building is situated requires the construction of any street or road connected with the school premises on which such school building is constructed, the State Allocation Board shall review the requirement and recommend to the governing body of the city, city and county or county a plan of construction adequate to meet the needs of the school district and the safety of the public. If a different plan of improvement or improvement to higher standards than that

recommended by the State Allocation Board is required by the governing body of the city, city and county or county, the additional cost thereof shall be borne by the city, city and county, or county in which such school building is situated. Notwithstanding any other provision of this code or any other law limiting the purposes for which money apportioned to cities, cities and counties, or counties from the Highway Users Tax Fund may be expended, any of the money so apportioned may be expended for the construction of the streets or roads referred to in this section.

Nothing in this section shall be construed to require each cost item included in any charge made pursuant to this section to be separately stated.

SEC. 20. Section 205 of the Streets and Highways Code is amended and renumbered to read:

2107.3. The incorporation of a new city, or any annexation or exclusion of territory to or from an existing city, shall be considered for the purpose of apportionment of funds pursuant to Section 2107. The revenue shall be apportioned among the cities monthly as revenues are received in the Highway Users Tax Fund. Any newly incorporated city or any increase in population due to annexation shall be included in the monthly apportionment following such incorporation or annexation.

In the event of the disincorporation of a city, or in the event the incorporation of a city is adjudged invalid, any funds apportioned pursuant to Section 2107 to such city, but which are unexpended, shall revert to the Highway Users Tax Fund and shall be reapportioned to all other cities and cities and counties pursuant to Section 2107.

The Controller shall not be required to reapportion funds previously apportioned for expenditure in the different cities of the state by reason of any subsequent incorporation, invalidation of incorporation, annexation or exclusion of territory.

SEC. 21. Section 2107 of the Streets and Highways Code is repealed.

SEC. 22. Section 2118 of the Streets and Highways Code is repealed.

SEC. 23. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. The balance of all motor vehicle license fees and any other money deposited, in accordance with law, in the Motor Vehicle License Fee Fund and remaining unexpended therein at the close of business on the last day of the calendar month immediately preceding the month in which such balance is required to be disbursed under the provisions of this section, after payment of refunds therefrom and after making the deductions authorized by Sections 11003 and 11004 shall, on order of the Controller, be disbursed during the months of December and June of each fiscal year as follows:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this state in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this state, as determined by the Controller. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or estimate pursuant to Section 2107.2 of the Streets and Highways Code by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census.

The money so paid shall be expended by the cities and cities and counties for law enforcement, the regulation and control and fire protection of highway traffic, and any other state purpose.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the state in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the state, as determined by the Controller. For the purpose of this subdivision the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) The Controller, during the month of April, may advance 75 percent of such balance he estimates shall be disbursed to each city, county, and city and county during the month of June of each fiscal year pursuant to this section.

SEC. 24. Section 194 of the Streets and Highways Code is amended and renumbered 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 shall be apportioned monthly to the cities and cities and counties of this state from the Highway Users Tax Fund as provided in this section.

Such apportionments shall be made to each city, including city and county, in the proportion that the total population of

such city bears to the total population of all cities in this state. For the purpose of this section the population in each city is that determined by the last preceding federal census. 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.

SEC. 25. Section 194.2 of the Streets and Highways Code is amended and renumbered to read:

2107.2. Any city or city and county may apply to the Department of Finance to estimate its population or the population of any inhabited territory annexed to the city subsequent to the last federal census. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate; provided, however, the department may develop or contract for the development of additional information if, in the opinion of the department, such additional information may make an estimate feasible. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the Controller.

All apportionments under Section 2107 and all payments under Section 11005 of the Revenue and Taxation Code for any apportionment subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

Population estimates conducted pursuant to this section shall not be applied for more frequently than once in every calendar year.

This section does not apply to counties.

SEC. 26. Sections 24 and 25 of this act shall become operative only if Senate Bill No. 1376 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 1376 takes effect; at which time Sections 194 and 194.2 of the Streets and Highways Code as amended and renumbered by Sections 9 and 9.5 of this act are repealed.

SEC. 27. Upon the effective date of this act, its provisions shall apply to all work done by cities and counties, including work on projects initiated before as well as after the effective date of this act.

SEC. 28. It is recognized that there are presently in existence a great number of contracts between cities, counties, the state, and others, that contain obligations relating to the administration of Sections 186.1, 194, and 2107 of the Streets and Highways Code as those sections existed prior to the effective date of this act, together with other contractual obligations not necessarily related to the administration of such sections. It is the intent of the Legislature in enacting this act that all such contracts remain in full force and effect until the parties thereto have an opportunity to review and amend such contracts so as to revise the contractual obligations relating to the administration of the above sections affected by this act and to retain or revise the other contractual obligations where appropriate.

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## CHAPTER 1622

*An act to amend Sections 31760.1, 31765, 31765.1, 31781.1, 31781.2, 31785, 31786, 31787, and 31787.5 of the Government Code, relating to the County Employees' Retirement Law of 1937.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 31760.1 of the Government Code is amended to read:

31760.1. Upon the death of any member after retirement for service or non-service-connected disability from a retirement system established in a county subject to the provisions of Section 31676.1, 60 percent of his retirement allowance, if not modified in accordance with one of the optional settlements specified in this article, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age collec-

tively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the member at least one year prior to the date of his retirement.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 2. Section 31765 of the Government Code is amended to read:

31765. Upon the death of a member who was eligible to retire, in circumstances in which a death benefit is payable under Article 12, if the deceased member has designated as beneficiary his spouse who survives him by not less than 30 days, such surviving spouse may elect, at any time before acceptance of any benefits from the retirement system, to receive, in lieu of the death benefit otherwise payable under Article 12, the same retirement allowance as that to which such spouse would have been entitled had such member retired on the day of his death and selected Optional Settlement 3. Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculation of the annuity of the surviving spouse.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member without either making such election or receiving any portion of the death benefit, and no part of the death benefit has been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage and the election so made shall be binding and conclusive upon all parties in interest.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 3. Section 31765.1 of the Government Code is amended to read:

31765.1. Upon the death of any member of a retirement system established in a county subject to the provisions of

Section 31676.1 or Section 31695.1, eligible for retirement pursuant to Article 7.5, 8, or 8.7 who leaves a spouse designated as beneficiary, such surviving spouse may, in lieu of the death benefit provided for in Article 12, elect to receive a retirement allowance equal to 60 percent of the amount to which the member would have been entitled had the member retired on the date of his death with a retirement allowance not modified in accordance with one of the optional settlements specified in Article 11. Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculations of the annuity of the surviving spouse.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member without either making such election or receiving any portion of the death benefit, and no part of the death benefit has been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage and the election so made shall be binding and conclusive upon all parties in interest.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 4. Section 31781.1 of the Government Code is amended to read:

31781.1. If any member of a retirement system established in a county subject to the provisions of Section 31676.1 would have been entitled to retirement in the event of his becoming disabled by a non-service-connected disability, dies as the result of any such injury or illness prior to his retirement, leaving a surviving spouse, such spouse shall have the right to elect by written notice filed with the board, to receive and be paid in lieu of the death benefit provided for in Sections 31780 and 31781 of this act, an "optional death allowance."

Such allowance shall consist of a monthly payment equal to 60 percent of the monthly retirement allowance to which such deceased member would have been entitled if he had retired or been retired by reason of non-service-connected disability as of the date of his death.

If such surviving spouse shall elect to receive such "optional death allowance" the payments so becoming due such spouse shall be retroactive to the date of the deceased mem-

ber's death, and shall continue during and throughout the life of such spouse.

If such surviving spouse elects to receive such "optional death allowance," and thereafter dies leaving an unmarried surviving child or unmarried children of such deceased member under the age of 18 years, such "optional death allowance" shall thereafter be paid to such surviving children collectively until they die, marry, or reach the age of 18 years; provided, however, that the right of any such children respectively to share in such allowance shall cease upon their death or marriage, or upon their reaching the age of 18 years, and the entire amount of such allowance shall thereafter be paid collectively to the other qualified children.

If such deceased member leaves no spouse surviving him but leaves unmarried children under the age of 18 years, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

The rights and privileges conferred by this section upon the surviving spouse and/or children of such deceased member shall not be dependent upon whether they or any of them shall have been nominated by the deceased member as the beneficiary of any benefits payable upon or by reason of his death, but shall be superior to and shall supersede the rights and claims of any other beneficiary so nominated.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 5. Section 31781.2 of the Government Code is amended to read:

31781.2. In lieu of accepting in cash the death benefit payable under Section 31781 of the Government Code, the surviving spouse of a member who dies prior to reaching the minimum retirement age and who at the date of his death has 10 or more years of service to his credit, shall have the option to leave the amount of said death benefit on deposit in the retirement system until the earliest date when such deceased member could have retired had he lived, and at that time receive the retirement allowance provided for in Section 31765 or 31765.1 of the Government Code, whichever is applicable.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member, without either making such election or receiving any portion of the death benefit, and no part of the

death benefit had been paid to any person, prior to the payment of any benefits the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 6. Section 31785 of the Government Code is amended to read:

31785. Upon the death of any safety member, after retirement for service or non-service-connected disability from a retirement system established in a county subject to the provisions of Section 31676.1 or 31695.1, 60 percent of his retirement allowance if not modified in accordance with one of the optional settlements specified in Article 11, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased safety member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age, collectively, to continue until every child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the safety member at least one year prior to the date of his retirement.

Any qualified surviving spouse or children of a member of a pension system established pursuant to either Chapter 4 or Chapter 5, who shall have been retired on or before December 31, 1951, shall be paid a retirement allowance pursuant to the provisions of this section. In cases where the death of a member occurred prior to January 1, 1952, the payment of the retirement allowance to the qualified surviving spouse, or children shall be made effective on January 1, 1952

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 7. Section 31786 of the Government Code is amended to read:

31786. Upon the death of any member after retirement for service-connected disability, his retirement allowance as it was at his death, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there

is no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the member prior to the date of his retirement.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC 8. Section 31787 of the Government Code is amended to read:

31787. If any member dies as the result of injury or disease arising out of and in the course of his employment, and he is survived by a spouse to whom the member was married prior to sustaining such injury or disease or by an unmarried child under the age of 18, whether such surviving spouse or child was designated as beneficiary or not, the surviving spouse, if any, otherwise the guardian of such child may elect instead of the death benefit provided for by Section 31780, that there shall be paid to such surviving spouse, if any, otherwise to such surviving child or children collectively, in equal monthly installments, an annual death allowance equal to one-half of the member's final compensation until such surviving spouse dies, or if there is no qualified surviving spouse, or, if the surviving spouse dies before all of the children of the deceased member attain age 18 or marry, to his children under age 18 collectively until every child dies, marries, or attains age 18.

The provisions of this section shall also apply to any employee who dies as the result of injury or disease arising out of and in the course of his employment prior to the first day of the calendar month when he would normally become a member.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

SEC. 9. Section 31787.5 of the Government Code is amended to read:

31787.5 A surviving spouse of a member who is killed in the performance of duty or who dies as the result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, now or hereafter entitled to receive a death allowance under Section 31787 shall be paid an additional amount for each of the member's children

during the lifetime of the child, or until the child marries or reaches the age of 18 years, as follows:

(a) For one child, twenty-five percent (25%) of the allowance provided in Section 31787.

(b) For two children, forty percent (40%) of the allowance provided in Section 31787.

(c) For three or more children, fifty percent (50%) of the allowance provided in Section 31787.

In the event the surviving spouse does not have legal custody of the member's children, the allowance provided by this section shall be payable to the person to whom custody of the children has been awarded by a court of competent jurisdiction for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The allowance provided by this section shall be payable to the surviving spouses of members whose duties consist of active law enforcement or active fire suppression or such other class or group of members as the retirement board shall fix.

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.

This section shall become operative in any county, which has adopted the provisions of this chapter but which has not previously adopted the provisions of this section on October 1, 1965. Each surviving spouse of a member or other person having legal custody of a member's child or children who is paid an additional amount for each of the member's children because of the amendments to this section enacted at the 1965 or 1967 Regular Session shall receive such payments as they accrue from and after October 1 of the year during which this section was amended to provide for the payment to him of such allowance, but such surviving spouse or other person shall not be given a claim for any increase in such benefits for a time prior to such date.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

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## CHAPTER 1623

*An act to amend Section 11554 of the Business and Professions Code, relating to subdivision maps, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 11554 of the Business and Professions Code is amended to read:

11554. Within a period of 18 months, as prescribed by ordinance, after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved. Upon application of the subdivider an extension of not exceeding two years may be granted by the governing body or by an advisory agency that is authorized to report its action directly to the subdivider. In the event the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the governing body.

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:

There is grave need for sufficient time within which to prepare adequately subdivision surveys and final maps necessary for the continued development of building in the State of California. It is necessary this act go into effect immediately to prevent irreparable injury.

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## CHAPTER 1624

*An act to amend Sections 1157.1 and 1157.3 of, and to add Sections 1157.4 and 1157.5 to, the Government Code, relating to employees of public agencies.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 1157.1 of the Government Code is amended to read:

1157.1. Employees of a public agency, on approval of and in accordance with the provisions made by the governing body of the public agency, may authorize deductions to be made from their salaries or wages for the payment of dues in, or for any other services provided by, any bona fide association (a) whose members are comprised exclusively of the employees of such public agency, or (b) whose members are comprised exclusively of the employees of such public agency and one or more other public agencies the payrolls of which are prepared by the same finance officer, or (c) whose members are comprised exclusively of the employees of such public agency or agencies as provided in (a) or (b) above, together with former employees of such public agency or agencies if such former employees (1) were employees of such public agency or agencies at the time of joining such association, and (2)

were members of such association at the time of ceasing to be such employees.

SEC. 2. Section 1157.3 of the Government Code is amended to read:

1157.3. Employees, including retired employees, of a public agency in addition to any other purposes authorized in this article, on approval of the governing body of such public agency, may also authorize deductions to be made from their salaries, wages, or retirement allowances for the payment of dues in, or for any other service provided by, any bona fide organization whose membership is comprised, in whole or in part, of employees of such agency and employees of such organization and which has as one of its objectives improvements in the terms or conditions of employment for the advancement of the welfare of such employees, such deductions to be made in accordance with the provisions made by the governing body of the public agency.

SEC. 3. Section 1157.4 is added to the Government Code, to read:

1157.4. Employees of a county, other than a city and county, employing more than 20,000 persons may authorize deductions to be made from their salaries or wages for the payment of dues in, or for any other services provided by, any bona fide association (a) whose members are comprised exclusively of the employees of such county, other than a city and county, or (b) whose members are comprised exclusively of the employees of such county, other than a city and county, and one or more other public agencies the payrolls of which are prepared by the same finance officer, or (c) whose members are comprised exclusively of the employees of such county, other than a city and county, or agencies as provided in (a) or (b) above, together with former employees of such county, other than a city and county, or agencies if such former employees (1) were employees of such county, other than a city and county, or other agencies at the time of joining such association, and (2) were members of such association at the time of ceasing to be such employees.

In addition to the other requirements of this section, any employee organization for which dues are to be deducted from pay warrants shall have in membership at least 10 employees or 1 percent of the employees in the particular occupational group, whichever is greater.

No employee may have deductions for more than a total of two organizations under this section and under Section 1157.5.

SEC. 4. Section 1157.5 is added to the Government Code, to read:

1157.5. Employees, including retired employees, of a county, other than a city and county, employing more than 20,000 persons in addition to any other purposes authorized in this article may also authorize deductions to be made from their salaries, wages, or retirement allowances for the payment

of dues in, or for any other service provided by, any bona fide organization whose membership is comprised, in whole or in part, of employees of such county, other than a city and county, and employees of such organization and which has as one of its objectives improvements in the terms or conditions of employment for the advancement of the welfare of such employees.

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## CHAPTER 1625

*An act to amend Sections 8501 and 8541 of, to amend and renumber Sections 8502, 8503, 8504, 8505, 8507, 8523, 8525, 8526, and 8527 of, and to repeal Section 8506 of, the Government Code, relating to Commission on State Government.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 8501 of the Government Code is amended to read:

8501. There is in the state government a Commission on California State Government Organization and Economy, hereafter in this chapter referred to as the "commission." The commission shall be comprised of the following members, each of whom shall serve at the pleasure of the appointing authority.

(a) Nine members of whom five shall be appointed by the Governor, two by the Speaker of the Assembly, and two by the Committee on Rules of the Senate. Not more than five of such members shall be registered as members of the same political party, and none shall hold public office in the executive branch of the state government.

(b) Two Members of the Senate of the State of California appointed by the Committee on Rules of the Senate. One of such members shall be registered with the majority political party of the membership of the Senate and one member with the minority political party.

(c) Two Members of the Assembly of the State of California appointed by the Speaker of the Assembly. One of such members shall be registered with the majority political party of the membership of the Assembly and one member with the minority political party.

SEC. 2. Section 8526 of the Government Code is amended and renumbered to read:

8502. For the purposes of expenditures for the support of the commission, including the expenses of the members of the commission, the commission shall be deemed to be within the executive branch of state government, but the commission shall not be subject to the control or direction of any officer or em-

ployee of the executive branch except in connection with the appropriation of funds approved by the Legislature.

SEC. 3. Section 8502 of the Government Code is amended and renumbered to read:

8503. The members of the commission shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

SEC. 4. Section 8503 of the Government Code is amended and renumbered to read:

8504. For the purposes of this chapter the Members of the Legislature serving as members of the commission shall be considered a joint committee of the two houses of the Legislature constituted and acting as an investigating committee, and as such shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly.

SEC. 5. Section 8504 of the Government Code is amended and renumbered to read:

8507. The commission shall select from among its members a chairman and vice chairman, who shall not be registered as members of the same political party.

SEC. 6. Section 8505 of the Government Code is amended and renumbered to read:

8508. Six members of the commission shall constitute a quorum.

SEC. 7. Section 8506 of the Government Code is repealed.

SEC. 8. Section 8507 of the Government Code is amended and renumbered to read:

8506. All vacancies in the commission membership shall be filled in the same manner in which original appointments were made.

SEC. 9. Section 8523 of the Government Code is amended and renumbered to read:

8522. The commission, on its own motion, may, for the purpose of making reports and recommendations to assist the Legislature in respect to the matters listed in Section 8521, examine in detail the structure, organization, operation, and functions of every department, agency, and instrumentality in the executive branch of the state government, and all provisions of law and regulations pertaining thereto, and may examine all present provisions of law pertaining to continuing or permanent appropriations of public funds and the methods used in administering such provisions. The commission may make such recommendations to the Governor and to the Legislature at such time, or times as the commission deems necessary.

SEC. 10. Section 8525 of the Government Code is amended and renumbered to read:

8524. The commission may submit to the Legislature and the Governor, at such time, or times, as the commission deems necessary, interim reports of its activities.

SEC. 11. Section 8527 of the Government Code is amended and renumbered to read:

8525. All meetings of the commission and all hearings held by the commission shall be open to the public.

SEC. 12. Section 8541 of the Government Code is amended to read:

8541. In carrying out its duties and responsibilities, the commission shall have all of the following powers:

(a) To meet at such times and places as it may deem proper.

(b) As a body or, on the authorization of the commission, as a subcommittee composed of one or more members, to hold hearings at such times and places as it may deem proper.

(c) To issue subpoenas to compel the attendance of witnesses and the production of books, records, papers, accounts, reports, and documents.

(d) To administer oaths.

(e) To employ, pursuant to laws and regulations governing state civil service, a secretary and such clerical, legal, and technical assistants as may appear necessary.

(f) To contract with such other agencies, public or private, as it deems necessary, for the rendition and affording of such services, facilities, studies and reports to the commission as will best assist it to carry out its duties and responsibilities.

(g) To cooperate with and to secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and to direct the sheriff of any county or any marshal to serve subpoenas, orders, and other process

(h) To certify to the superior court of any county in which proceedings are held, the facts concerning the disobedience or resistance, by any person, of any lawful order, or the refusal of any person to respond to a subpoena, to take the oath or affirmation as a witness, or to be examined, or the misconduct of any person during a hearing; and to receive the assistance of the court in enforcing orders and process, in the manner prescribed by Section 11525 of this code.

(i) To cooperate with every department, agency, or instrumentality in the state government; and to secure directly from every department, agency, or instrumentality full cooperation, access to its records, and access to any information, suggestions, estimates, data, and statistics it may have available.

(j) To authorize its agents and employees to absent themselves from the state where necessary for the performance of their duties.

(k) To do any and all other things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the powers expressly granted it, notwithstanding any authority expressly granted to any officer or employee of the executive branch of state government.

## CHAPTER 1626

*An act to add Section 13984 to the Government Code, relating to drunk driving, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 13984 is added to the Government Code, to read:

13984. The agency shall formulate and devise a system of controls to provide the basis for legislation to be instrumental in reducing deaths or injuries resulting from traffic accidents involving operators of motor vehicles under the influence of alcohol.

In formulating or devising such a system of controls, the agency may do any of the following:

(a) Contract with, and engage the services of, one or more public or private research agencies, universities, or other institutions, including but not limited to the Department of Public Health, located within the state, to establish pilot studies in not more than four counties, formulate or conduct research, prepare recommendations, or undertake the general administration and conduct of devising the system authorized by this section.

(b) Cooperate with, and coordinate its activities with all state and federal agencies engaged in or concerned with deaths and injuries resulting from traffic accidents involving operators of motor vehicles under the influence of alcohol.

(c) Consult with, and use the services and cooperation of any court of this state in investigating any matter within the scope of this section, and of the Judicial Council in facilitating such investigation.

(d) Consult with and use the services and cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this section.

(e) Consult with, and use the services and cooperation, including access to records, information, estimates, data, statistics and suggestions, of any department, commission, board, agency or other instrumentality of state government which is concerned with, or has an interest in, the relationship between the operation of a motor vehicle by an operator while being under the influence of alcohol, and traffic accidents involving death or injury.

(f) Accept, under terms and conditions established by the agency with the approval of the Director of Finance, as provided in Section 11005, gifts of property, money, services from private persons or private or public foundations, agencies, institutions, or organizations.

The agency shall report periodically to the Governor and the Legislature and to interested public agencies on its progress in devising or formulating such a system of controls, including findings and recommendations; and shall submit a final report to the Governor and to the Legislature by January 15, 1971.

SEC. 2. The sum of two hundred fifty thousand dollars ($250,000) from the Motor Vehicle Fund is hereby appropriated to the Transportation Agency to carry out the purposes of Section 1 of this act.

SEC. 3. This act shall remain in effect until January 31, 1971, and shall have no force or effect after that date.

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

Hundreds of Californians are killed, maimed, or injured each year because of traffic accidents involving operators of motor vehicles under the influence of alcohol. Every day which passes causes more people to die, more people to be injured. The sooner the toll in human pain and suffering is eradicated, the sooner the present waste in human resources resulting from such carnage can be applied to useful pursuits.

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## CHAPTER 1627

*An act to add Section 1081.5 to the Education Code, relating to public school educational programs.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 1081.5 is added to the Education Code, to read:

1081.5. An excursion or field trip to a foreign country adjacent to this state may be conducted for pupils enrolled in any of grades 6 through 8 in an elementary school, provided that: (1) the excursion or field trip is made pursuant to an agreement between the governing board of the school district maintaining such school and the governing authority having jurisdiction over a public school in the foreign country, whereby provision is made for an exchange of pupils between the schools for educational purposes including the cultural enrichment of the pupils; (2) all travel and maintenance expenses of pupils and district employees making such excursion or field trip are paid by such pupils and employees, or by a parent-teacher association or other organization of parents formed for the purpose of cooperating with the school authorities in improving school conditions in the district; and (3) all

persons making such excursion or field trip waive all claims against the district or the State of California for injury or death occurring during or by reason of the excursion or field trip.

All activities of the pupils of the district at schools in the foreign country shall be under the immediate direction and supervision of certificated employees of the district.

The attendance or participation of a pupil in an excursion or field trip authorized by this section shall be considered attendance for purposes of apportionments from the State School Fund in any fiscal year. No allowance shall be made from the State School Fund for expenses incurred in providing transportation for, or in transporting, pupils pursuant to this section.

Except as otherwise provided by this section, all provisions of this article shall be applicable to excursions and field trips conducted pursuant to this section.

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## CHAPTER 1628

*An act making an appropriation for the support of special programs or classes in English for elementary school pupils, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary, to be allowed to school districts in the 1966–67 fiscal year for special programs or classes in English for elementary school pupils conducted during that year pursuant to Article 6.5 (commencing with Section 6060) of Chapter 6 of Division 6 of the Education Code.

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

On the supposition that certain federal funds would be available therefor, no appropriation was made by the Legislature for the 1966–67 fiscal year support for the special programs or classes in English for elementary school pupils maintained by a number of school districts. It has since been determined that no federal funds are available for the particular educational programs which are the subject of this act.

In order that the urgently needed financial assistance afforded by this act shall become available at once during the current (1966–67) fiscal year, and so that the educational programs for the year may be satisfactorily completed, it is essential that this act take effect immediately.

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## CHAPTER 1629

*An act relating to a study of harmful drugs hallucinogenic substances, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. The Department of Education shall undertake a study, in cooperation with the State Department of Public Health, on the subject of more effective education, including methods of instruction, relative to the physical and psychological hazards of narcotics and other harmful drugs and hallucinogenic substances, including, but not limited to, the question of the age at which instruction should begin, how often programs should be repeated, and whether programs should be taught by medical and law enforcement personnel, rather than by regular members of the faculty.

The department shall, as part of this study, implement different methods of instruction in selected school districts in Alameda, Los Angeles, San Diego, and San Francisco Counties, in order to determine on a practical basis the relative merits of such different methods of instruction.

The department shall make a preliminary report of its findings and recommendations to the Legislature not later than March 15, 1968 and shall make a final report of its findings and recommendations to the Legislature on or before the 15th day of the 1969 Regular Session of the Legislature.

SEC. 2. The sum of thirty-seven thousand dollars ($37,000) is hereby appropriated from the General Fund to the Department of Education for the purpose of conducting the study required by this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: In order that the study on the widespread and increasing use of narcotics and other harmful drugs and hallucinogenic substances by young persons may be immediately undertaken to determine how education may provide an adequate solution to this problem, it is necessary that this act go into immediate effect.

## CHAPTER 1630

*An act to amend Sections 11556 and 11558 of the Government Code, relating to the salary of the Deputy Director of the Department of Justice.*

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

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

SECTION 1. Section 11556 of the Government Code is amended to read:

11556. An annual salary of twenty-two thousand five hundred dollars ($22,500) shall be paid to each of the following:

(a) Director of Alcoholic Beverage Control.
(b) Director of Conservation.
(c) Director of Fish and Game.
(d) Director of Parks and Recreation.
(e) Commissioner of the California Highway Patrol.
(f) Real Estate Commissioner.
(g) Director of Veterans Affairs.
(h) Director of Rehabilitation.
(i) Executive Officer of the Franchise Tax Board.
(j) Deputy Director of the Department of Justice.

SEC. 2. Section 11558 of the Government Code is amended to read:

11558. An annual salary of twenty thousand five hundred dollars ($20,500) shall be paid to each of the following:

(a) Each member of the Adult Authority.
(b) Each member of the Board of Equalization.
(c) Each member of the State Water Resources Control Board.
(d) Each member of the Unemployment Insurance Appeals Board.
(e) Each member of the Youth Authority.
(f) Deputy Director of Employment.

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## CHAPTER 1631

*An act to amend Sections 20000, 20004, 20011, 20200, 20230, 20601, the heading of Chapter 6 (commencing with Section 20750) of Part 3 of Division 5 of Title 2, Sections 20750.1, 20750.2, 20750.3, 20750.4, 20750.42, and 20755 of, to repeal Sections 20584, 20750.11, 20750.12, 20750.13, 20750.23, 20750.33, 20750.41, and 20750.43 of, and to add Sections*

*20453.5, 20493, 20564.5, 20750, 20750.15, 20750.44, 20750.45, 20750.8, 20750.9, 20758, and 21250.1 to, the Government Code, relating to the State Retirement System.*

[Approved by Governor August 31, 1967. Filed with Secretary of State August 31, 1967.]

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

SECTION 1. Section 20000 of the Government Code is amended to read:

20000. This part may be cited as the Public Employees' Retirement Law.

SEC. 2. Section 20004 of the Government Code is amended to read:

20004. "Retirement system" or "this system" means the State Employees' Retirement System created by Chapter 700 of the Statutes of 1931, as amended, and continued in existence by this part. On and after October 1, 1967, said system shall be known as the Public Employees' Retirement System.

As used in this code and in every other statute heretofore or hereafter enacted, or in every contract heretofore or hereafter entered into under any provisions of law, the term "State Employees' Retirement Law" shall be construed to refer to and mean the "Public Employees' Retirement Law"; the term "State Employees' Retirement System" shall be construed to refer to and mean the "Public Employees' Retirement System"; and the term "State Employees' Retirement Fund" shall be construed to refer to and mean the "Public Employees' Retirement Fund."

SEC. 3. Section 20011 of the Government Code is amended to read:

20011. "Employer" means the state, the university, a school district, and any contracting agency employing an employee.

SEC. 4. Section 20200 of the Government Code is amended to read:

20200. The "State Employees' Retirement Fund" in the State Treasury is continued in existence. On and after October 1, 1967, said fund shall be known as the "Public Employees' Retirement Fund."

SEC. 5. Section 20230 of the Government Code is amended to read:

20230. In addition to other records and accounts, the board shall keep such records and accounts as may be necessary to show at any time:

(a) The total accumulated contributions of members.

(b) The total accumulated contributions of retired members and of deceased members, to or on account of whom payments involving life contingencies are paid, less the annuity payments made to such members.

(c) The accumulated contributions of the state and of contracting agencies held for the benefit of members on account of current service.

(d) All other accumulated contributions of the state and of contracting agencies, which shall include the amounts available to meet the obligation of the state and of the contracting agencies, respectively, on account of benefits that have been granted to or on account of retired and deceased employees and on account of prior service of members.

For purposes of this section, "state" includes the state, the university, school districts, county superintendents of schools, and such other contracting agencies as have elected to be subject to Section 20493 of this part; provided, however, that "state" shall not include a school district which on October 1, 1967, is a contracting agency and has not been included in the contract of a county superintendent of schools or a county superintendent of schools with respect to a contract of such superintendent applying only to employees of his office.

SEC. 6. Section 20453.5 is added to the Government Code, to read:

20453.5. Notwithstanding Section 20453, the approximate contribution quoted by the board and the actual contributions for a contracting agency electing to be subject to Section 20493 of this part (commencing at Sec. 20000) shall be the employer rate fixed under Chapter 4 5 of this part (beginning at Section 20580) plus the additional amount required under said chapter on account of liability for service to date of contract or contract amendment, said amount to be determined in accordance with Section 20453.

SEC. 7. Section 20493 is added to the Government Code, to read:

20493. Any contract heretofore made may be amended, and any contract entered into now or hereafter may provide that all provisions of this part (commencing with Section 20000) applicable or subsequently becoming applicable to state miscellaneous members or law enforcement members shall apply to the contracting agency and its employees who are or become local miscellaneous members or local safety members, respectively, excepting such provisions as define prior service and entitlement to credit for such service, but not excepting such as prescribe the benefit to be provided for prior service. An election under this section shall be irrevocable until the contract is terminated and shall render the contracting agency ineligible to exercise any election provided contracting agencies under this part.

SEC. 8. Section 20564.5 is added to the Government Code, to read:

20564.5. Notwithstanding any contrary provision of Section 20564, upon termination of a contract subject to Section 20493, the difference between the accumulated contributions and the actuarial equivalent for purposes of Section 20564 shall be the balance owing at the date of termination of the

contract on the agency's obligation under Section 20750.8 of this part.

SEC. 9. Section 20584 of the Government Code is repealed.

SEC. 10. Section 20601 of the Government Code is amended to read:

20601. For each state miscellaneous member and each local miscellaneous member employed by a school district or a county superintendent of schools, or a contracting agency which is subject to Section 20493 of this part, the normal rate of contribution on the date of his entrance into this system, shall be such as will provide on the average, that is, assuming that the member has an average salary experience and that the interest rate and mortality table applicable to him are unchanged during his membership, and subject to Section 20611, an annuity at age 60 equal to one one-hundred-twentieth of his final compensation for each year of current service, according to the tables adopted by the board. No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to such adoption.

SEC. 11. The heading of Chapter 6 (commencing with Section 20750) of Part 3 of Division 5 of Title 2 of the Government Code is amended to read:

CHAPTER 6. PUBLIC EMPLOYER CONTRIBUTIONS

SEC. 12. Section 20750 is added to the Government Code, to read:

20750. "Public employer" for purposes of this chapter means the state, the university, school districts, county superintendents of schools, and all contracting agencies subject to Section 20493 of this part; and "miscellaneous member" includes state miscellaneous members and local miscellaneous members employed by such employers; provided, however, that "public employer" shall not include a school district which on October 1, 1967, is a contracting agency which has not been included in a contract of a county superintendent of schools, and a county superintendent of schools with respect to a contract including only the employees of his office.

SEC. 13. Section 20750.1 of the Government Code is amended to read:

20750.1. The contribution to the retirement fund of a public employer, some or all of whose employees who are miscellaneous members have been included in the federal system, in respect to miscellaneous members is a sum equal to 6.94 percent of the compensation paid miscellaneous members employed by such employer.

SEC. 14. Section 20750.11 of the Government Code is repealed.

SEC. 15. Section 20750.12 of the Government Code is repealed.

SEC. 16. Section 20750.13 of the Government Code is repealed.

SEC. 17. Section 20750.15 is added to the Government Code, to read:

20750.15. The contribution of a public employer, none of whose employees who are miscellaneous members have been included in the federal system, in respect to miscellaneous members is a sum equal to 8.50 percent of the compensation paid miscellaneous members employed by such employer.

SEC. 18. Section 20750.2 of the Government Code is amended to read:

20750.2. A public employer's contribution to the Retirement Fund in respect to state patrol members is a sum equal to 13.63 percent of the compensation paid state patrol members employed by such employer.

SEC. 19. Section 20750.23 of the Government Code is repealed.

SEC. 20. Section 20750.3 of the Government Code is amended to read:

20750.3. A public employer's contribution to the Retirement Fund in respect to forestry members is a sum equal to 9.10 percent of the compensation paid forestry members employed by such employer.

SEC. 21. Section 20750.33 of the Government Code is repealed.

SEC. 22. Section 20750.4 of the Government Code is amended to read:

20750.4. A public employer's contribution to the Retirement Fund in respect to warden members is a sum equal to 19.47 percent of the compensation paid warden members employed by such employer.

SEC. 23. Section 20750.41 of the Government Code is repealed.

SEC. 24. Section 20750.42 of the Government Code is amended to read:

20750.42. A public employer's contribution to the Retirement Fund in respect to law enforcement members is a sum equal to 23.80 percent of the compensation paid law enforcement members employed by such employer.

SEC. 25. Section 20750.43 of the Government Code is repealed.

SEC. 26. Section 20750.44 is added to the Government Code, to read:

20750.44. The contribution of a public employer, some or all of whose employees who are local safety members have been included in the federal system, in respect to local safety members is a sum equal to 12.00 percent of the compensation paid local safety members employed by such employer.

SEC. 27. Section 20750.45 is added to the Government Code, to read:

20750.45. The contribution of a public employer, none of whose employees who are local safety members have been included in the federal system, in respect to local safety members is a sum equal to 15.00 percent of the compensation paid local safety members employed by such employer.

SEC. 28. Section 20750.8 is added to the Government Code, to read:

20750.8. Each contracting agency which becomes a public employer shall make contributions in addition to those otherwise specified in this chapter in amounts to be fixed and determined by the board on account of unpaid liability for prior service and on account of unpaid liability for benefits for service prior to the date upon which it became a public employer. Payments shall be under such arrangement as may be agreed to by the board.

SEC. 29. Section 20750.9 is added to the Government Code, to read:

20750.9. The rate of contribution fixed under Sections 20750.1 through 20750.45 shall be effective on July 1, 1968, and shall be adjusted thereafter from time to time by the board pursuant to actuarial valuation of the liability for benefits on account of the employees of all public employers. Any adjustment of such rate of contribution shall be effective on the July 1 following notice as provided in this section. The board shall report such adjustment to the Governor, the Legislature, and the governing body of every other public employer before January 1 of the fiscal year preceding that in which the adjustment becomes effective.

SEC. 30. Section 20755 of the Government Code is amended to read:

20755. The contributions of all public employers shall be applied by the board during each fiscal year to meet the obligations of all public employers collectively under this system as follows:

(a) First, in an amount equal to the liabilities accruing (1) because of state service of public members for which normal contributions have been made, (2) on account of current service pensions and disability retirement pensions, and (3) the portion of death allowance provided from public employer contributions Such amount shall be determined by the most recent actuarial valuation as interpreted by the actuary.

(b) Second, in an amount equal to the payments of death benefits made from public employer contributions during such year for deaths not qualifying for death allowances.

(c) Third, the balance of such contributions, on the liabilities accrued on account of prior service pensions.

SEC. 31. Section 20758 is added to the Government Code, to read:

20758. Accumulated contributions credited to or held as of July 1, 1968, as having been made by the state, a school district,

or a county superintendent of schools, and all contributions thereafter made by an employer pursuant to this chapter shall be held for the benefit of all members of this system who are now or hereafter credited with service rendered as employees of any such employer, and for beneficiaries of this system who are now or hereafter entitled to receive benefits on account of such service.

SEC. 32. Section 21250.1 is added to the Government Code, to read:

21250.1. Upon retirement for service, a member is entitled to receive a service retirement allowance which shall consist of:

(a) His service retirement annuity, including, with respect to patrol members and solely in respect to the portion of said annuity derived from the normal accumulated contributions of such members, respectively, automatic continuance to surviving wife, or if there is no eligible wife at retirement, to surviving children, or if there are no eligible surviving children at retirement, to surviving dependent parents as provided in this article.

(b) His current service pension

The provisions of this part applying to current service pensions of such members retiring after October 1, 1967, shall apply to both current and prior service as though current service included the member's prior service, and shall supersede provisions relating to prior service pensions.

This section shall supersede Section 21250 as to state members, school members, and members who are employees of a contracting agency which is subject to Section 20493 of this part.

SEC. 33. Section 20601 of the Government Code is amended to read:

20601. For each state miscellaneous member and each local miscellaneous member employed by a school district, a county superintendent of schools, or a contracting agency which is subject to Section 20493, the normal rate of contribution on the date of his entrance into this system, shall be such as will provide on the average an annuity at age 60 equal to one one-hundred-twentieth of his final compensation for each year of current service, according to the tables adopted by the board. No adjustment shall be included in rates adopted under this section as the result or amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to such adoption.

SEC. 34. Section 33 of this act shall become operative only if Assembly Bill No. 970 is enacted by the Legislature at its 1967 Regular Session, and in such case Section 10 of this act shall not become operative.

SEC. 35. This act shall become operative July 1, 1968.

## CHAPTER 1632

*An act to amend Sections 212, and 6470 of, to repeal Sections 111, 112, 113, 114, 447, and 2153 of, to repeal Article 3 (commencing with Section 1056) of Chapter 5 of Part 2 of Division 1 of, and to repeal Chapter 2 (commencing with Section 4691) of Part 8 of Division 1 of, the Revenue and Taxation Code, relating to taxes, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 31, 1967. Filed with Secretary of State August 31, 1967.]

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

SECTION 1. Section 111 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 112 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 113 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 114 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 212 of the Revenue and Taxation Code is amended to read:

212. Notes, debentures, shares of capital stock, solvent credits, bonds, deeds of trust, mortgages, and any interest in such property are exempt from taxation.

Money kept on hand to be used in the ordinary and regular course of a trade, profession, or business is exempt from taxation.

SEC. 6. Section 447 of the Revenue and Taxation Code is repealed.

SEC. 7. Article 3 (commencing with Section 1056) of Chapter 5 of Part 2 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 8. Chapter 2 (commencing with Section 4691) of Part 8 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 2153 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 6470 of the Revenue and Taxation Code is amended to read:

6470. The provisions of this article do not apply to persons filing returns for other than quarterly periods. The provisions of this article apply to taxes imposed under ordinances adopted pursuant to Part 1.5 (commencing with Section 7200) of this division in the same manner and to the same extent that the provisions of this article apply to taxes imposed under this part.

SEC. 11. The provisions of Section 10 of this act shall become operative on October 1, 1967.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

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

In order that local taxing agencies may receive needed additional revenue for the second quarter of the 1967–68 fiscal year, and in order to conform to revenue acts currently before the Legislature it is necessary for this act to go into immediate effect.

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## CHAPTER 1633

*An act to amend Sections 8108, 8109, and 17305 of, to add Sections 8113, 18251.4, 18252.1, 18252.2, 18252.3, 18252.4, 18252.5, and 18255 to, the Education Code, to amend Section 12507 of the Vehicle Code, and to amend Section 18251.2 of the Education Code, as proposed by Senate Bill No. 311, relating to driver education and training, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 31, 1967. Filed with Secretary of State September 2, 1967.]

August 31, 1967

I object to the $81,000 appropriation in Senate Bill No. 56, and I hereby reduce said appropriation to the sum of $30,000.

With this reduction, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Section 8108 of the Education Code is amended to read:

8108. The Superintendent of Public Instruction shall promote and direct the establishment and maintenance of courses of instruction in automobile driver education and driver training in the public schools. For that purpose, he shall employ such professional and other personnel as are necessary to give full effect to this article. The Superintendent of Public Instruction is authorized to establish a unit within the Department of Education to be comprised of an administrative head, and such consultants and clerical employees as are needed, to provide supervisory and consulting services, to promote and implement this article. The duties assigned to this unit shall include, but shall not be limited to, the preparation of courses of study, consultation services for local school districts, and general supervision of the program pertaining to minimum standards of course content and teacher preparation. All necessary costs and expenses incurred by such a unit or professional and clerical personnel in performance of their duties under this code shall be reimbursed from the Driver Training Penalty Assessment Fund.

There is hereby appropriated from the Driver Training Penalty Assessment Fund to the General Fund in the State

Treasury and from the General Fund to the Department of Education the sum of eighty-one thousand dollars ($81,000) for purposes of this section, for the fiscal year 1967–1968. In subsequent fiscal years support for the unit shall be provided from such funds as may be appropriated therefor by the Legislature.

SEC. 2. Section 8109 of the Education Code is amended to read:

8109. Allowances by the Superintendent of Public Instruction shall be made only for driver training classes maintained in accordance with the rules and regulations as set forth in this code and by the State Board of Education.

Driver training shall be available without tuition to all eligible students commencing on July 1, 1969. The governing board of a district may make driver training available during school hours, or at other times, or any combination thereof.

SEC. 3. Section 8113 is added to the Education Code, to read:

8113. The expressed purpose of the Legislature is that highway accidents can and must be reduced through the education and training of drivers prior to licensing, and that this instruction properly belongs in the high school curriculum on a basis of having comparable standards of instruction, quality, teacher-pupil ratio and class scheduling in driver education as in other courses in the regular academic program. Only through a high quality program of driver instruction can the greatest potential in traffic accident prevention be realized. Further, the state has a responsibility to share in the reasonable costs of providing such courses.

SEC. 4. Section 17305 of the Education Code is amended to read:

17305. (a) There is appropriated annually from the Driver Training Penalty Assessment Fund to the General Fund in the State Treasury and from the General Fund to the department a sum as necessary to establish and maintain a unit for driver instruction within the Department of Education as set forth in Division 7 (commencing with Section 7501) of this code.

(b) In addition, subject to the provisions of Section 17305.5, there shall be provided from the General Fund to the State School Fund in each fiscal year such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles.

The amount shall not exceed fifty dollars ($50) per pupil instructed in automobile driver training in accordance with the rules and regulations of the State Board of Education.

(c) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of replacing vehicles and simulators used exclusively in automobile driver training programs, but the

amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of fifty dollars ($50) per pupil instructed, and (2) expended by the district in replacing such vehicles and simulators. Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in driver training programs.

(d) For purposes of computing reimbursement, whenever a school district replaces a driver training vehicle or simulator purchased by the district with a vehicle or simulator that is a gift or loan, the purchase price of such new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

A simulator is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 5. Section 18252.1 is added to the Education Code, to read:

18252.1. School districts applying for state reimbursement for driver training expenses incurred in the school year 1968–69 and thereafter shall certify to having met the requirements set forth in this article and, in addition, shall certify that all teachers used in the driver education or driver training programs:

(1) Have satisfactorily completed a minimum of six semester hours of course work in public safety and accident prevention and in driver education and training in an institution of higher education approved for teacher preparation or,

(2) Have had equivalent instruction approved by the department or hold a statement of approval from the department to teach driver education, driver training, or both. The approval from the department is not renewable after the first year unless the teacher presents evidence to the department of having made progress toward completing the course work required in order to teach driver education and training.

SEC. 6. Section 18252.2 is added to the Education Code, to read:

18252.2. A qualified instructor is one who has met the requirements prescribed by Section 18252.1 and holds the general secondary credential, the special secondary credential in public safety and accident prevention including driver education and driver training, a standard designated subjects teaching credential in public safety and accident prevention including driver education and driver training, or a standard teaching credential with specialization in secondary teaching with a major or minor preparing the holder for the teaching of driver education and driver training.

The Department of Motor Vehicles shall notify the school district and the department immediately upon suspension or

revocation of a driver instruction teacher's driver's license. The Department of Education and the Department of Motor Vehicles shall jointly determine the details regarding procedures for notification. No reimbursement shall be provided to a school district for students taught by an instructor while his driver's license is suspended or revoked following notification to the school district of such suspension or revocation.

SEC. 7. Section 18252.3 is added to the Education Code, to read:

18252.3. A course of instruction in automobile driver education shall:

(a) Be of at least 2½ semester periods and shall be taught by a qualified instructor;

(b) Provide the opportunity for students to take driver education within the regular schoolday, and within the regular academic year, as defined in Section 5554. Additional classes may be offered at the discretion of the local governing board to accommodate those who have failed or those who cannot otherwise enroll in the regular schoolday program. For purposes of this section, the regular schoolday shall be that time during which classes are maintained in the courses of instruction provided for in Division 7 (commencing with Section 7501) of this code;

(c) Be completed by the student within the academic year or summer session in which it was begun; and

(d) Provide for a teacher-pupil ratio in accordance with that established by the district for classes in courses of instruction provided for in Division 7 (commencing with Section 7501) of this code.

SEC. 8. Section 18252.4 is added to the Education Code, to read:

18252.4. A course of instruction in automobile driver training shall include, for each student enrolled in the class, instruction under one of the following plans:

(a) Plan One. A minimum of 12 hours allocated as follows:

(1) A minimum of six hours of behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) From 6 to 18 additional hours in a dual-control automobile with a qualified instructor for the purposes of observation, or practice driving on an off-street driving range under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(b) Plan Two. A minimum of 24 hours allocated as follows:

(1) Three hours of behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) Six hours in a dual-control automobile with a qualified instructor for the purposes of observation, or practice driving on an off-street range under the supervision of a qualified

instructor may be substituted for all or part of the observation time.

(3) Twelve hours of instruction by a qualified instructor in a driving simulator approved by the department. Any deviation from the standard use of a simulator must have prior approval by the Division of Instruction before the school district can be reimbursed for the students trained.

(4) At least three additional hours of instruction specified in one or more of the subdivisions 1 through 3.

For purposes of this section, one hour means 60 minutes including passing time.

SEC. 9. Section 18252.5 is added to the Education Code, to read:

18252.5. No teacher of automobile driver training or automobile driver education shall be assigned, as part of his regular schedule, to teach classes exceeding in number the maximum of the class teaching assignments regularly scheduled for teachers of the district in classes in the courses of instruction provided for in Division 7 (commencing with Section 7501) of this code.

SEC. 10. Section 12507 of the Vehicle Code is amended to read:

12507. Any person 16 years of age but less than 18, may apply for, and the department may issue a driver's license to such person upon successful completion of an examination as required by the department and upon compliance with one of the following:

(a) Satisfactory completion of approved courses in automobile driver education and driver training maintained pursuant to Division 7 (commencing with Section 7501) of the Education Code in any secondary school of California, or equivalent instruction in a secondary school of another state.

(b) Satisfactory completion of six hours or more of behind-the-wheel instruction by a driving school or an independent driving instructor licensed under the provisions of Chapter 1 (commencing with Section 11100) of Division 5 of this code and either an accredited course in automobile driver education in any secondary school of California pursuant to Division 7 (commencing with Section 7501) of the Education Code or satisfactory completion of equivalent professional instruction acceptable to the department. To be acceptable to the department the professional instruction shall meet minimum standards to be prescribed by the department, which standards shall be at least equal to the requirements for driver education and training contained in the rules and regulations adopted by the State Board of Education pursuant to Section 8101 of the Education Code.

(c) Certification to the department by (1) a school board, principal, or other appropriate school official that the secondary school the applicant attends does not offer an automobile driver training course pursuant to Division 7 (commencing with Sec-

tion 7501) of the Education Code, but that the applicant has satisfactorily completed an accredited course in automobile driver education; and (2) a California licensed driver over 25 years of age, not holding a probationary type of license, that the applicant has been given six hours or more of behind-the-wheel instruction, but not more than two hours a day in any one day, by the person so certifying.

(d) With respect to applicants who are in attendance in secondary schools in Kern County, certification to the department by (1) a school board, principal, or other appropriate school official that the applicant may not be enrolled in an automobile driver training course offered by the secondary school the applicant is attending pursuant to Division 7 (commencing with Section 7501) of the Education Code, but that the applicant has satisfactorily completed an accredited course in automobile driver education; and (2) a California licensed driver over 25 years of age, not holding a probationary type of license, that the applicant has been given six hours or more of behind-the-wheel instruction, but not more than two hours a day in any one day, by the person so certifying. The Legislature finds and declares that special circumstances exist in Kern County justifying the enactment of the separate provisions of this subdivision to be applicable only to that county for a two-year period commencing with July 1, 1967. The establishment of driver training programs in the public schools within Kern County has been undertaken only to a limited degree, and a two-year period will be required, on account of fiscal problems confronting local school authorities, to establish programs to fully meet the needs of the secondary school pupils of the county. In addition, because of the wide dispersal of the secondary school population throughout the comparatively large geographical area of the county, the limited degree to which programs have been established as of July 1, 1967, renders the same unavailable to the majority of such pupils.

Subdivision (c) and subdivision (d) of this section shall remain in effect until July 1, 1969.

SEC. 11. Section 18251.2 of the Education Code, as proposed by Senate Bill No. 311, is amended to read:

18251.2. Allowances by the Superintendent of Public Instruction shall be made only for driver training classes maintained in accordance with the rules and regulations as set forth by the State Board of Education.

Driver training shall be available without tuition to all eligible students commencing on July 1, 1969. The governing board of a district may make driver training available during school hours, or at other times, or any combination thereof.

SEC. 12. Section 18251.4 is added to the Education Code, to read:

18251.4. The Superintendent of Public Instruction shall promote and direct the establishment and maintenance of

courses of instruction in automobile driver education and driver training in the public schools. For that purpose, he shall employ such professional and other personnel as are necessary to give full effect to this article. The Superintendent of Public Instruction is authorized to establish a unit within the Department of Education to be comprised of an administrative head, and such consultants and clerical employees as are needed, to provide supervisory and consulting services, to promote and implement this article. The duties assigned to this unit shall include, but shall not be limited to, the preparation of courses of study, consultation services for local school districts, and general supervision of the program pertaining to minimum standards of course content and teacher preparation. All necessary costs and expenses incurred by such a unit or professional and clerical personnel in performance of their duties under this code shall be reimbursed from the Driver Training Penalty Assessment Fund.

There is hereby appropriated from the Driver Training Penalty Assessment Fund to the General Fund in the State Treasury and from the General Fund to the Department of Education the sum of eighty-one thousand dollars ($81,000) for purposes of this section, for the fiscal year 1967–1968. In subsequent fiscal years support for the unit shall be provided from such funds as may be appropriated therefor by the Legislature.

SEC. 13. Section 18255 is added to the Education Code, to read:

18255. The expressed purpose of the Legislature is that highway accidents can and must be reduced through the education and training of drivers prior to licensing, and that this instruction properly belongs in the high school curriculum on a basis of having comparable standards of instruction, quality, teacher-pupil ratio and class scheduling in driver education as in other courses in the regular academic program. Only through a high quality program of driver instruction can the greatest potential in traffic accident prevention be realized Further, the state has a responsibility to share in the reasonable costs of providing such courses.

SEC. 13.5. Sections 1, 2, 3, 4 and 10 of this act shall become operative on the effective date of this act. Sections 5, 6, 7, 8, and 9 of this act shall become operative on July 1, 1968

SEC. 14. Sections 11 to 13, inclusive, of this act shall become operative only if Senate Bill No 311 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 311 takes effect; at which time Sections 8108 and 8109 of the Education Code as amended by Sections 1 and 2 of this act, and Section 8113 of the Education Code as added by Section 3 of this act are repealed.

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 such necessity are:

In order that the establishment of the unit within the Department of Education to provide supervisory and consultative services in connection with automobile driver education and training may be effected as early as possible in the 1967–1968 school year, and in order that the program for more effective and efficient administration of automobile driver education and training in the public schools will be available and in effect for the 1967–1968 school year, all of which is provided for in Sections 1, 2, 3, 4 and 10 of this act, it is necessary that this act take effect immediately.

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## CHAPTER 1634

*An act to amend Sections 7771.1, 7790, 7808, and 7825 of, and to add Sections 7807.1 and 7808.1 to, the Education Code, relating to school reading instruction program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 31, 1967 Filed with Secretary of State September 2, 1967]

August 31, 1967

I object to the $10,000,000 appropriation in Senate Bill No 456 and I hereby eliminate this appropriation from the bill

With this deletion, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. Section 7771.1 of the Education Code is amended to read:

7771.1. During the 1966–67 school year, and thereafter, if a school district is unable to participate fully in the reading program established under this chapter on a school or district basis because of its inability to employ enough specialist teachers to fully meet the basic quota of certificated employees to be appointed specialist teachers as provided in Sections 7790 and 7791, the governing board of the district may request approval of the State Superintendent of Public Instruction for participation in the program on a reduced basis. Such approval may be granted by the State Superintendent of Public Instruction if he determines that:

(a) In districts having more than one school, all reasonable efforts are made to concentrate available teachers in the school or schools of the district where the need for the program is the greatest so that such schools may benefit from full participation in the program so far as possible.

(b) For the 1966–67 school year, the applicant district or school employs at least 30 percent of the basic quota of certifi-

cated employees to be appointed specialist teachers as computed under the provisions of Sections 7790 and 7791.

(c) For the 1967–68 school year, and thereafter, the applicant district or school employs at least 30 percent of the basic quota of certificated employees to be appointed specialist teachers as computed under the provisions of Section 7790 and 7791.

SEC. 2. Section 7790 of the Education Code is amended to read:

7790. Beginning with the fiscal year 1967–68, each school district which is eligible for state equalization aid, and which maintains grades 1, 2, and 3 at the elementary level shall compute a basic quota of certificated employees to be appointed specialist teachers, of one such employee for each 125 units of average daily attendance in grades 1, 2, and 3 and any additional fraction thereof; provided that:

(a) With respect to districts maintaining more than one school, each of which has an average daily attendance in grades 1, 2, and 3 of less than 50, the quota shall be one such employee for each 100 units of the average daily attendance in grades 1, 2, and 3 in those schools.

(b) With respect to all school districts in a county with an average daily attendance in grades 1, 2, and 3 of less than 50, the quota shall be one specialist teacher for each 100 units of average daily attendance in grades 1, 2, and 3 in those districts.

SEC. 3. Section 7807.1 is added to the Education Code, to read:

7807.1. During the 1967–68 school year, and thereafter, if the Superintendent of Public Instruction determines that the state appropriation for allowances pursuant to this article is insufficient to finance the total number of school district applications for specialist reading teachers according to the basic quota of Section 7790, he shall reduce the basic quota of specialist reading teachers for school districts to enable maximum school district participation in the program. In implementing this section the Superintendent of Public Instruction shall attempt to insure that the quotas of districts already participating in the program are not reduced below the level of the preceding fiscal year. In no case shall the reduced quota of specialized reading teachers for a school district be reduced below 30 percent of the district's basic quota.

SEC. 4. Section 7808 of the Education Code is amended to read:

7808. The Superintendent of Public Instruction shall allow to each district eligible to receive an allowance under this article an amount equal to the total of salaries to be paid specialist teachers employed by the district computed according to Section 7808.1 and the amounts computed as salary allotments for professional school librarians.

SEC. 5. Section 7808.1 is added to the Education Code, to read:

7808.1. The allowance for salaries of specialist reading teachers to each district shall be computed by multiplying the number of specialist reading teachers employed by such 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 specialist reading teacher.

SEC. 6. Section 7825 of the Education Code is amended to read:

7825. A salary allotment for a professional school librarian shall be computed by the Superintendent of Public Instruction whenever he determines with respect to any district that:

1. The district has employed one-third of its basic quota of specialist reading teachers, and

2. A librarian holding a credential authorizing service as a librarian pursuant to Sections 13289 and 13290 is employed full time in a school or schools in which one or more specialist reading teachers are employed.

The salary allotment for the professional school librarian shall be five hundred dollars ($500) multiplied by the number of specialist teachers in reading employed full time in the school. The maximum allotment so authorized for a school district shall not exceed the total cost of salaries of librarians who come within the provisions of this section.

SEC. 7. There is hereby appropriated from the General Fund to the Department of Education for the 1967–1968 fiscal year, the sum of ten million dollars ($10,000,000) for the purposes of Chapter 2.5 (commencing with Section 7770) of Division 7 of the Education Code.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will enable one or more additional school districts to participate in the very important program for the prevention and correction of reading disabilities. This act must go into immediate effect to insure that students enrolled in these schools do not fail to receive the benefits of this very important program. In addition, in order to enable school districts to make necessary plans for the current fiscal year, it is necessary that this act go into immediate effect.

## CHAPTER 1635

*An act to amend Section 13162 of the Education Code, relating to temporary certificates.*

[Approved by Governor August 31, 1967 Filed with Secretary of State September 2, 1967 ]

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

SECTION 1. Section 13162 of the Education Code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate. Such certificate shall be valid for not more than 90 schooldays, or 120 schooldays in a district with an average daily attendance in excess of 400,000 or in a junior college district which has a common governing board with a unified district with an average daily attendance in excess of 400,000, and in either case only until the credential originally requested is either issued or denied by the State Board of Education.

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## CHAPTER 1636

*An act to amend Sections 13162, 16601.5, 16603, 16604, 16605, 16615, 16618, and 16620 of, and the heading of Article 1 (commencing with Section 16601) of Chapter 5 of Division 12 of, the Education Code, relating to children's centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 31, 1967 Filed with Secretary of State September 2, 1967 ]

August 31, 1967

I object to the $4,613,000 appropriation in Senate Bill No 457 and I hereby eliminate this appropriation from the bill

With this deletion, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. Section 13162 of the Education Code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are

being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 90 schooldays and only until the credential or permit originally requested is either issued or denied by the State Board of Education.

SEC. 1.5. Section 13162 of the Education Code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 90 schooldays, or 120 schooldays in a district with an average daily attendance in excess of 400,000 or in a junior college district which has a common governing board with a unified district with an average daily attendance in excess of 400,000, and in either case only until the credential or permit originally requested is either issued or denied by the State Board of Education.

SEC. 2. The heading of Article 1 (commencing with Section 16601) of Chapter 5 of Division 12 of the Education Code is amended to read:

## Article 1. Children's Centers

SEC. 3. Section 16601.5 of the Education Code is amended to read:

16601.5. The facilities used for any children's center established pursuant to this chapter may be made available for preschool training for children eligible for such training under any federal program, or under any program of preschool training established by the laws of this state.

SEC. 4. Section 16603 of the Education Code is amended to read:

16603. The need of a parent and child for service in a children's center shall be determined upon the following conditions:

(a) That there is but one parent in the home and such parent supports and cares for the child, or the parent is physi-

cally or mentally unable to either support the family or care for the child, or there is but one parent in the home who requires education or training to qualify for entrance upon employment that will make the family economically self-sufficient, or

(b) That there are two parents in the home, each of whom is either working or is physically or mentally unable to either support the family or care for the child, or

(c) That a child is in need of a preschool educational program before entrance to kindergarten because of disadvantage arising from home and community environmental conditions.

(d) That either parent is attending school or receiving instruction, and the other parent, if any, is gainfully employed, or

(e) That the services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public school or as a qualified and acceptable supervisor to serve in the supervision and instruction of children in a children's center or a supervisor of a children's program, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the children's center, or

(f) That the services of the parent having care of the child are necessary as a registered nurse, as shall be evidenced by a statement from the responsible employer to the governing body of the children's center, or

(g) That the services of the parent having care of the child are necessary as a worker in industry essential to the mobilization effort, as shall be evidenced by a statement from the employer in such industry as shall have been designated as essential to the mobilization effort by the Director of Employment, or

(h) That the services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker, or

(i) That the parent or parents having care of the child are attending school or receiving instruction under the state vocational rehabilitation program or under the Manpower Development and Training Act or under other programs authorized for a parent or parents in families qualifying for aid to families with dependent children, as shall be evidenced by a statement from any one of such agencies, or that one parent in a two-parent family is attending school or receiving instruction under any one of such programs, and the other parent is employed or mentally or physically incapacitated.

The need of a parent to utilize a children's center who comes within subdivision (a), (b) or (c) of this section or is receiving or is likely to receive public assistance shall take precedence over the need for children of a parent, or parents, and child who come within subdivisions (d) to (i), inclusive, of this section.

SEC. 5. Section 16604 of the Education Code is amended to read:

16604. Except as provided in Section 16605, no child shall be admitted to a children's center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceeds six hundred forty-eight dollars ($648) if there is one child in the family, and an additional eighty-four dollars ($84) for each additional child.

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds four hundred sixty-three dollars ($463) if there is one child in the family, and an additional eighty-four dollars ($84) for each additional child.

Except as provided in Section 16605 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In computing the maximum "total monthly income" of self-employed persons the gross income of such persons may be reduced by the legitimate business expenses incident to the self-employment. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the workweek of such person is five days or more.

SEC. 6. Section 16605 of the Education Code is amended to read:

16605. If either parent comes within subdivision (d) of Section 16603 and is attending school or receiving instruction for not less than half time, or if the parent or if either parent comes within subdivision (a), (e), (f), (g), (h), or (i) of Section 16603, and if the income from all sources of the child's immediate family exceeds that fixed by Section 16604, but is not greater than three times the amount fixed by Section 16604, a child of such parent may be admitted to a children's center but the governing board of the school district maintaining the children's center shall, notwithstanding anything in Section 16614 to the contrary, charge and collect from the person having custody of the child, except a parent coming within (a) of Section 16603, a weekly fee which shall be in such amount as will reimburse the district for the cost of supervision instruction, and the cost of all food furnished such child. The governing board shall charge a parent coming within (a) of Section 16603 the fee required for the applicable maximum income as provided in Section 16604, plus, for each six dollars and sixty cents ($6.60) of an additional sixty-six dollars ($66) of income, one-sixth of the difference between that fee and the amount which will reimburse the district for the cost of supervision, instruction, and all food furnished the child.

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay of enlisted personnel shall be included in the "total monthly income" which is the amount which is accounted for as "base pay."

SEC. 7. Section 16615 of the Education Code is amended to read:

16615. It is hereby declared to be the policy of the Legislature that, on a statewide average, of the total amount of the cost for the maintenance and operation of children's centers paid for by state funds apportioned to the districts and fees collected from parents, three-fourths of such total cost shall be paid from such state funds and one-fourth from such fees. Funds derived from district taxes levied under this chapter (commencing with Section 16601) may be expended in addition to parent fees and state funds, and shall not operate to affect the operation of either the fee schedule or the formula for apportioning state funds provided for in this chapter (commencing with Section 16601).

SEC. 8. Section 16618 of the Education Code is amended to read:

16618. The statewide average state support per hour per child shall be forty-two cents ($0.42).

(a) For purposes of this article (commencing with Section 16601) the Superintendent of Public Instruction shall apportion state funds to the districts using forty-two cents ($0.42) per hour per child. If the fees collected by any district shall for any month be less or more than fourteen cents ($0.14) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than fourteen cents ($0.14) per hour per child.

(b) For development centers for handicapped minors, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

SEC. 9. Section 16620 of the Education Code is amended to read:

16620. Hours of attendance of children of, and fees collected from, parents required by this chapter (commencing with Section 16601) to pay the full cost of supervision, instruction, and all food of a child in a children's center shall not be used in computing amounts under Section 16618.

SEC. 10. The sum of four million six hundred thirteen thousand dollars ($4,613,000) is hereby appropriated from the General Fund to the Department of Education for use during the 1967–1968 fiscal year for the purpose of Article 1 (commencing with Section 16601) of Chapter 5 of Division 12 of the Education Code. Of the amount appropriated by this section, the Department of Education is hereby authorized to apportion not to exceed one hundred thousand dollars ($100,000) to school districts or county superintendents of schools es-

tablishing new children's centers for the first year of operation only upon the demonstrated need for supplemental support for preoperational costs, including, but not limited to, preoperational salaries, leasing or renovation of facilities, and purchase of equipment and supplies.

SEC. 10.5. Section 1.5 of this act shall become operative only if the amendment to Section 13162 of the Education Code as proposed by Assembly Bill No. 2417 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 2417 takes effect; at which time Section 13162 of the Education Code as amended by Section 1 of this act is repealed.

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

In order that urgently needed support of existing and new children's centers may be established as soon as possible and to permit the use of federal funds for the 1967–68 fiscal year to be made available as early as possible in that fiscal year, it is necessary that this act take effect immediately.

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## CHAPTER 1637

*An act to add Section 29009.5 to the Education Code, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 31, 1967. Filed with Secretary of State September 2, 1967.]

August 31, 1967

I object to the $10,000 appropriation in Senate Bill No. 551 and I hereby eliminate this appropriation from the bill.

With this deletion, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Section 29009.5 is added to the Education Code, to read:

29009.5. Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall between the 1st and 15th day of October of each year, commencing on October 1, 1967, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information covering the preceding fiscal year:

(a) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business.

(b) 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.

(c) 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.

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership, or corporation.

(e) The school enrollment by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities.

(f) That the following records are maintained at the address stated, and are true and accurate:

(1) The records required to be kept by Section 12154.

(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.

Whenever two or more private schools are under the effective control or supervision of a single administrative unit, such administrative unit may comply with the provisions of this section on behalf of each of the schools under its control or supervision by submitting one report.

Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any school to expressly or impliedly represent by any means whatsoever, that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California State Department of Education, or any division or bureau thereof, or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course unless this is an actual fact.

The Superintendent of Public Instruction shall prepare and publish a list of private elementary and high schools to include the name and address of the school and the name of the school owner or administrator.

SEC. 2. The sum of ten thousand dollars ($10,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to carry out the purposes of Section 29009.5 of the Education Code.

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

The Legislature may not have adjourned from its 1967 Regular Session in time to allow this act to become operative by October 1, 1967. In order to assure that this act shall be operative on such date, it is necessary that it be effective immediately.

## CHAPTER 1638

*An act to add Section 21605 to the Public Utilities Code, relating to navigational facilities, and making an appropriation therefor.*

[Approved by Governor August 31, 1967. Filed with Secretary of State September 2, 1967.]

August 31, 1967

I object to the $75,000 General Fund appropriation in Senate Bill No. 720 and I hereby eliminate this appropriation from the bill.

With this deletion, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Section 21605 is added to the Public Utilities Code, to read:

21605. The division may, as principal on behalf of the state, lease a navigational system of the hyperbolic area-coverage type, as a pilot project to enable short takeoff and landing aircraft and vertical lift aircraft to navigate with safety on a commuter basis in urban areas of California down to ground level under conditions of extremely low visibility, and in addition, to enable vessels to navigate safely to and from California harbors under like conditions of visibility.

SEC. 2. For each year, beginning January 1, 1968, and ending January 1, 1978, there is appropriated from the General Fund the sum of seventy-five thousand dollars ($75,000) per year, from the Airport Assistance Revolving Fund the sum of fifty thousand dollars ($50,000) per year, and from the Harbors and Watercraft Revolving Fund the sum of twenty-five thousand dollars ($25,000) per year, for the lease of a hyperbolic area-coverage type navigational system.

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## CHAPTER 1639

*An act to add Chapter 2.6 (commencing with Section 7828) to Division 7 of the Education Code, relating to public school instruction, and making an appropriation therefor.*

[Approved by Governor August 31, 1967. Filed with Secretary of State September 2, 1967.]

August 31, 1967

I object to the $250,000 appropriation in Senate Bill No. 999 and I hereby eliminate this appropriation from the bill.

With this deletion, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Chapter 2.6 (commencing with Section 7828) is added to Division 7 of the Education Code, to read:

## CHAPTER 2.6. MATHEMATICS IMPROVEMENT PROGRAMS

### Article 1. General Provisions

7828. It is 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 particular schools within school districts, for which the most comprehensive plans have been developed to evaluate the effectiveness of the programs authorized by this chapter, and secondly to those school districts in which the need for mathematics instruction is greatest and the financial ability of the districts to provide it is least.

7828.1. The programs provided for by this chapter shall be afforded for pupils in grades 2 and 3, and 5 and 6, at the elementary level, and in grades 8 to 12, inclusive, at the secondary level. The programs shall be administered under the direction of the Superintendent of Public Instruction and pursuant to rules and regulations of the State Board of Education which may be adopted to implement the provisions of this chapter. The rules and regulations of the State Board of Education shall prescribe minimum standards and criteria for all programs, and shall provide for the submission of periodic reports by all school districts participating in programs.

The programs authorized by this chapter may be consolidated or conducted in conjunction with other mathematics programs being conducted in the public schools, if the Superintendent of Public Instruction determines that evaluation of the programs authorized by this chapter is not rendered impracticable.

7828.2. In addition to any tests otherwise required to be administered to pupils by this chapter, the State Board of Education shall select achievement tests to be administered to pupils who are participating in programs authorized by this chapter. The selection of such tests shall be with the advice of the Statewide Mathematics Advisory Committee, and shall be designed to measure the degree to which mathematics programs in the public schools are meeting the objectives of the revised outline of mathematics curriculum developed by the Statewide Mathematics Advisory Committee.

7828.3. The State Board of Education, on the advice of the Statewide Mathematics Advisory Committee, shall develop an achievement test in mathematics for grades 3, 6, and 8. The test shall measure the degree to which mathematics programs in the public schools meet the objectives of the revised outline of the mathematics curriculum developed by the Statewide Mathematics Advisory Committee.

7828.4. The State Board of Education shall, on or before the 30th legislative day of the 1968, 1969, 1970, and 1971 Regular Sessions of the Legislature, report to the Legislature concerning the progress and the extent of the participation in

the programs established pursuant to this chapter in school districts in the state. Such reports shall provide an evaluation of the effectiveness of the programs, as ascertained to the respective dates of the reports.

## Article 2. Experimental Programs

7828.11. The experimental programs prescribed by this article shall, when established, be conducted as pilot programs during the fiscal years 1968–1969, 1969–1970, and 1970–1971, except the accelerated instructional program in mathematics, which shall extend for five consecutive years, through 1972–1973.

7828.12. The governing board of a school district maintaining elementary schools may establish a specialized teacher program in mathematics. The program shall be established for grades 2 and 5 during the fiscal year 1968–1969, and may be expanded in the fiscal years 1969–1970 and 1970–1971 to include, also, grades 3 and 6. To the maximum extent practicable, the programs established in grades 3 and 6 shall include pupils who participated in programs established in grades 2 and 5.

7828.13. The specialized teacher program in mathematics shall entail the designation of specialized mathematics teachers to provide instruction in mathematics. The teachers designated for such purposes shall be teachers with special interest in the teaching of mathematics, without regard to training for, or experience in, teaching mathematics. The teachers shall provide instruction in each schoolday in mathematics in the classes to which they are regularly assigned to teach, or in one or more other classes by exchange of teaching assignments with other teachers.

7828.14. At least one-half of the persons designated specialized mathematics teachers within a school district shall, during the summer months preceding each academic year in which they are to perform duties as such, participate in and complete an in-service training program.

7828.15. The State Board of Education shall select particular school districts which are to establish specialized teacher programs in mathematics. The selections shall be made on the basis of applications submitted by the governing boards of school districts, and the recommendations of the Superintendent of Public Instruction and the Statewide Mathematics Advisory Committee. The board shall prescribe the standards by which specialized teachers in mathematics shall be designated, and provide for the state-level approval of all such designations.

7828.16. The State Board of Education shall establish regional in-service training programs for specialized teachers in mathematics, to be conducted in each of the fiscal years 1968–1969, 1969–1970, and 1970–1971. The programs shall be conducted in the summer months in each of the fiscal years at centralized locations in the state. Instruction and training shall

be provided by experts in mathematics from public and private institutions of higher education and from other fields of endeavor, as determined by the board.

The governing board of each school district which has applied to establish a specialized teacher program in mathematics may nominate to the State Board of Education teachers employed by the district for participation in regional in-service training programs.

The location of centers where the in-service training is to be provided, and the form and content of the instruction and training afforded, shall be determined by the State Board of Education upon recommendation of the Superintendent of Public Instruction and the Statewide Mathematics Advisory Committee.

7828.17. The State Board of Education shall direct the testing of pupils for purposes of evaluating the effectiveness of the specialized teacher programs in mathematics in the several school districts in which the same are established, and shall designate and provide the tests to be administered to pupils.

7828.18. The governing board of a school district maintaining elementary schools may establish a mathematics specialist program. The program shall be established for grades 2 and 5 in the fiscal year 1968–1969, and may be expanded in the fiscal year 1969–1970 to include, also, grades 3 and 6. To the maximum extent practicable, the programs established in grades 3 and 6 shall include pupils who participated in programs established for grades 2 and 5.

7828.19. The mathematics specialist program shall entail the designation of mathematics specialists to provide instruction in mathematics. The specialists designated for such purposes shall have an educational background of at least a collegiate minor in mathematics or the equivalent thereof. For purposes of the designation of mathematics specialists and their performance of duties under this article, any requirements prescribed or pursuant to law in terms of educational qualifications or background which would limit or bar the designation or the performance of the services shall be deemed inapplicable.

7828 20. The mathematics specialist shall supplement the work of regular classroom teachers, and shall teach concepts underlying mathematical techniques, with the pupils' regular classroom teachers continuing to provide instruction in arithmetic and remaining responsible for the pupils' acquisition of mathematical skills. No less than 15 regular class hours per week shall be devoted by each mathematics specialist to the instruction of pupils, and not to exceed five regular class hours per week shall be devoted by each such specialist to in-service training of regular teachers. Mathematics specialists shall be required, at least once each school week, to meet for group discussion and evaluation of the mathematics specialist programs.

7828.21. Each individual class in the grades participating in the mathematics specialist program shall, in each school week, receive instruction from a mathematics specialist teacher for no less than four class hours.

7828.22. The State Board of Education shall select school districts which apply to establish mathematics specialist programs. The selections shall be made on the basis of applications submitted by the governing board of the school district, and the recommendations of the Superintendent of Public Instruction and the Statewide Mathematics Advisory Committee. The State Board of Education shall prescribe the standards by which mathematics specialists shall be designated, and shall approve all such designations.

7828.24. The governing board of a school district maintaining high schools may establish an accelerated instructional program in mathematics. The program shall extend for five consecutive fiscal years commencing with the fiscal year 1968–1969. The instruction involved shall be provided for pupils in grades 8 through 12, inclusive, with demonstrated aptitude and talent for mathematics. The program shall consist of all areas of mathematics including the basic principles and operations of calculus. Each program within a district shall be established and maintained with the active participation, cooperation, and counsel of a public or private university or college. Evaluation of the program's effectiveness shall be by joint action of the district and the college or university.

7828.25. The State Board of Education shall select particular school districts to participate in accelerated instructional programs in mathematics. Such selection shall be made on the basis of applications submitted by the districts. An application shall include a plan showing in detail the elements and objectives of the program, the procedures and means to be used by the district in identifying pupils with aptitude and talent for mathematics, and the procedures and means to be used to evaluate the program's effectiveness, and shall outline the form and extent of the present and proposed participation in the program by a college and university.

7828.26. For purposes of providing instruction in an accelerated instructional program in mathematics, the governing board of each school district shall, to the extent practicable, employ teachers specially qualified as teachers in mathematics, particularly during the final two years of the five-year program. All teachers employed for purposes of the program shall have an educational background including at least a higher education major in mathematics, or its equivalent, and shall meet other standards and requirements which may be established by the State Board of Education.

7828.27. The State Board of Education shall direct the testing of pupils for purposes of evaluating accelerated instructional programs in mathematics in the several school districts in which they are established. The Statewide Mathematics

Advisory Committee and the Statewide Advisory Committee on Advanced Placement shall assist the State Board of Education in the selection of appropriate tests.

Article 3. Financing of Programs

7828.41. The tests selected by the State Board of Education for purposes of the specialized teacher program in mathematics shall be provided and distributed by the Superintendent of Public Instruction free of charge, as needed, to school districts participating in the program.

7828.42. Beginning with the 1968–1969 fiscal year and each fiscal year thereafter, a school district which maintains elementary grades and participates in the mathematics specialist program may apply for an allowance for the employment of mathematics specialist teachers. Application shall be made in accordance with rules and regulations adopted by the Superintendent of Public Instruction on forms that he shall furnish. No allowance for a mathematics specialist program shall be made to a school district unless the Superintendent of Public Instruction approves the district application and certifies that standards, requirements and criteria of the State Board of Education are met by the district.

7828.43. Allowances for the mathematics specialist program shall be made by the Superintendent of Public Instruction from funds appropriated therefor by the Legislature. The allowances shall be made as early as practicable in the fiscal year.

7828.44. Allowances for the mathematics specialist program shall be made by the Superintendent of Public Instruction in accordance with a system of priorities that he shall by rule and regulation adopt, designed to carry out the intent and purpose of the Legislature stated in Section 7828. As a basis for such system of priorities, the Superintendent of Public Instruction, upon receipt of all applications for a fiscal year, shall determine and use the relative financial ability of each applicant district as measured by the assessed valuation per unit of average daily attendance in the district. The Superintendent of Public Instruction may use additional factors as a basis for a system of priorities as long as such factors are not in conflict with the intent and purpose of the Legislature.

The Superintendent of Public Instruction shall make no allowances in any year in excess of the amount appropriated by the Legislature for the purposes of this chapter.

7828.45. The Superintendent of Public Instruction shall allow to each district eligible to receive an allowance for the mathematics specialist program an amount equal to the total of salaries to be paid mathematics specialists employed by the district, diminished by the product of the ratio which the assessed valuation per unit of average daily attendance during the preceding fiscal year in kindergarten and grades 1 through 8, inclusive, in the district bears to the assessed

valuation per unit of such average daily attendance in the state and one-half of the total of salaries to be paid mathematics specialists employed in the district.

7828.46. From funds appropriated therefor by the Legislature, the Superintendent of Public Instruction shall pay the costs of the regional in-service training programs for specialized teachers in mathematics including the salaries of persons employed to provide instruction and training. From such funds teachers in attendance shall be reimbursed for living and traveling expenses necessarily incurred for such purposes, and shall be paid a nominal stipend.

7828.47. From funds which may be appropriated therefor, the Superintendent of Public Instruction shall reimburse school districts for the expenses incurred, pursuant to contractual arrangement, in securing the participation and cooperation of colleges and universities in providing the accelerated instructional program in mathematics in grades 8 to 12, inclusive.

7828.48. 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 7828.11) of this chapter shall be received and utilized for such purposes.

7828.49. All disbursements of state funds under this article shall be made by warrants drawn by the State Controller upon order of the Superintendent of Public Instruction.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of two hundred fifty thousand dollars ($250,000) or so much thereof as may be necessary. The amount so appropriated shall be allocated and expended for the purposes following:

(a) Fifty thousand dollars ($50,000) for the expenses incurred by the Department of Education in preparation, planning, and administrative operations involved in providing for the establishment, commencing in the fiscal year 1968–1969, of the pilot programs in mathematics improvement authorized by Section 1 of this act.

(b) One hundred thousand dollars ($100,000) for the development of tests to be administered to pupils participating in the pilot programs.

(c) One hundred thousand dollars ($100,000) for the initial operational expenses of the in-service training programs for specialized mathematics teachers.

# CHAPTER 1640

*An act to amend Sections 13503, 13505, 13520, 13521, 13522, 13523 of, and the heading of Article 2 (commencing with Section 13510) of Chapter 1 of Title 4 of, and to add Section 13513 to, the Penal Code, relating to the Commission on Peace Officer Standards and Training, and making an appropriation therefor.*

[Approved by Governor September 1, 1967 Filed with Secretary of State September 2, 1967 ]

September 1, 1967

I object to the $782,500 appropriation in Senate Bill No 585 and I hereby eliminate this appropriation from the bill

With this deletion, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. Section 13503 of the Penal Code is amended to read:

13503. In carrying out its duties and responsibilities, the commission shall have all of the following powers:

(a) To meet at such times and places as it may deem proper;

(b) To employ an executive secretary and, pursuant to civil service, such clerical and technical assistants as may be necessary;

(c) To contract with such other agencies, public or private, or persons as it deems necessary, for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out its duties and responsibilities;

(d) To cooperate with and to secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions;

(e) To develop and implement programs to increase the effectiveness of law enforcement and when such programs involve training and education courses to cooperate with and secure the cooperation of state-level officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs;

(f) To cooperate with and secure the cooperation of every department, agency, or instrumentality in the state government;

(g) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

SEC. 2. Section 13505 of the Penal Code is amended to read:

13505. In exercising its functions the commission shall endeavor to minimize costs of administration and such costs shall be appropriated from, and are a proper charge against the General Fund.

All allocations to local government, as provided for under provisions of Article 3 (commencing with Section 13520) shall be a proper charge against the Peace Officers' Training Fund.

SEC. 3. The heading of Article 2 (commencing with Section 13510) of Chapter 1 of Title 4 of the Penal Code is amended to read:

Article 2. Field Services and Standards for Recruitment and Training

SEC. 4. Section 13513 is added to the Penal Code, to read:

13513. Upon the request of a local jurisdiction, the commission shall provide a counseling service to such local jurisdiction for the purpose of improving the administration, management or operations of a police agency and may aid such jurisdiction in implementing improved practices and techniques.

SEC. 5. Section 13520 of the Penal Code is amended to read:

13520. There is hereby created in the State Treasury a Peace Officers' Training Fund, which is hereby appropriated, without regard to fiscal years, exclusively for grants to local governments pursuant to this chapter.

SEC. 6. Section 13521 of the Penal Code is amended to read:

13521. On and after the effective date of this section, there shall be levied a penalty assessment in an amount equal to five dollars ($5) for every twenty dollars ($20), or fraction thereof, of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses, other than a fine, penalty or forfeiture for a violation of the Vehicle Code, or for any local ordinance relating to the stopping, standing, parking, or operation of a vehicle, and other than for a violation of the Fish and Game Code. Where multiple offenses are involved, the penalty assessment shall be based upon the total fine or bail for all offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State

Treasury to be deposited in the Peace Officers' Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

SEC. 7. Section 13522 of the Penal Code is amended to read:

13522. Any city, county, or city and county which desires to receive state aid pursuant to this chapter shall make application to the commission for such aid. The initial application must be accompanied by a certified copy of an ordinance adopted by its governing body providing that while receiving any state aid pursuant to this chapter, the city, county or city and county will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

SEC. 8. Section 13523 of the Penal Code is amended to read:

13523. The commission shall annually allocate and the State Treasurer shall pay from the Peace Officers' Training Fund to each city, county, and city and county which has applied and qualified for aid pursuant to this chapter an amount determined by the commission pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, and cities and counties.

In no event shall any allocation be made to any city, county, or city and county which is not adhering to the standards established by the commission as applicable to such city, county, or city and county.

SEC. 9. The sum of seven hundred eighty-two thousand five hundred dollars ($782,500) is hereby appropriated from the General Fund to the Commission on Peace Officer Standards and Training for expenditure during the 1967–68 fiscal year in accordance with the following schedule:

Schedule:

| | |
|---|---|
| (a) For support of Commission on Peace Officer Standards and Training | $220,000 |
| (b) For deposit in the Peace Officers' Training Fund to be used for grants to local governments pursuant to Chapter 1 (commencing with Section 13500), Title 4, Part 4 of the Penal Code | $562,500 |
| Total of schedule | $782,500 |

# CHAPTER 1641

*An act to amend Section 31204 of the Education Code, relating to state school scholarships, and making an appropriation therefor.*

[Approved by Governor September 1, 1967. Filed with Secretary of State September 2, 1967 ]

September 1, 1967

I object to the $20,000 appropriation in Assembly Bill No 1692 and I hereby eliminate this appropriation from the bill.

With this deletion, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. (a) There shall be available 16 such scholarships for each senatorial and Assembly district and 3,200 scholarships at large throughout the state for the fiscal year 1965–66.

(b) There shall be available for the fiscal year 1966–67 and for each fiscal year thereafter such scholarships in an amount equal to one percent (1%) of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

It is the policy of the Legislature that students who meet the academic qualifications for state scholarships prescribed by the State Scholarship and Loan Commission but who do not demonstrate need for financial assistance shall also be designated state scholars and shall be included in the public announcement of California state scholarship winners. State scholars who meet academic requirements but who do not have financial need shall not be included in the number of authorized scholarships prescribed in this section but shall be considered in addition to the authorized number of scholarships equal to one percent (1%) of California high school graduates of the previous year plus renewal awards and shall not receive monetary awards.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California State Scholarship Program.

(c) Of the scholarships, other than renewal scholarships for state scholarship winners, authorized by subdivision (b), one-third of the total number available for a fiscal year shall be available for the fiscal year for allocation pro rata to each senatorial and Assembly district.

No award shall be canceled because of change of residence of an award winner within the state.

SEC. 2. There is hereby appropriated twenty thousand dollars ($20,000) from the General Fund to the State Scholarship and Loan Commission for the purpose of the public announcement of the California state scholarship winners.

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## CHAPTER 1642

*An act to add Chapter 10 (commencing with Section 8800) to Division 1 of Title 2 of the Government Code, relating to the California Advisory Commission on Marine and Coastal Resources, and making an appropriation therefor.*

[Approved by Governor September 1, 1967. Filed with Secretary of State September 2, 1967.]

September 1, 1967

I object to the $60,000 appropriation in Assembly Bill No. 1686, and I hereby reduce said appropriation to the sum of $35,000.

With this reduction, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Chapter 10 (commencing with Section 8800) is added to Division 1 of Title 2 of the Government Code, to read:

### CHAPTER 10. CALIFORNIA ADVISORY COMMISSION ON MARINE AND COASTAL RESOURCES

### Article 1. Declaration of Policy and Objectives

8800. It is hereby declared to be the policy of the State of California to develop, encourage, and maintain a comprehensive, coordinated state plan for the orderly, long-range conservation and development of marine and coastal resources which will ensure their wise multiple use in the total public interest. The Governor shall develop the California Comprehensive Ocean Area Plan to accomplish this objective.

8801. This plan for the conservation and development of marine and coastal resources should be developed so as to contribute to the following objectives:

(a) The accelerated and responsible development of the resources of the marine and coastal environment for the benefit of the people of California by the increased utilization of mineral, food, and other living resources of the sea, the improvement of commerce and transportation, and the wise use of coastal, tide, and submerged lands to meet the demands of population growth in the coastal zone. With special reference to the coastline, determination should be made of the priorities of development that are required by the public interest and by the needs of the future population of the state.

(b) The expansion of human knowledge of the marine environment.

(c) The encouragement of investment by private enterprise in the exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.

(d) The continuation and improvement of the role of the State of California as a leader in the marine sciences and the development of ocean resources.

(e) The advancement of education, research, and training in marine sciences.

(f) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.

(g) The effective utilization of the scientific and engineering resources of the state, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary waste or duplication of effort, facilities, and equipment.

(h) The cooperation by the state with other states, the federal government, other nations, and groups of nations and national and international organizations in marine science activities when such cooperation is in the interest of the State of California.

Article 2. Definitions

8805. For the purposes of this chapter the term "marine science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, and engineering and technology in and with relation to the marine and coastal environment.

8806. For the purposes of this chapter the term "marine and coastal environment" shall be deemed to include all of the following:

(a) The oceans.

(b) The continental shelf and slope, coastal lands, beaches, tidelands, and submerged lands of the State of California.

(c) The seabed and subsoil of the submarine areas adjacent to the coasts of California, and the islands thereof, to a depth of 200 meters, or beyond that limit, to where the depths of the superjacent waters limit the exploitation of the natural resources of such areas.

(d) The mineral and living resources thereof.

8807. This chapter shall be known and may be cited as "The Marine Resources Conservation and Development Act of 1967."

Article 3. Creation and Membership

8810. There is hereby created in the state government the California Advisory Commission on Marine and Coastal Resources, hereafter in this chapter referred to as the "commission."

8811. The commission shall consist of the following members:

(a) Twenty-five members, appointed by the Governor and confirmed by the Senate, from the academic, research, development, and marine law communities, both public and private, concerned with the conservation and orderly utilization of the resources of the marine and coastal environment.

(b) Five members of the public appointed by the Governor and confirmed by the Senate, representing various groups interested in coastline resources conservation or specialized disciplines related thereto.

(c) The Committee on Rules of the Senate shall appoint three Members of the Senate, and the Speaker of the Assembly shall appoint three Members of the Assembly. The Members of the Senate and the Members of the Assembly so appointed shall meet with the commission and participate in its activities to the extent that such participation is not incompatible with their positions as Members of the Legislature.

For the purposes of this chapter, the Members of the Legislature shall constitute an interim investigating committee on the subject of this chapter and as such shall have the powers and duties imposed upon such a committee by the Joint Rules of the Senate and the Assembly.

8812. The members of the commission shall serve at the pleasure of their respective appointing powers. The members shall serve without compensation, but each of the members appointed from outside the state or federal government shall be reimbursed for all necessary expenses actually incurred in the performance of his duties. Each member representing the state government shall serve without additional compensation to that received for their services to the state government, but shall be reimbursed for necessary travel expenses.

8813. The Governor shall select the commission chairman and vice chairman from among its members. The vice chairman shall act as chairman in his absence.

## Article 4. Powers of the Commission

8815. The commission shall meet at such times and in such places as it may deem necessary to fulfill its responsibilities.

8816. The commission shall adopt its own rules of procedure. The commission shall not, however, exclude from attendance at any of its meetings representatives of public agencies involved in or affected by the conservation and utilization of marine resources.

8817. The commission shall employ a consultant and the necessary clerical assistants.

8818. The commission is authorized to secure directly from any executive department, agency, or independent instrumentality of the state government any information it deems necessary to carry out its functions under this chapter. Each department, agency, and independent instrumentality is au-

thorized to cooperate with the commission and, to the extent permitted by law, to furnish such information to the commission, upon request made by the chairman.

8819. The commission is authorized to execute such contracts and agreements with other state agencies, the federal government, and private consultants as the commission may deem necessary to achieve the objectives of this chapter.

8820. The commission is authorized to do any and all other things necessary or convenient to enable it fully and adequately to perform its duties and to fulfill its responsibilities.

### Article 5. Responsibilities and Duties of the Commission

8825. The commission shall review the California Comprehensive Ocean Area Plan and recommend any changes or additions it deems desirable.

The commission shall consider the interest and role of the state in the conservation and utilization of marine and coastal resources, and shall recommend the organization structure of state government which can most effectively carry out its provisions. It shall consider the following specific elements and recommend policies for adoption by administrative or legislative action, whichever is appropriate:

(a) The effects of population growth and urbanization on the marine and coastal environment.

(b) Land use in the coastal zone.

(c) The administration of tide and submerged lands.

(d) The conservation and utilization of the mineral and living resources of the marine environment.

(e) Recreation.

(f) Wastes management, water quality, and pollution control.

(g) Water and power development, including the use of nuclear energy.

(h) Transportation and trade in the coastal zone and on the high seas.

(i) Engineering and technology in the coastal and deep ocean environments.

(j) Research and education.

(k) Weather, climate, and the monitoring of oceanographic conditions.

(*l*) Social, economic, and legal matters relative to the conservation and utilization of ocean resources.

8826. The commission shall undertake a comprehensive investigation and study of all aspects of the marine sciences and the marine and coastal environment in and proximate to the State of California, including but not limited to all of the following:

(a) A review of the known and estimated future needs for natural resources from the marine and coastal environment necessary to maintain an expanding state economy. With

special reference to the coastline, the commission shall prepare a report for submission to the Governor and the 1969 Regular Session of the Legislature which sets forth the public interest in the coastline of California, together with recommended legislation defining and protecting such public interest.

(b) A survey of all significant existing and planned marine science activities in the State of California, including the research, educational, developmental, and administrative policies, programs, and accomplishments of all departments and agencies of the state which are engaged in such activities.

(c) A determination of the surveys, applied research programs, and ocean engineering projects required to obtain the needed natural resources from the marine and coastal environment.

8827. The commission shall transmit to the Governor and the Legislature in January of each year a report, which shall include a comprehensive description of the activities and accomplishments of all agencies of the State of California in the conservation and development of marine and coastal resources during the preceding fiscal year, and an evaluation of such activities and accomplishments in terms of the continuing objectives set forth pursuant to this chapter.

Any such reports transmitted to the Governor and the Legislature pursuant to this section shall contain such recommendations for legislative and administrative action as the commission considers necessary or desirable to achieve the continuing objectives of this chapter, and shall contain an estimate of the funding requirements of each agency and department of the State of California for activities in the conservation and development of marine and coastal resources during the succeeding fiscal year.

In addition, the commission may transmit to the Governor and the Legislature from time to time such other reports as it may deem advisable.

SEC. 2. The sum of sixty thousand dollars ($60,000) is appropriated from the General Fund to the Governor for allocation by him of that portion of the amount hereby appropriated to the California Advisory Commission on Marine and Coastal Resources created pursuant to Chapter 10 (commencing with Section 8800) of Division 1 of Title 2 of the Government Code for expenditure for the support of the commission during the 1967–1968 fiscal year, and for allocation by him to state agencies of that portion necessary for the administration to initiate the preparation of the California Comprehensive Ocean Area Plan.

## CHAPTER 1643

*An act to amend Section 5952 of the Education Code, relating to continuation education classes.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 5952 of the Education Code is amended to read:

5952. The governing board of each high school district and each unified school district shall establish and maintain special continuation education classes whenever there are any minors residing within the district who are subject to compulsory continuation education; provided, that if there are fewer than 100 students enrolled in grade 12 in any school of the district maintaining that grade, the governing board of the district may apply to the State Department of Education for exemption of that school from the requirements of this section and such exemption may be granted in accordance with rules and regulations that shall be adopted by the State Board of Education to govern the granting of the exemptions.

If there is a regional occupational center as provided in Chapter 14 (commencing with Section 7450) of Division 6 within a county, the governing board of any school district within that county may enroll minors, otherwise subject to, and in lieu of, continuation education, in the center with the approval of the county superintendent of schools.

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## CHAPTER 1644

*An act to amend Sections 7450 and 7451.5 of the Education Code, relating to regional occupational centers.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 7450 of the Education Code is amended to read:

7450. In enacting this article, it is the intent of the Legislature to provide qualified students with the opportunity to attend a technical school or enroll in a vocational or technical training program, regardless of the geographical location of their residence in a county or region. The Legislature hereby declares that a regional occupational center will serve the state and national interests in providing vocational and technical education to prepare students for an increasingly tech-

nological society in which generalized training and skills are insufficient to prepare high school students and graduates, and out-of-school youth for the many employment opportunities which require special or technical training and skills. The Legislature also declares that regional occupational centers will enable a broader curriculum in technical subjects to be offered, and will avoid unnecessary duplication of courses and expensive training equipment, and will provide a flexibility in operation which will facilitate rapid program adjustments and meeting changing training needs as they arise.

SEC. 2. Section 7451.5 of the Education Code is amended to read:

7451.5. A regional occupational center may:

(a) Be established pursuant to Section 7451 to provide day, including Saturday, and evening full-time and part-time vocational education programs for minors and adults.

(b) Include within its vocational training programs, the establishment and operation of a sheltered workshop.

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## CHAPTER 1645

*An act to amend Sections 5952, 5953, 7450, 7451.5, 7455, 7456, 10607.5, and 12553 of, and to add Sections 5950, 5957, and 7451.1 to, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 5950 is added to the Education Code, to read:

5950. In enacting this article, it is the intent of the Legislature that continuation education schools and classes shall be established and maintained in order to meet the special educational needs of pupils to provide: (1) an opportunity for the completion of the required academic courses of instruction to graduate from high school, (2) a program of individualized instruction that may emphasize occupational orientation or a work-study schedule which follows the intent and purposes of Sections 5955, 5956, and 7753 of this code, or (3) a specially designed program of individualized instruction and intensive guidance services to meet the special needs of pupils with behavior or severe attendance problems, or (4) a flexible program combining the features in (1), (2), and (3).

SEC. 1.5. Section 5952 of the Education Code is amended to read:

5952. The governing board of each high school district and each unified school district shall establish and maintain

special continuation education classes and may establish and maintain regional occupational centers, in accordance with the provisions of Section 7451, whenever there are any minors residing within the district who are subject to compulsory continuation education; provided, that if there are fewer than 100 students enrolled in grade 12 in any school of the district maintaining that grade, the governing board of the district may apply to the State Department of Education for exemption of that school from the requirements of this section and such exemption may be granted in accordance with rules and regulations that shall be adopted by the State Board of Education to govern the granting of the exemptions. If there is a regional occupational center as provided in Chapter 14 (commencing with Section 7450) of Division 6 within a county, the governing board of any school district within that county may enroll minors, otherwise subject to, and in lieu of, continuation education, in the center in accordance with the provisions of Section 7455.

SEC. 2. Section 5953 of the Education Code is amended to read:

5953. Special continuation education classes or classes conducted by a regional occupational center or any combination thereof shall provide at least four 60-minute hours of instruction per week for each minor within the high school district who is subject to compulsory continuation education.

SEC. 3. Section 5957 is added to the Education Code, to read:

5957. The governing board of a school district or school districts, as the case may be, maintaining special continuation education classes may accept and expend grants from the federal government or from other public or private sources for the purpose of this article.

SEC. 4. Section 7450 of the Education Code is amended to read:

7450. In enacting this article, it is the intent of the Legislature to provide qualified students with the opportunity to attend a technical school or enroll in a vocational or technical training program, regardless of the geographical location of their residence in a county or region. The Legislature hereby declares that a regional occupational center will serve the state and national interests in providing vocational and technical education to prepare students for an increasingly technological society in which generalized training and skills are insufficient to prepare high school students and graduates, and out-of-school youth and adults for the many employment opportunities which require special or technical training and skills. The Legislature also declares that regional occupational centers will enable a broader curriculum in technical subjects to be offered, and will avoid unnecessary duplication of courses and expensive training equipment, and will provide a flexibility in operation which will facilitate rapid program adjust-

ments and meeting changing training needs as they arise.

SEC. 5. Section 7451.1 is added to the Education Code, to read:

7451.1. A regional occupational center shall:

(a) Provide individual counseling and guidance in vocational matters.

(b) Provide a curriculum which includes skill training in occupational fields having current and future needs for such training.

(c) Provide an opportunity for students to acquire entry level vocational skills which may lead to a combination work-study schedule.

(d) Provide for the upgrading of the vocational skills of students and for retraining where necessary.

(e) Maintain a pupil-teacher ratio which will enable students to achieve optimum benefits from the instructional program.

SEC. 6. Section 7451.5 of the Education Code is amended to read:

7451.5. A regional occupational center may:

(a) Be established pursuant to Section 7451 to provide day, including Saturday, and evening full-time and part-time vocational education programs for minors and adults, the year around.

(b) Include within its vocational training programs, the establishment and operation of a sheltered workshop.

SEC. 7. Section 7455 of the Education Code is amended to read:

7455. Any pupil eligible to attend a high school or adult school in the county, and who resides in a school district which by itself or in cooperation with other school districts, has not established a regional occupational center, is eligible to attend a regional occupational center maintained by the county superintendent of schools. Any school district which in cooperation with other school districts maintains a regional occupational center or any such cooperating school districts may admit to such center any pupil, otherwise eligible, who resides in the district or in any of the cooperating districts. Any school district which by itself maintains a regional occupational center may admit to such center any pupil, otherwise eligible, who resides in the district. No pupil, including adults and minors under subdivision (a) of Section 7451.5, shall be admitted to a regional occupational center unless the County Superintendent of Schools or governing board of the district or districts maintaining the center, as the case may be, determines that the pupil will benefit therefrom and approves of his admission to the regional occupational center.

A pupil may be admitted on a full-time or part-time basis, as determined by the county superintendent of schools or governing board of the school district or districts maintaining the center, as the case may be. A school district which by itself or

in cooperation with other school districts maintains a regional occupational center may admit pupils residing in other school districts under interdistrict attendance agreements made pursuant to Sections 10801 and 10805.

SEC. 8. Section 7456 of the Education Code is amended to read:

7456. The county superintendent of schools, with the approval of the county board of education, and the governing board of each school district which maintains a regional occupational center pursuant to this chapter, shall certify to the county auditor and to the county board of supervisors, on or before July 15 of each year, the amount of money required to be raised by a tax for the education of pupils attending the regional occupational center maintained by the county superintendent of schools or by a school district, as the case may be, and for the purposes set forth in Section 7453.

The amount shall be determined by subtracting from the total cost of education of such pupils in the regional occupational center, including transportation, to the county superintendent of schools or school district, as the case may be, (1) the total of any balances remaining to be expended for this purpose and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund or to the school district, as the case may be, for the education of such pupils and by adding to the result the amount required for the purposes set forth in Section 7453. At the time of levying county taxes, the board of supervisors shall levy a district tax for each regional occupational center maintained in the county by the governing board of a school district pursuant to this chapter upon the taxable property of the school district sufficient to produce the amount required by this section; and the board of supervisors may levy a county tax for each regional occupational center maintained in the county by the county superintendent of schools pursuant to this chapter sufficient to produce the amount required by this section, upon the following taxable property within the county:

(a) In a county in which the governing board of a school district is not maintaining a regional occupational center pursuant to this chapter, upon all the taxable property within the county.

(b) In a county in which the governing boards of one or more school districts are maintaining a regional occupational center pursuant to this chapter, upon the taxable property within that portion of the territory of the county which is not included in territory of such school districts.

The amount received from this tax shall be deposited in the county school service fund, or, if the regional occupational center for which such tax was levied is maintained by a school district, in the county treasury to the credit of the general fund of that school district. The maximum rate of the county-wide or district tax levied for the purposes of this section, ex-

cept for the purposes set forth in Section 7453, shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation within the county or district, as the case may be, and the maximum rate of the countywide or district tax levied under this section for the purposes set forth in Section 7453 shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation in the county or district, as the case may be.

As used in this section school district includes each of those school districts which are cooperating in the maintenance of a regional occupational center with the approval of the county superintendent of schools pursuant to Section 7451.

SEC. 9. Section 10607.5 of the Education Code is amended to read:

10607.5. Notwithstanding the provisions of Section 10607, no student shall be suspended from school for more than 20 days in a school year except he shall first be transferred to and enrolled in either one other regular school for adjustment purposes, an opportunity class in his school of residence, an opportunity school or class, or a continuation education school or class.

In the case of transfer to another regular school for adjustment purposes, additional days of suspension are limited to 10.

In a case where an action is pending in juvenile court in regard to a student, or where expulsion is being processed by the governing board, a superintendent, or other person designated by him in writing, may extend the suspension until such time as the juvenile court or the governing board has rendered a decision in the action.

SEC. 10. Section 12553 of the Education Code is amended to read:

12553. Whenever a minor subject to the provisions of this chapter (Sections 12551 to 12759) cannot give satisfactory proof of regular employment he shall attend, for not less than three hours per day, upon special continuation education classes or may attend a regional occupational center, as provided in Section 7455, if he will benefit therefrom, during the period of unemployment. The minimum attendance requirement of three hours per day may be satisfied by any combination of attendance upon special continuation education classes and regional occupational centers.

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

Regional occupational centers and continuation education classes are vitally important in the technical and vocational training programs of this state in order to prepare people for a more useful role in society. In order to maintain effective programs in these areas, it is necessary that this act go into effect immediately.

## CHAPTER 1646

*An act to amend Sections 5251, 5258, 10501, 10503, 10810, 11003, 11301, and 20752 of, to repeal Sections 5251.1, 5252, 5253, 5256, 5259, 5260, and 10502 of, and to add Section 5252 to, the Education Code, relating to public school kindergartens.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 5251 of the Education Code is amended to read:

5251. The governing board of any school district that maintains one or more elementary schools shall establish and maintain such number of kindergartens as are necessary for children living in the district who are eligible for admission pursuant to Section 5254 but are not eligible for admission pursuant to Section 5301 and whose parents or guardians present them for admission.

SEC. 2. Section 5251.1 of the Education Code is repealed.

SEC. 3. Section 5252 of the Education Code is repealed.

SEC. 4. Section 5252 is added to the Education Code, to read:

5252. The kindergarten and the first grade may be combined in one class if the total class enrollment does not exceed the enrollment fixed by Section 17507 as permissible for grade 1 without reduction of average daily attendance. The attendance of the children enrolled in the kindergarten in such a class shall be counted as attendance upon a kindergarten.

SEC. 5. Section 5253 of the Education Code is repealed.

SEC. 6. Section 5256 of the Education Code is repealed.

SEC. 7. Section 5258 of the Education Code is amended to read:

5258. The governing board may conduct the kindergarten in the same room with and by the same teacher conducting one or more elementary grades maintained by the district. The minimum schoolday for pupils of a kindergarten which is so conducted is 150 minutes, inclusive of recesses, and the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten. The minimum schooldays for pupils of the other grades so conducted are those specified in Sections 11005 and 11006, exclusive of noon intermissions and recesses, and the attendance of the children enrolled in such other grades shall be counted as attendance upon those grades.

No teacher shall teach more than one such class in any single schoolday.

SEC. 8. Section 5259 of the Education Code is repealed.

SEC. 9. Section 5260 of the Education Code is repealed.

SEC. 10. Section 10501 of the Education Code is amended to read:

10501. All children living in a school district who qualify under Section 5254 shall be admitted to kindergarten.

SEC. 11. Section 10502 of the Education Code is repealed

SEC. 12. Section 10503 of the Education Code is amended to read:

10503. The principal in each of the public schools maintaining a kindergarten shall keep a register, open to the inspection of the public, of all children in kindergarten.

SEC. 13. Section 10810 of the Education Code is amended to read:

10810. The governing board of a school district maintaining one or more elementary schools may admit to the kindergartens maintained by the district children eligible for admission to kindergarten classes who live in another district whenever an agreement is entered into between the governing board of each of such districts stipulating the terms upon which the interdistrict attendance shall be permitted.

SEC. 14. Section 11003 of the Education Code is amended to read:

11003 The minimum schoolday for pupils of kindergartens, and for mentally retarded minors in special training schools or classes prescribed in Section 6903, is 180 minutes inclusive of recesses except that if a school district maintains two such classes on the same day which are taught by the same teacher, the minimum schoolday for each of such classes shall be 150 minutes inclusive of recesses.

SEC. 15. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school pursuant to Section 11404.

For the purposes of this article, a day of kindergarten attendance is based on the 180-minute minimum day, and shall be adjusted to 180 when the minimum day is less than 180 minutes as authorized by Section 11003.

Notwithstanding any provision to the contrary, the average daily attendance of pupils in a kindergarten shall be adjusted by a multiplication factor of 1.5 under both of the following conditions:

(a) The kindergarten day in the districts is a minimum of 180 minutes.

(b) The kindergarten teacher is assigned to only one session of kindergarten daily.

SEC. 16. Section 20752 of the Education Code is amended to read:

20752. The maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any elementary school district or unified school district, which has entered into an agreement under Section 10805 for the education of children living therein and eligible for admission to kindergarten classes, shall be for any school year in which tuition is required to be paid another district under such agreement, increased by such amount as will produce the sum required to pay such tuition, but the maximum rate of school district tax as increased shall not exceed the maximum rate of school district tax which would be fixed by Section 20751 for such district.

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## CHAPTER 1647

*An act to amend Sections 6751, 6752, 6755, 11227 and 11229 of the Education Code, relating to educationally handicapped minors.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 6751 of the Education Code is amended to read:

6751. The governing board of any school district may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivision (a), (c), or (d), or any combination thereof. Whenever a special educational program, for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or is 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for

an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special education program. Such programs shall be provided in accordance with standards for each approved by the State Board of Education. The special educational programs for educationally handicapped minors are:

(a) Special classes (elementary and secondary). Under this program educationally handicapped pupils unable to function in a regular class are assigned to a special class. The special class shall be maintained for at least a minimum schoolday. In this program fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group remedial instruction given by a special teacher.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program specialized consultation is provided teachers, counselors and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital or in a regularly established licensed children's institution.

SEC. 2. Section 6752 of the Education Code is amended to read:

6752. A school district maintaining special educational programs for educationally handicapped minors shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils enrolled at the end of the first school month and the sixth school month of the school year.

SEC. 3. Section 6755 of the Education Code is amended to read:

6755. (a) No minor shall be required to participate in a program for educationally handicapped minors unless the parent or guardian of the minor files prior written consent to such participation with the governing board of the school district.

(b) Admission of educationally handicapped minors to programs established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and

upon the recommendation of an admissions committee which shall include a teacher, a school nurse or social worker, a school psychologist or other pupil personnel worker authorized to serve as a school psychologist, a principal or supervisor and a licensed physician.

SEC. 4. Section 11227 of the Education Code is amended to read:

11227. With respect to educationally handicapped minors given instruction at home, in a hospital, or in a regularly established, licensed children's institution, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils, but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance during any fiscal year than the number of days the regular day schools of the district were maintained during such fiscal year.

SEC. 5. Section 11229 of the Education Code is amended to read:

11229. The attendance of educationally handicapped minors instructed by the county superintendent of schools pursuant to Section 6751 shall be credited as follows:

(a) The attendance of elementary pupils taught in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for special class instruction of such pupils The attendance of pupils of secondary grade in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency secondary school for special class instruction for such pupils.

(b) The attendance of elementary pupils in learning disability groups maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for learning disability group instruction of educationally handicapped minors. The attendance of pupils of secondary grade in learning disability groups maintained for educationally handicapped pupils shall be credited to the county school service fund as attendance upon a single emergency secondary school for learning disability group instruction of educationally handicapped minors.

(c) The attendance of elementary pupils given instruction in the home, hospital, or a regularly established licensed children's institution shall be credited to the county school service fund as attendance upon a single emergency elementary school for home, hospital, or a regularly established licensed children's institution instruction of educationally handicapped

minors. The attendance of pupils of secondary grade given instruction in the home, hospital, or a regularly established licensed children's institution shall be credited to the county school service fund as attendance upon a single emergency secondary school for home, hospital, or a regularly established licensed children's institution instruction of educationally handicapped minors.

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## CHAPTER 1648

*An act to amend Sections 11202 and 11227 of the Education Code, relating to school attendance accounting.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 11202 of the Education Code is amended to read:

11202. With respect to physically handicapped pupils given instruction at home or in a hospital or in the case of minors with speech disorders or defects who may be admitted at the age of three years for individual instruction at the school, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) of this code limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance for individual instruction during any fiscal year than the number of legal calendar days school may be maintained during such fiscal year.

SEC. 2. Section 11227 of the Education Code is amended to read:

11227. With respect to educationally handicapped minors given instruction at home, in a hospital, or in a regularly established nonprofit, tax-exempt, licensed children's institution, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils, but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance for individual instruction during any fiscal year than the number of legal calendar days school may be maintained during such fiscal year.

# CHAPTER 1649

*An act to amend Section 781 of the Welfare and Institutions Code, relating to juvenile courts.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

*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. In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge such person a dependent child or ward of the court or in any case in which a person is cited to appear before a probation officer or is taken before a probation officer, or released, pursuant to Section 626, or in any case in which a minor is taken before any officer of a law enforcement agency, such person may, or the county probation officer shall upon the request of such person, after the jurisdiction of the juvenile court has terminated as to such person, or, in a case in which no petition is filed, at any time petition the court for sealing of the records, including records of arrest or detention, relating to such person's case, in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such 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 such termination of jurisdiction or action pursuant to Section 626, as the case may be, he 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 sealed all records, papers, and exhibits in such person's case in the custody of the juvenile court, 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 such case shall be deemed never to have occurred, and such 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, and each such agency and official shall seal 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 or he 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 such records shall not be opened to inspection.

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## CHAPTER 1650

*An act to amend Section 781 of the Welfare and Institutions Code, relating to sealing of records.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

*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. In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge such person a dependent child or ward of the court or 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, such person or the county probation officer, may, five years or more after the jurisdiction of the juvenile court has terminated as to such person, or, in a case in which no petition is filed, five years or more after such 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 such person has reached the age of 21 years, petition the court for sealing of the records, including records of arrest, relating to such person's case, in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such 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 such termination of jurisdiction or action pursuant to Section 626, as the case may be, he 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 sealed all records, papers, and exhibits in such person's case in the custody of the juvenile court, 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 such case shall be deemed never to have occurred, and such 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, and each such agency and official shall seal 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 or he 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 such records shall not be open to inspection.

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## CHAPTER 1651

*An act to amend and renumber the heading of Chapter 4 (commencing with Section 8600) of Division 6 and Sections 8600, 8601, 8602, 8603, 8604, 8605, and 8606 of, to add Division 6 (commencing with Section 8000) and Section 10219.1 to, and to repeal Division 6 (commencing with Section 8000) of, the Elections Code, relating to political parties.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. The heading of Chapter 4 (commencing with Section 8600) of Division 6 is amended and renumbered to read:

### CHAPTER 1.5. ENDORSEMENT OF CANDIDATES FOR PARTISAN OFFICES

SEC. 2. Section 8600 of the Elections Code is amended and renumbered to read:

11700. This chapter shall be known and may be cited as the Truth in Endorsements Law.

SEC. 3. Section 8601 of the Elections Code is amended and renumbered to read:

11701. The Legislature hereby finds the following to be true:

(1) The major political parties have become an integral part of the American governmental system requiring regulation as to their structure, governing bodies, and functions by state government in the public interest.

(2) The Legislature has found it necessary and appropriate in the regulation of political parties to create and provide for the convening of state conventions, state central committees, and county central committees for parties qualified by law to participate in the direct primary election, by statute.

(3) Over the several years preceding the adoption of this section organizations of electors using as a part of their names the name of a political party qualified to participate in the direct primary election have endorsed candidates for nomination of that party for partisan office in the direct primary election and have publicized and promulgated such endorsements in a manner which has resulted in considerable public doubt and confusion as to whether such endorsements are those of a private group of citizens or of an official governing body of a political party.

(4) The voting public is entitled to protection by law from deception in political compaigns in the same manner and for the same reasons that it is entitled to protection from deception by advertisers of commercial products.

SEC. 4. Section 8602 of the Elections Code is amended and renumbered to read:

11702. The state convention, state central committee, and the county central committee in each county are the official governing bodies of a party qualified to participate in the direct primary election. The state convention, state central committee, and the county central committee in each county shall not endorse, support, or oppose, any candidate for nomination by that party for partisan office in the direct primary election. No candidate for such nomination shall claim, nor shall any other person claim on his behalf, that he is the official candidate or the officially endorsed candidate of that party.

SEC. 5. Section 8603 of the Elections Code is amended and renumbered to read:

11703. Every advertisement, bill, placard, pamphlet or other printed or duplicated matter having reference to any candidate for nomination for partisan office in the direct primary election, which contains a statement or words to the effect that the candidate has been endorsed or is being supported by a political party, political party organization, or organization using as a part of its name the name of a political party or derivative thereof, shall bear on each surface, page, or fold thereof on which such statement or words appear, or on the front and back surface thereof, in type or lettering at least half as large as the type or lettering of such statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS
(Required by law)

The endorsement hereon is by an unofficial political group. Official organizations of the (name) Party are prohibited by law from endorsing candidates in primary elections.

Nothing in this section shall be construed to apply to any news item, comment, or article, for which no consideration, direct or indirect, is paid by or on behalf of any candidate or committee, and which is published in any regularly published newspaper or magazine which in the ordinary course of business publishes political news items, comments, or articles.

SEC. 6. Section 8604 of the Elections Code is amended and renumbered to read:

11704. Notwithstanding any provision of Section 11703, in the case of any post card published and circulated by or in behalf of any committee or organization using as a part of its name the name of qualified political party or derivative thereof, which post card is not folded and consists of only two surfaces, on one or both of which surfaces appear a statement or words as described in Section 11703 with reference to a candidate or group of candidates in the direct primary election, the requirements of Section 11703 shall be satisfied if there is printed on both surfaces thereof the words "published by", followed by the name of the committee or organization printed in not less than 10-point boldface type, followed by the words ", an unofficial political group" printed in not less than 10-point boldface type, provided that this section shall not be construed so as to modify the requirements of Section 11592, and further provided that this section shall not apply to any matter which bears the word "official" followed by the name of the party or derivative thereof, or the words "officially endorsed", or to any matter which violates the provisions of Section 11702.

SEC. 7. Section 8605 of the Elections Code is amended and renumbered to read:

11705. The requirements of Section 11703 shall apply to any paid political advertisement intended for broadcast or telecast by radio or television, except that the "Notice to Voters" required by Section 11703 shall be read in full instead of printed.

SEC. 8. Section 8606 of the Elections Code is amended and renumbered to read:

11706. In addition to any other penalty, no payment shall be made or allowed to any person in consideration for his having prepared, printed, published, or circulated, or assisted in the preparation, printing, publishing, or circulating of any advertisement, bill, placard, poster, or other printed or duplicated matter in violation of Section 11703. Any person who knowingly pays or receives a payment in violation of this section is guilty of a misdemeanor.

The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, broadcasting, or telecasting of any matter in violation of this chapter, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

SEC. 9. Division 6 (commencing with Section 8000) of the Elections Code is repealed.

SEC. 10. Division 6 (commencing with Section 8000) is added to the Elections Code, to read:

## DIVISION 6. POLITICAL PARTIES

## PART 1. DUTIES OF THE SECRETARY OF STATE

### CHAPTER 1. DUTIES FOR STATE CONVENTIONS

8000. As soon as practicable after the direct primary election, the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this part. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that:

(a) He is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of the meeting.

8001. The Secretary of State shall prepare, for each state convention, an alphabetical roll of the delegates who have filed their credentials in the manner and time provided in Sections 8516 and 9016.

8002. On the convening of a state convention of a political party the Secretary of State shall deliver to the chairman of the central committee of that party or, in the absence of the chairman, to the acting presiding officer of the convention:

(a) The appointive delegates' credentials.

(b) The alphabetical roll of the delegates to the convention.

8003. Whenever the state convention of a political party submits to the Secretary of State its certified list of nominees for electors of President and Vice President of the United States, he shall notify each candidate for elector of his nomination by the convention. He shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election.

### CHAPTER 2. DUTIES FOR STATE CENTRAL COMMITTEES

8100. At least 30 days before the first meeting of the state central committee of each party, the Secretary of State shall send a notice by mail to each person who is a delegate to that party's state convention which shall inform the delegate that:

(a) The delegate shall appoint voters as members of the state central committee and the number of appointments to which he is entitled.

(b) The appointment of members of the state central committee shall be made in writing in the form prescribed in this chapter, signed by the delegate under penalty of perjury and shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immedi-

ately preceding the Sunday on which the committee is to meet.

(c) The delegate shall send a notice by mail to each of the appointees, which shall inform him that:

(1) He is a member of the committee.

(2) The committee will meet at Sacramento and the date of the meeting.

(3) The meeting may be attended either in person or by proxy.

(4) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(5) The proxy shall be in writing signed by the delegate under penalty of perjury.

(d) Forms of proxy are enclosed, one of which he may use himself, and the others he shall send with the notices of appointment to the state central committee.

8100.5. At least 30 days before the first meeting of the state central committee, the Secretary of State shall send a notice by mail to each county central committee of the Republican Party

(a) Informing it that the chairman of the county central committee, who is elected immediately prior to the meeting of the state central committee for which the notice is sent, shall appoint members of the state central committee and the number of appointments to which he is entitled and

(b) Giving such other information as is required of a notice sent pursuant to Section 8100.

8101. The Secretary of State shall enclose with the notice required by Section 8100 one copy of the following statement for appointment of members of the state central committee, which shall be in substantially the following form:

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL COMMITTEE OF THE _____ PARTY MEETING AT SACRAMENTO IN THE YEAR 19___

I _____, duly qualified as a delegate to the state convention of the _____ Party at Sacramento in the year 19___ by virtue of my (appointment by the _____ central committee) (nomination) (election to the office of _____) (strike out parts inapplicable) on the _____ day of _____ 19___ upon the _____ ticket, do hereby appoint
party

the following voters, who shall be members of the state central committee:

| Name | Senatorial, congressional, Assembly district | Post office address |
|---|---|---|
| Name | Senatorial, congressional, Assembly district | Post office address |

| | | |
|---|---|---|
| Name | Senatorial, congressional, Assembly district | Post office address |
| Name | Senatorial, congressional, Assembly district | Post office address |
| Name | Senatorial, congressional, Assembly district | Post office address |
| Name | Senatorial, congressional, Assembly district | Post office address |

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

_____
(Delegate)

8102. The Secretary of State shall also enclose with the notice required by Section 8100 copies of the following form of proxy for attendance at the meeting of the state central committee:

PROXY FOR ATTENDANCE AT THE STATE CENTRAL COMMITTEE OF THE _____ PARTY MEETING AT SACRAMENTO, IN THE YEAR 19___

I, _____, duly qualified to sit as a member of the state central committee of the _____ Party meeting at Sacramento in the year 19___ by virtue of (being a delegate to the state convention) (my appointment thereto by _____; this appointment having been duly filed in the office of the Secretary of State) (strike out part inapplicable) do hereby designate _____ (name); _____ (post office address); as my proxy with full power to act for me in every respect as a duly qualified member of the state central committee meeting at Sacramento on the _____ day of _____, 19___.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

_____, Member

8103. The Secretary of State shall deliver to the chairman of the state central committee of each political party as soon as possible on the day of the first meeting of the state central committee a certified, alphabetical list of the names of the members of the state central committee, and a certified alphabetical list of the names of the persons duly designated as proxies by members of the new committee, together with all proxies received by him prior to 5 o'clock of the afternoon of the preceding day. He shall require the chairman's receipt for the proxies. The membership list shall be arranged in alphabetical order by congressional districts for the Democratic

Party and by senatorial districts for the Republican Party. The senatorial, Assembly, and congressional district of each appointed member listed shall be indicated.

8104. The Secretary of State shall keep and file appointments to each state central committee delivered to him and such appointments shall be open to public inspection.

## PART 2. DEMOCRATIC PARTY

### CHAPTER 1. GENERAL PROVISIONS

8500. The provisions of this part shall apply to the organization, operation, and functions of that political party known as the Democratic Party of California.

### CHAPTER 2. STATE CONVENTION

#### Article 1. Delegates

8510. The state convention shall consist of one delegate for each of the following elective officials, and the total number of delegates shall be the aggregate number of the following officers:

(a) Governor.
(b) Lieutenant Governor.
(c) Treasurer.
(d) Controller.
(e) Attorney General.
(f) Secretary of State.
(g) All members of the State Board of Equalization.
(h) All Senators and Representatives of Congress from California.
(i) All Members of the State Legislature.

8511. The state convention shall be composed of the following delegates:

(a) Each officer named in Section 8510 who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of any such officer. These delegates are "holdover delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election by that party. These delegates are "nominee delegates." If a candidate is a "nominee delegate" to the state convention held in the year in which he is nominated, and is elected to the office at the succeeding general election, he shall be considered a "holdover delegate" to the state convention of his party in the next odd-numbered year, if his party is required to hold such a convention.

(c) One delegate appointed for each of the officers named in Section 8510 not represented by a "holdover delegate" nor by a "nominee delegate" of the party. These delegates shall be chosen and appointed in the manner provided in this chapter for filling vacancies in the state convention. These delegates are "appointive delegates."

8512. Membership in the state convention shall not be granted to any party nominee unless he is registered as being a member of this party.

8513. A vacancy exists in the membership:

(a) When there is no "holdover delegate" nor "nominee delegate" of the party.

(b) When any nominee is disqualified for membership under the provisions of Section 8512 or for any other reason stated in this division.

(c) When no nomination for an elective office has been made.

(d) When a delegate dies prior to the convention.

8514. Delegates shall be appointed to fill vacancies in the membership as follows:

(a) If the vacancy occurs in a senatorial or Assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county. Whenever such a vacancy occurs by virtue of the failure to nominate a person affiliated with the party, no person shall be chosen to fill the vacancy who does not reside in the senatorial or Assembly district involved.

(b) If the vacancy occurs in a senatorial or Assembly district comprising two or more counties, by appointment by the county central committee of the party in the county in which the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or in which the "holdover delegate" or "nominee delegate" of the opposing party resides, if the vacancy is due to any other cause.

(c) If the vacancy occurs as to a delegate for a United States Senator from California or as to a delegate for any of the state officers named in Section 8510, by appointment by the state central committee of the party.

(d) If the vacancy occurs as to a delegate for any Representative in Congress from California, by appointment by the state central committee of the party of a voter who resides within the congressional district to be represented.

8515. A county central committee may authorize its chairman to appoint delegates to fill vacancies in the membership of party state conventions which the county central committee has power to fill.

8516. Each delegate appointed pursuant to Section 8514 shall file with the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene his credentials signed by the chairman and the secretary of the committee which has the power to make the appointment.

## Article 2. Meetings

8570. The state convention shall meet biennially at Sacramento at 10 o'clock of the morning of a Saturday, in August next following the direct primary election, designated by the chairman of the state central committee. The chairman shall notify the Secretary of State of the Saturday selected by him no later than the first day of July immediately preceding the holding of the convention.

## Article 3. General Business

8600. The convention shall be called to order by the chairman of the state central committee at 10 o'clock of the morning of the Saturday upon which it is to be held. It shall at once proceed to the election of a temporary chairman. The election shall be by alphabetical rollcall if requested by a petition signed by 50 members. The convention shall elect such other temporary officers as the convention may determine.

8601. The temporary chairman shall appoint a committee consisting of one delegate from each congressional district, which shall serve as the committee on credentials of the convention, and he shall appoint such other committees as the convention may direct.

8602. The convention, upon election of permanent officers, shall adopt a state platform for this party, which platform shall be made public not later than 6 o'clock in the afternoon of the following day.

8603. Upon receipt by the chairman of the convention from the Secretary of State of the appointments of members of the state central committee, the convention shall determine the membership of the state central committee in accordance with the provisions of this division. If the convention finds that any delegate to the convention has failed to file his appointment of members of the state central committee with the Secretary of State within the time prescribed, the convention shall make appointments of the requisite number of electors residing within the district represented by the delinquent delegate.

The secretary of the convention shall immediately notify, by mail or telegraph, members appointed by the convention to the state central committee.

The secretary of the convention shall certify the names of all of the members of the state central committee, as determined by the convention, to the Secretary of State within six hours after the convening of the convention.

The permanent chairman of the convention shall return the appointments of members of the state central committee, receipted for by him to the Secretary of State within six hours after the convening of the convention.

8604. In each year of the general election at which electors of President and Vice President of the United States are to

be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to and shall certify the name of each elector nominated, his residence, and his business address to the Secretary of State.

8605. The vote on any issue at the convention, including the election of officers, may be by rollcall or such other method as may be prescribed by the convention.

8606. The proceedings at the convention shall be governed by any manual of parliamentary procedure designated by the convention.

## CHAPTER 3. STATE CENTRAL COMMITTEE

### Article 1. Members

8660. The state central committee shall consist of:

(a) All delegates to the state convention.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this part.

(d) The national committeeman and national committeewoman of the party.

(e) Any person elected to fill a vacancy in the State Legislature in a special election.

(f) The immediate past chairman and the immediate past northern and southern section chairmen.

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

8662. A delegate to the state convention who at the date of that state convention is the incumbent of any of the offices listed in Section 8510 may appoint, without regard to sex, two additional voters to membership on this committee of this party.

8663. Any person who is a member of this committee by virtue of having been elected to fill a vacancy in the State Legislature in a special election, shall within 60 days of the special election, appoint additional members to this committee in the same manner as delegates to the state convention make such appointments.

8664. Appointments of members to this committee shall be made in writing signed by the delegate under penalty of perjury and delivered to the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene.

8665. Each delegate to the state convention shall send a notice by mail to each person whom he has appointed as a member of this committee which will inform him that:

(a) He is a member of the committee.

(b) The committee will meet in Sacramento and the date of the meeting.

(c) The meeting may be attended either in person or by proxy.

(d) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(e) The proxy shall be in writing signed by the member under penalty of perjury.

Each delegate shall enclose with each notice one copy of the form of proxy sent to that delegate by the Secretary of State.

8666. A person is not eligible for appointment to this committee if he is not registered as affiliated with this party at the time of his appointment.

8667. This committee may remove any appointive member who during his term of membership affiliates with or registers as a member of another party, publicly advocates that the voters should not vote for the nominee of the party for any office, or who publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

8668. In the event of the appointment of an ineligible person, or whenever any member of this committee dies, resigns, or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled in the manner prescribed in Section 8669. A vacancy shall also exist on this committee when a member is removed from the committee pursuant to Section 8776 or Section 8667, and such vacancy shall be filled in the manner prescribed in Section 8669, such member to serve the remainder of the unexpired term of the member removed.

8669. Should a member appointed to membership pursuant to Section 8661 or 8662 cease to be a member for any of the reasons specified in Section 8668, the vacancy shall be filled by the person who appointed him, unless that person is himself no longer a member of this committee or indicates that he does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy. The committee shall notify in writing the Secretary of State of all appointments made pursuant to this section.

8670. In the event the appointment of alternate or associate members is authorized by statute or the rules of the committee, this committee shall supply forms to the members for the appointment of such members. The forms shall be in substantially the same language as set forth in Section 8101, and shall contain suitable spaces wherein there can be listed the addresses and the numbers of the congressional, Assembly, and senatorial districts in which the appointees reside.

8671. Each delegate to the state convention may appoint three voters as associate members of this committee. An associate member shall have such privileges and obligations as are given to him by the rules of the committee but shall not be able to vote.

### Article 3. Meetings

8710. This committee shall convene at Sacramento at 10 o'clock a.m. of the day following the state convention.

8711. The committee shall meet at a suitable location in the City of Sacramento. The location shall be designated by the executive committee of the state central committee, or, if the executive committee does not meet, by the chairman of the committee, and the Secretary of State shall be notified of the selection at least six weeks in advance of the meeting of the committee.

### Article 4. Proxies

8740. Any member may attend a meeting of the committee by a proxy which meets the requirements of this article.

8741. Proxies to be recognized by the Secretary of State and by the committee on proxies and credentials shall be signed by the member under penalty of perjury and shall be in the form prescribed in Section 8102.

8742. No proxy shall be recognized unless filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the state committee meeting.

8743. Revocation or change of proxies shall be recognized by this committee on proxies and credentials only upon a personal request made by the member before the committee.

### Article 5. General Business

8770. The chairman of this committee shall call the committee to order at 10 o'clock of the morning of the first meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies certified by the Secretary of State. The next business in order shall be the election of a temporary chairman, which may be by acclamation, unless there is a contest, in which event the roll shall be called.

8771. The temporary chairman, upon election, shall appoint at once a committee on proxies and credentials consisting of one member from each congressional district, selected from among the members of this committee certified by the Secretary of State.

8772. This committee shall choose its officers by rollcall vote, poll of congressional district delegations, or such other method as may be prescribed by the committee. Its officers shall have the power usually exercised by the officers of such committees insofar as may be consistent with this chapter.

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

8774. The chairman of this committee shall serve a two-year term but shall not succeed himself, and the chairmanship shall alternate each biennium between the northern and southern territories.

8775. The elective officers provided for in the bylaws of this committee shall serve for two-year terms.

8776. This committee may prescribe dues to be paid by its members in the manner and by the time prescribed by vote of the majority of the members of the committee. The dues charged shall not exceed twenty-four dollars ($24) per year.

Any member of this committee who fails to pay the dues prescribed by the committee may, upon first notifying the delegate to the state convention who appointed such member, be removed from the committee in the manner provided by the committee.

8777. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

8778. A quorum of this committee is a majority of the entire membership, represented either in person or by proxy.

8779. The proceedings at all meetings of this committee shall be governed by any manual of parliamentary procedure designated by the committee.

## CHAPTER 4. COUNTY CENTRAL COMMITTEE

### Article 1. Members

8820. In each county containing less than five Assembly districts, a county committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-twentieth

of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by such division shall constitute the number of members of the committee to be elected by that party in that supervisor district.

The committees in counties containing less than five Assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any committee, the number of votes cast for this party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the committee equal to or the nearest amount which is greater than 21 members.

8821. In each county containing more than four and less than 20 Assembly districts, a county central committee shall be elected from Assembly districts and shall consist of six members elected from each Assembly district.

8822. In each county, except a city and county, containing 20 or more Assembly districts a county central committee shall consist of seven members elected from each Assembly district.

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

8824. In each county the nominee of this party for State Senator or the incumbent State Senator, the nominees of this party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house shall be ex officio members of this committee. If the person elected from one party at the special election for an Assembly or Senate seat shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next direct primary.

8826. A committee may authorize any member of that committee, whether elected or ex officio, to appoint an alternate if a member desires to appoint an alternate. An incumbent Member of the Senate or Assembly at the time of the meeting of the committee may appoint an alternate member without authorization from that committee, if the member desires to appoint an alternate.

Such alternate member shall have the right to vote only with the written authorization of the member who appointed him.

An alternate member of a county central committee shall be subject to the rules and regulations of the committee.

An alternate member must meet the same qualifications as the regular member and may vote only in the absence of the member who appointed him.

8827. A person shall not be eligible for appointment or election to a committee who is not registered as affiliated with this party at the time of his appointment or election.

8828. Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

8829. In the event that the candidates elected to a committee from a district do not equal the number of party committeemen to which such district is entitled to be represented under provisions of this code, a vacancy or vacancies exist to the extent of the difference between the number of elected committeemen and the number of committeemen by which the district is entitled to be represented. When such vacancy or vacancies exist they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 8830 of this code.

8830. In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 8831 or Section 8833.

8831. Any member, other than an ex officio member, of a committee who misses more than three consecutive regularly called meetings may be removed by a vote of the committee concerned, unless his absence is caused by illness or temporary absence from the county on the date of the meeting.

8832. The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisor district from which he has been elected or appointed a member of that committee shall constitute his automatic resignation from the committee.

8833. A committee may remove any member, other than an ex officio member, who during his term of membership affiliates with, or registers as a member of another party, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or

avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

8834. Whenever any person is appointed to fill a vacancy on a committee, the chairman of the committee shall file a notice of the appointment with the county clerk within 30 days after it is made. The notice shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

## Article 2. Election

8870. At every direct primary election a county central committee shall be elected in each county.

8871. The county clerk, between the first Monday and the second Monday of March next preceding the direct primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

8872. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Articles 4 (commencing with Section 6490) and 5 (commencing with Section 6550) of Chapter 2 of Division 5 of this code, signed in his behalf by the voters of the Assembly or supervisorial district in which he is a candidate.

8873. If the county clerk, on the 59th day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, unless there is filed with the county clerk, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

8874. In each county the number of candidates for membership in a county central committee in each Assembly or supervisorial district who receive the highest number of votes shall be declared elected. However, a candidate for committeeman shall not be declared elected unless he has received votes equal in number to the minimum number of signatures to the nomination paper which would have been required to place his name on the direct primary ballot as a candidate for member of a committee.

8875. Whenever a candidate for election to a committee dies on or before the day of election, and a sufficient number of ballots are marked as being voted for him to entitle him to election if he had lived until after the election, a vacancy exists on the county central committee, which shall be filled by the committee in the same manner as other vacancies are filled.

### Article 3. Meetings

8920. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the second Tuesday in July following the direct primary election, except that in any year in which a national political party shall have set the national convention of the party to include that date, the existing executive committee of a committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified.

8921. Notwithstanding the provisions of Section 8920, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

8922. The Department of Finance shall permit any committee which desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

### Article 4. General Business

8940. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

8941. A committee may make rules and regulations providing:

(a) How officers of the committee may be removed.

(b) How meetings may be called, and any provisions so made shall supersede anything in this chapter to the contrary.

(c) Whether or not proxies may be used and the conditions under which they may be used.

Any such rule adopted prior to statutory authorization by any committee by majority vote of the members elected to the committee is hereby validated and made of the same effect as if subsequently adopted.

8942. The committees shall perform such other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new committees.

8943. If the chairman of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

8944. In each county the county clerk, within 10 days after a committee meets as provided for in Section 8920, shall ascertain who is the newly elected chairman of the committee and shall mail a certificate to that effect to the Secretary of State.

8945. Each committee may establish annual dues not to exceed twenty-four dollars ($24) per year for elected and alternate members. The committee may remove members or alternates for nonpayment of dues.

## PART 3. REPUBLICAN PARTY

### CHAPTER 1. GENERAL PROVISIONS

9000. The provisions of this part shall apply to the organization, operation, and function of that political party known as the Republican Party of California.

### CHAPTER 2. STATE CONVENTIONS

#### Article 1. Delegates

9010. The state convention shall consist of one delegate for each of the following elective officials, and the total number of delegates shall be the aggregate number of the following officers:

(a) Governor.
(b) Lieutenant Governor.
(c) Treasurer.
(d) Controller.
(e) Attorney General.
(f) Secretary of State.
(g) All members of the State Board of Equalization.
(h) All Senators and Representatives of Congress from California.
(i) All Members of the State Legislature.

9011. The state convention shall be composed of the following delegates:

(a) Each officer named in Section 9010 who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of any such officer. These delegates are "holdover delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election by that party. These delegates are "nominee delegates." If a candidate is a "nominee delegate" to the state convention held in the year in which he is nominated, and is elected to the office at the succeeding general election, he shall be considered a "holdover delegate" to the state convention of his party in the next odd-numbered year, if his party is required to hold such a convention.

(c) One delegate appointed for each of the officers named in Section 9010, not represented by a "holdover delegate" nor by a "nominee delegate" of the party. These delegates shall be chosen and appointed in the manner provided in this chapter for filling vacancies in the state convention. These delegates are "appointive delegates."

9012. Membership in the state convention shall not be granted to any nominee of this party, unless he is registered as being a member of this party.

9013. A vacancy exists in the membership

(a) When there is no "holdover delegate" nor "nominee delegate" of the party.

(b) When any nominee is disqualified for membership under the provisions of Section 9012 or for any other reason stated in this division.

(c) When no nomination for an elective office has been made.

(d) When a delegate dies prior to the convention.

9014. Delegates shall be appointed to fill vacancies in the membership as follows:

(a) If the vacancy occurs in a senatorial or Assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county. Whenever such a vacancy occurs by virtue of the failure to nominate a person affiliated with the party, no person shall be chosen to fill the vacancy who does not reside in the senatorial or Assembly district involved.

(b) If the vacancy occurs in a senatorial or Assembly district comprising two or more counties, by appointment by the county central committee of the party in the county in which the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or in which the "holdover delegate" or "nominee delegate" of the opposing party resides, if the vacancy is due to any other cause.

(c) If the vacancy occurs as to a delegate for a United States Senator from California or as to a delegate for any of the state officers named in Section 9010, by appointment by the state central committee of the party.

(d) If the vacancy occurs as to a delegate for any Representative in Congress from California, by appointment by the state central committee of this party of a voter who resides within the congressional district to be represented.

9015. A county central committee may authorize its chairman to appoint delegates to fill vacancies in the membership of party state conventions which the county central committee has power to fill.

9016. Each delegate appointed pursuant to Section 9014 shall file with the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene his credentials signed by the chairman and the secretary of the committee which has the power to make the appointment.

### Article 2. Meetings

9075. The state convention shall meet at Sacramento at 10 o'clock of the morning of the first Saturday in August next following the date upon which the direct primary election is held.

### Article 3. General Business

9100. The convention shall be called to order by the chairman of the state central committee at 10 o'clock of the morning of the Saturday upon which it is to be held. It shall at once proceed to the election of a temporary chairman. The election shall be by alphabetical rollcall if requested by a petition signed by 50 members. The convention shall elect such other temporary officers as the convention may determine.

9101. The temporary chairman shall appoint a committee consisting of one delegate from each senatorial district, which shall serve as the committee on credentials of the convention, and he shall appoint such other committees as the convention may direct.

9102. The convention, upon election of permanent officers, shall adopt a state platform for this party, which platform shall be made public not later than 6 o'clock in the afternoon of the following day.

9103. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to and shall certify the name of each elector nominated, his residence, and his business address to the Secretary of State.

9104. The vote on any issue at the convention, including the election of officers, may be by rollcall or such other method as may be prescribed by the convention.

9105. The proceedings at the convention shall be governed by any manual of parliamentary procedure designated by the convention.

## Chapter 3. State Central Committee

### Article 1. Members

9160. The state central committee shall consist of:

(a) All delegates to the state convention.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this part.

(d) The national committeeman and national committeewoman of the party.

(e) Any person elected to fill a vacancy in the State Legislature in a special election.

(f) Immediate past chairman of this committee.

9161. A "holdover" delegate to the state convention or a nominee delegate to such a convention who has been elected to an office under Section 9010 at the general election following the state convention, or following any special election, shall make appointments to the membership of this committee of one voter of the same sex and two voters of the opposite sex, and shall appoint five additional voters without regard to sex.

9162. Appointive delegates and nominee delegates to the state convention who were not elected at the general election following the state convention shall appoint three voters to the membership of this committee, two of whom shall be of the opposite sex.

9163. A chairman of a county central committee may appoint persons to membership on the state central committee meeting immediately following his election as chairman without regard to sex.

a. In counties containing three or more Assembly districts he may appoint three voters to membership.

b. In counties containing less than three Assembly districts but at least one entire Assembly district he may appoint two voters to membership.

c. In counties containing less than one entire Assembly district he may appoint one voter to membership.

9164. Any person who is a member of this committee by virtue of having been elected to fill a vacancy in the State Legislature in a special election, shall within 60 days of the special election, appoint additional members to the committee in the same manner as delegates to the state convention make such appointments.

9165. Appointments of members to this committee shall be made in writing signed by the member under penalty of perjury and delivered to the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the Sunday in which the first meeting of this committee is to be held.

9166. Each delegate to the state convention shall send a notice by mail to each person whom he has appointed as a member of this committee which will inform him that:

(a) He is a member of the committee.

(b) The committee will meet in Sacramento and the date of the meeting.

(c) The meeting may be attended either in person or by proxy.

(d) Every proxy shall be filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the meeting of the committee.

(e) The proxy shall be in writing signed by the member under penalty of perjury.

Each delegate shall enclose with each notice one copy of the form of proxy sent to that delegate by the Secretary of State.

9167. A person is not eligible for appointment to this com-

mittee if he is not registered as affiliated with this party at the time of his appointment.

9168. This committee may remove any appointive member who during his term of membership affiliates with or registers as a member of another party, publicly advocates that the voters should not vote for the nominee of the party for any office, or who publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

9169. In the event of the appointment of an ineligible person, or whenever any member of this committee dies, resigns, or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled in the manner prescribed in Section 9171. A vacancy shall also exist on this committee when a member is removed from the committee pursuant to Section 9275 or Section 9168, and such vacancy shall be filled in the manner prescribed in Section 9170, such member to serve the remainder of the unexpired term of the member removed.

9170. Should a member appointed to membership pursuant to Sections 9161, 9162, or 9163, cease to be a member for any of the reasons specified in Section 9169, the vacancy shall be filled by the person who appointed him, unless that person is himself no longer a member of this committee or indicates that he does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy. The committee shall notify in writing the Secretary of State of all appointments made pursuant to this section.

9171. In the event the appointment of alternate or associate members is authorized, this committee shall supply forms to the members for the appointment of such members. The forms shall be in substantially the same language as set forth in Section 8101, and shall contain suitable spaces wherein there can be listed the addresses and the numbers of the congressional, Assembly, and senatorial districts in which the appointees reside.

## Article 3. Meetings

9210. The first meeting of this committee shall convene at a suitable location in the City of Sacramento at 10 o'clock a.m. of the third Sunday of January following a general election. The location shall be designated by the executive committee of the state central committee, or, if the executive committee does not meet, by the chairman of the committee, and the Secretary of State shall be notified of the selection at least six weeks in advance of the meeting of the committee.

## Article 4. Proxies

9240. Any member may attend a meeting of this committee by a proxy which meets the requirements of this article.

9241. Proxies to be recognized by the Secretary of State and by the committee on proxies and credentials shall be signed by the member under penalty of perjury and shall be in the form prescribed in Section 8102.

9242. No proxy shall be recognized unless filed in the office of the Secretary of State not later than 5 o'clock of the afternoon of the day preceding the state committee meeting.

9243. Revocation or change of proxies shall be recognized by the committee on proxies and credentials only upon a personal request made by the member before the committee.

## Article 5. General Business

9270. The chairman of this committee shall call the committee to order at 10 o'clock of the morning of the first meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies certified by the Secretary of State. The next business in order shall be the election of a temporary chairman, which may be by acclamation or, if there is a contest, by rollcall or such other method as may be prescribed by this committee.

9271. The temporary chairman, upon election, shall appoint at once a committee on proxies and credentials consisting of one member from each senatorial district, selected from among the members of this committee certified by the Secretary of State.

9272. This committee shall choose its officers by rollcall vote or such other method as may be prescribed by this committee, except that in each case where there is no contest for the office, the officer may be elected by acclamation. Its officers shall have the power usually exercised by such committees and the officers thereof insofar as may be consistent with this division.

9273. This committee may select from its membership an executive committee to which it may grant all or any portion of its powers and duties.

9274. The chairman of this committee shall serve a two-year term but shall not succeed himself, and the chairmanship shall alternate each biennium between the northern and southern territories.

The southern territory consists of the following counties: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura. The northern territory consists of the remaining counties.

9275. This committee may prescribe dues to be paid by its members in the manner and by the time prescribed by vote of the majority of the members of the committee. The dues charged shall not exceed twenty-four dollars ($24) per year.

Any appointive member of this committee who fails to pay the dues prescribed by the committee may, upon first notifying the delegate to the state convention who appointed such member, be removed from the committee in the manner provided by the committee.

9276. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

9277. A quorum of this committee is a majority of the entire membership, represented either in person or by proxy.

9278. The proceedings at all meetings of this committee shall be governed by any manual of parliamentary procedure designated by the committee.

## CHAPTER 4. COUNTY CENTRAL COMMITTEE

### Article 1. Members

9320. In each county containing less than five Assembly districts, a county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate of that party alone This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by such division shall constitute the number of members of the committee to be elected by that party in that supervisor district

The committees in counties containing less than five Assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any committee, the number of votes cast for this party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the committee equal to or the nearest amount which is greater than 21 members.

9321. In each county containing more than four and less than 20 Assembly districts, a county central committee shall be elected from Assembly districts and shall consist of six members elected from each Assembly district.

9322. In each county, except a city and county, containing 20 or more Assembly districts a county central committee shall consist of seven members elected from each Assembly district.

9323. In each city and county a county central committee shall be elected by Assembly districts and shall consist of six members elected from each Assembly district in the city and county.

9324. In each county the nominee of the party for State Senator or the incumbent State Senator, the nominees of the party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house shall be ex officio members of this committee. If the person elected from one party at the special election for an Assembly or Senate seat shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next direct primary.

9325. The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he resides:

(a) Governor
(b) Lieutenant Governor
(c) Treasurer
(d) Controller
(e) Attorney General
(f) Secretary of State
(g) Member of State Board of Equalization
(h) Senator or Representative of Congress from California.

His rights and privileges shall be the same as those prescribed for other ex officio members in Section 9324.

9326. A committee may authorize each elected member and each ex officio member of that committee to appoint an alternate member. An ex officio member who is also an incumbent officeholder of any of the offices listed in Section 9325 or who is an incumbent member of the Senate or Assembly at the time of the meeting of the committee may appoint an alternate member without authorization from that committee, if the member desires to appoint an alternate.

Such alternate member shall have the right to vote only with the written authorization of the member who appointed him. An alternate member of a committee shall be subject to the rules and regulations of the committee.

An alternate member must meet the same qualifications as the regular member and may vote only in the absence of the member who appointed him.

9327. A person shall not be eligible for appointment or election to a committee who is not registered as affiliated with this party at the time of his appointment or election.

9328. Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

9329. In the event that the candidates elected to a committee from a district do not equal the number of party committeemen to which such district is entitled to be represented under provisions of this code, a vacancy or vacancies exist to the extent of the difference between the number of elected committeemen and the number of committeemen by which the district is entitled to be represented. When such vacancy or vacancies exist they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 9330 of this code.

9330. In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 9331 or Section 9333.

9331. Any member, other than an ex officio member, of a committee who misses more than three consecutive regularly called meetings may be removed by a vote of the committee concerned, unless his absence is caused by illness or temporary absence from the county on the date of the meeting.

9332. The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisor district from which he has been elected or appointed a member of that committee shall constitute his automatic resignation from the committee.

9333. A committee may remove any member, other than an ex officio member, who during his term of membership affiliates with, or registers as a member of another party, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

9334. Whenever any person is appointed to fill a vacancy on a committee, the chairman of the committee shall file a notice of the appointment with the county clerk within 30 days

after it is made. The notice shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

## Article 2. Election

9370. At every direct primary election a county central committee shall be elected in each county.

9371. The county clerk, between the first Monday and the second Monday of March next preceding the direct primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

9372. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Articles 4 (commencing with Section 6490) and 5 (commencing with Section 6550) of Chapter 2 of Division 5 of this code, signed in his behalf by the voters of the Assembly or supervisorial district in which he is a candidate.

9373. If the county clerk, on the 59th day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, unless there is filed with the county clerk, not later than 20 days after the final date for filing nomination papers for the positions, petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

9374. In each county the number of candidates for membership in a committee in each Assembly or supervisorial district who receive the highest number of votes shall be declared elected. However, a candidate for committeeman shall not be declared elected unless he has received votes equal in number to the minimum number of signatures to the nomination paper which would have been required to place his name on the direct primary ballot as a candidate for member of a committee.

9375. Whenever a candidate for election to a committee dies on or before the day of election, and a sufficient number of ballots are marked as being voted for him to entitle him to election if he had lived until after the election, a vacancy exists on the county central committee, which shall be filled by the committee in the same manner as other vacancies are filled.

## Article 3. Meetings

9420. Each committee shall meet in the courthouse at its county seat, upon call which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the first Monday after the first day in January following the direct primary.

9421. Notwithstanding the provisions of Section 9420, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

9422. The Department of Finance shall permit a committee which desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

## Article 4. General Business

9440. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

9441. At the meeting held pursuant to Section 9420, a committee shall organize by selecting a chairman, a secretary, and such other officers and committees as it deems necessary for carrying on the affairs of this party.

9442. A committee may make rules and regulations providing:

(a) How officers of the committee may be removed.

(b) How meetings may be called, and any provisions so made shall supersede anything in this chapter to the contrary.

(c) Whether or not proxies may be used and the conditions under which they may be used.

Any such rule adopted prior to statutory authorization by any county central committee by majority vote of the members elected to the committee is hereby validated and made of the same effect as if subsequently adopted.

9443. The committees shall perform such other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new county central committees.

9444. If the chairman of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

Within three days of the election of a chairman, pursuant to Section 9441, the committee shall send a notice by mail to the Secretary of State and to the appropriate county clerk giving the name of the newly elected chairman.

## Article 5. District Committees

9500. The provisions of this article apply only to committees established by Assembly districts or supervisorial districts within a county pursuant to the bylaws of the county central committee of that county.

9501. These committees shall be called county Assembly district committees or county supervisorial district committees.

9502. Each committee shall consist of the persons elected to the county central committee of a single Assembly or supervisorial district.

9503. The district committees of a county and the ex officio members of the county central committee constitute the county central committee of that county.

9504. The district committees may elect such officers and undertake such action as the bylaws of the county central committee of which they are a part provide.

9505. In the event that the candidates elected to a district committee do not equal the number of party committeemen by which such district is entitled to be represented under the provisions of Article 1 (commencing with Section 9320) of this chapter, a vacancy or vacancies exist to the extent of the difference between the number of elected committeemen and the number of committeemen by which the district is entitled to be represented. When such vacancy or vacancies exist they shall be filled by the district committee to which insufficient members were elected.

9506. In the event of the appointment or election to a district committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, is removed from office, or removes from the jurisdiction of the district committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the district committee in which the ineligibility or vacancy occurs.

9507. Any member of a district committee who misses more than three consecutive regularly called meetings of the county central committee may be removed by a vote of that district committee concerned, unless his absence is caused by illness or temporary absence from the county on the date of the meeting.

9508. The removal of residence by an elected or appointed member of a district committee from the Assembly district or supervisorial district from which he has been elected or appointed a member of that committee shall constitute his automatic resignation from that committee.

9509. A district committee shall remove any member of that committee who is required to be removed under the provisions of Section 9333 of this chapter.

9510. Whenever any person is appointed to fill a vacancy on a district committee, the district committee shall notify within 10 days the chairman of the county central committee who shall file a notice of the appointment with the county

clerk within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

## PART 4. OTHER POLITICAL PARTIES

### CHAPTER 1. GENERAL PROVISIONS

9600. The provisions of this part shall apply to political parties not otherwise provided for in the division.

9601. Until otherwise provided for, a political party subject to this part shall carry on its activities in accordance with Part 3 (commencing with Section 9000) of this division.

SEC. 11. Section 10219.1 is added to the Elections Code, to read:

10219.1. Alternate members of a county central committee of any qualified political party shall not use the designation "alternate county central committee member," or other similar designation, on the ballot, when running for nomination or election to any office, including a position on the county central committee.

SEC. 12. This act on its effective date shall apply to the 1966 general election in instances where it results in an increase in the number of appointments which a delegate may make to a state central committee The present state and county central committees of the Republican Party shall continue in office until the organizational meetings in January 1969. The present state and county central committees of the Democratic Party shall continue in office until the organizational meetings in July and August, 1968.

SEC. 13. The provisions of Section 8823 of Section 10 of this act shall be operative immediately upon this act taking effect. The county central committee of the Democratic Party in each city and county shall appoint persons to fill the new positions on the committee and these persons shall serve until the next direct primary election.

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## CHAPTER 1652

*An act to amend Sections 5550, 5552, 5553, 5559, 5567 of, to add Section 5551.1 to, and to repeal Sections 5568 and 5577 of, the Welfare and Institutions Code, relating to the judicial commitment of mentally ill persons.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 5550 of the Welfare and Institutions Code is amended to read:

5550. For the purpose of this chapter, "mentally ill persons" means only those persons who are of such mental condition that they are dangerous to themselves or the person or property of others, and are in need of supervision, treatment, care, or restraint. "Mentally ill persons," as used elsewhere in this code, means persons who come within either or both of the following descriptions:

(a) Who are of such mental condition that they are in need of supervision, treatment, care, or restraint.

(b) Who are of such mental condition that they are dangerous to themselves or to the person or property of others, and are in need of supervision, treatment, care, or restraint.

Wherever in this code the term "insane" or its variants are used, such terms shall be construed to refer to and mean "mentally ill" or its variants, as defined in this section.

SEC. 1.5. Section 5551.1 is added to the Welfare and Institutions Code, to read:

5551.1. Before any person makes and files the petition referred to in Section 5551, such person shall obtain a written statement from a physician stating that such physician has personally examined the allegedly mentally ill person and that as a result of such examination he believes the person is mentally ill and because of his illness is likely to injure himself or the person or property of others. The person making and filing the petition may request the county health officer, the county physician, the local mental health director, a medical examiner or any other physician to make the examination required by this section.

The statement of the physician shall be attached to the petition when it is filed in the superior court. No petition shall be filed unless such statement is attached to the petition.

SEC. 2. Section 5552 of the Welfare and Institutions Code is amended to read:

5552. The petition shall contain the following:

(a) The name and address of the petitioner and his interest therein.

(b) The name of the person alleged to be mentally ill, and, if known to the petitioner, the address, age, sex, marital status, and occupation of the person alleged to be mentally ill.

(c) The facts upon which the allegation that the person is mentally ill and in need of supervision, care or treatment is based.

(d) A statement whether, in the opinion of the petitioner, the alleged mental illness of the person is such that he is dangerous to himself or the person or property of others, and is in need of supervision, treatment, care or restraint.

(e) The name of as a respondent thereto, every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged to be mentally ill and the address of every such person, if known to the petitioner.

(f) Such other information as the court may require.

SEC. 3. Section 5553 of the Welfare and Institutions Code is amended to read:

5553. The petition shall be in substantially the following form:

In the Superior Court of the State of California
in and for the County of _____

| | |
|---|---|
| The People<br>For the Best Interest and Protection of<br>_____,<br>as a Mentally Ill Person,<br>and Concerning<br>_____ and<br>_____<br>Respondents | Petition |

_____, residing at _____ (tel._____), being duly sworn deposes and says: That there is now in the county, in the City or Town of _____ a person named _____, who resides at _____, and who is believed to be mentally ill and in need of supervision, care, or treatment.

That the person is _____ years of age; that ___he is _____ (sex); and that ___he is _____ (single, married, widowed, or divorced); and that _____ occupation is _____.

That the facts because of which petitioner believes that the person is mentally ill and in need of supervision, care or treatment are as follows: That ___he, at _____ in the county, on the _____ day of _____, 19___, _____
_____
_____

That petitioner's interest in and case is _____
_____

That petitioner believes that said person is so mentally ill that he is dangerous to himself or the person or property of others, and is in need of supervision, treatment, care, or restraint.

That the persons responsible for the care, support, and maintenance of the mentally ill person, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents)

Wherefore, petitioner prays that examination be made to determine the state of the mental health of _____, alleged to be mentally ill, and that such measures be taken for the best interest and protection of said _____, in respect to

his supervision, care and treatment, as may be necessary and provided by law.

_____
Petitioner

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

_____, County Clerk
By _____, Deputy

SEC. 4. Section 5559 of the Welfare and Institutions Code is amended to read:

5559. If no demand is made for a hearing by or in behalf of the alleged mentally ill person after four days from the service of the notice, petition and orders for examination or detention as provided in this article, or if a hearing is waived by the person, or by his attorney, during such four-day period, the judge may proceed immediately to determine the mental status of the alleged mentally ill person.

The judge shall consider the report of the two medical examiners appointed by the court to make a personal examination of the person and to report to the court. The judge may require other proof in addition to the petition and the report of the medical examiners.

If the judge is satisfied that the person is so mentally ill that he is dangerous to himself or the person or property of others and is in need of supervision, treatment, care or restraint, the judge may adjudge the person to be mentally ill and order the person committed or cared for as provided in Section 5567 of this code. No order for commitment to an institution for the mentally ill shall issue unless two medical examiners have personally made an examination of the person alleged to be mentally ill and have filed with the judge a report upon a form substantially as set forth in Section 5566 of this code containing the facts and circumstances upon which the judgment of the examiners is based and stating that the condition of the person examined is such as to require care and treatment in an institution for the mentally ill.

SEC. 5. Section 5567 of the Welfare and Institutions Code is amended to read:

5567. If, after examination and certificate have been made, the judge believes that the person is of such mental condition that he is dangerous to himself or to the person or property of others, and is in need of supervision, treatment, care, or restraint, the judge may adjudge the person to be mentally ill, and may, so far as is consistent with Section 5051 of this code, make and sign an order.

(a) That the person be cared for and detained in a county psychopathic hospital, in a community mental health service established under the provisions of Division 8 of this code, or a licensed sanitarium or hospital for the care of the mentally ill entitled by law to receive and care for such persons, or

that the person be otherwise cared for, until the further order of the court, or

(b) That the person be committed to the Department of Mental Hygiene for placement in a state hospital designated by the court, or

(c) That the person be committed to a facility of the Veterans Administration, or other agency of the United States government, in accordance with the provisions of Section 1663 of the Probate Code.

The order shall be in substantially the following form, and shall be filed with the clerk.

In the Superior Court of the State of California
in and for the County of _____

| | |
|---|---|
| The People<br><br>For the Best Interest and Protection of<br>_____<br>as a Mentally Ill Person,<br><br>and Concerning<br>_____ and<br>_____, Respondents | Judgment of Mental Illness and Order for Care, Hospitalization or Commitment |

The petition dated _____, alleging that _____ is mentally ill, having been presented to this court on the _____ day of _____, 19___, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order;

And it further appearing that the provisions of Sections 5551 to 5566, inclusive, of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged mentally ill person, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;

Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is of such mental condition that ___he is dangerous to h___self or to the person or property of others, and is in need of supervision, treatment, care, or restraint.

It is ordered, adjudged and decreed:

That _____ is a mentally ill person and that ___he

*(a) Be cared for and detained in _____, a county psychopathic hospital, a community mental health service, or a licensed sanitarium or hospital for the care of the mentally ill until the further order of the court, or

*(b) Be cared for at _____, until the further order of the court, or

*(c) Be committed to the Department of Mental Hygiene for placement in a state hospital, to wit: _____ State Hospital at _____, California, or

*(d) Be committed to a facility of the Veterans Administration or other agency of the United States, to wit: _____ at _____ in accordance with the provisions of Section 1663 of the Probate Code of the State of California.

It is further ordered and directed that _____ of this county, take, convey and deliver _____ to the proper authorities of the hospital or establishment designated herein to be cared for as provided by law.

Dated this _____ day of _____, 19___.

_____
Judge of the Superior Court

* Strike out where inapplicable.

SEC. 6. Section 5568 of the Welfare and Institutions Code is repealed.

SEC. 7. Section 5577 of the Welfare and Institutions Code is repealed.

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## CHAPTER 1653

*An act to amend Sections 6751 and 11201 of the Education Code, relating to handicapped minors.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 6751 of the Education Code is amended to read:

6751. The governing board of any school district may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivision (a), (c), or (d), or any combination thereof. Whenever a special educational program for educationally handicapped pupils set

forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special education program. Such programs shall be provided in accordance with standards for each approved by the State Board of Education. The special educational programs for educationally handicapped minors are:

(a) Special classes (elementary and secondary). Under this program educationally handicapped pupils unable to function in a regular class are assigned to a special class. The special class shall be maintained for a minimum schoolday. In this program fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group instruction given by a special teacher. Whenever two to four educationally handicapped pupils are instructed at the same time by the same teacher in a learning disability group conducted by a school district or county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program specialized consultation is provided teachers, counselors and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital or in a regularly established nonprofit, tax-exempt, licensed children's institution.

SEC. 2. Section 11201 of the Education Code is amended to read:

11201. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance, except for such minors 16 years of age and over who are enrolled in an approved occupational training program. Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance. Whenever

two to four physically handicapped pupils are instructed at the same time by the same teacher in a remedial class conducted by a school district or the county superintendent of schools, the total attendance credited for such pupils shall equal one unit of attendance for each 60 minutes of instruction. The average daily attendance of all physically handicapped pupils shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

Notwithstanding any provision of this code to the contrary, however, when a physically hadicapped minor 16 years of age or over is enrolled in an approved occupational training program pursuant to Sections 6931 and 6932 of this code, two clock hours of attendance in a special day school or class in combination with two clock hours of attendance in such an occupational training program shall count as one day of attendance. No such pupil shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special day school or class is maintained in such fiscal year.

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## CHAPTER 1654

*An act to amend Section 11580.2 of, to add Section 11580.5 to, the Insurance Code, and to repeal Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 364, Assembly Bill No. 1308, and Assembly Bill No. 2554, relating to uninsured motorist proceedings.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 11580.5 is added to the Insurance Code, to read:

11580.5. No award made in an arbitration proceeding instituted pursuant to Section 11580.2 shall be deemed to be res judicata or collateral estoppel in any court action which may be pending or brought by the insured against the owner or operator of an uninsured motor vehicle.

SEC. 2. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to

the financial responsibility requirements specified in Section 16059 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 may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. 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.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or 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. 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 said 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 said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) 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.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) 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.

SEC. 3. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 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 may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. 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.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department

of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to 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 tort-feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or 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. 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 said 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 said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) 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.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) 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.

SEC. 4. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 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 may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. 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.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder

except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to 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 tort-feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than

the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or 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 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 said 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 said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) 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.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) 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.

SEC. 5. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 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 may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. 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.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same house-

hold, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or 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.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to 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 tort-feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds

which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or 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. 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 said 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 said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a) (4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b) (2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) 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.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) 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.

SEC. 6. Section 2 of this act shall become operative only if Assembly Bill No. 364 and Assembly Bill No. 1308 are both enacted, and Assembly Bill No. 2554 is not enacted, by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 364 and Assembly Bill 1308 take effect, at which time Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 364, and Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 1308, are repealed.

SEC. 7. Section 3 of this act shall become operative only if Assembly Bill No. 364 and Assembly Bill No. 2554 are both enacted, and Assembly Bill No. 1308 is not enacted, by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 364 and Assembly Bill No. 2554 take effect, at which time Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 364, and Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 2554, are repealed.

SEC. 8. Section 4 of this act shall become operative only if Assembly Bill No. 1308 and Assembly Bill No. 2554 are both enacted, and Assembly Bill No. 364 is not enacted, by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1308 and Assembly Bill No. 2554 take effect, at which time Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 1308, and Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 2554 are repealed.

SEC. 9. Section 5 of this act shall become operative only if Assembly Bill No. 364, Assembly Bill No. 1308, and Assembly Bill No. 2554 are all enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 364, Assembly Bill No. 1308, and Assembly Bill No. 2554 take effect, at which time Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 364, Section 11580.2 of the Insurance Code as amended by Assembly Bill No. 1308, and Section 11580.2 of the Insurance Code, as amended by Assembly Bill No. 2554, are repealed.

# CHAPTER 1655

*An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorist provisions.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 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 may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. 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.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied,

and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tort feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms

and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or 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 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 said 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) Wherever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county

specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) 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.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) 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.

SEC. 2. Section 11580.2 of the Insurance Code is amended to read:

11580.2 (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 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 may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. 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.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or

upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-

type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tort feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or 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 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 said Article 3 shall be available to both the in-

sured 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 said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) 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.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within

the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) 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.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1308 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1308 takes effect, at which time Section 1 of this act is repealed.

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## CHAPTER 1656

*An act to amend Section 34.8 of the Agricultural Code, Section 465 of the Agricultural Code, as proposed by Senate Bill No. 1, Sections 5017, 6867 and 19431 of the Business and Professions Code, Sections 16645.26, 23656 and 27115.4 of the Education Code, Sections 8165, 12057, 13493, 14503, 15490, 16180.1, 18653, and 65020.7 of the Government Code, Sections 1702, 17939, 25751, and 25763 of the Health and Safety Code, Sections 71.1 and 174 of the Labor Code, Sections 306 and 21220 of the Public Utilities Code, Section 408 of the Unemployment Insurance Code, Sections 164, 181, and 20023 of the Water Code, Section 3 of Chapter 1678, Statutes of 1963, and to add Article 9 (commencing with Section 11120) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, Section 11770.5 to the Insurance Code,*

*Section 1415.5 to the Labor Code, and Section 12514.5 to the Water Code, and to repeal Sections 40.1, 44.1, 71.1, 84.1, 205.6, 335.1, and 5404.5 of the Agricultural Code, Sections 955, 1207, 3434, 3967, 20472, and 64113 of the Agricultural Code, as proposed by Senate Bill No. 1, Sections 1001.5, 1610.5, 2121, 2130.5, 2654.5, 2712.5, 2851.5, 2917.5, 3017.5, 4008.5, 4808.5, 5524.5, 5628.5, 6304.5, 6505.5, 6716.5, 7008.5, 7206.5, 7309.5, 7605.5, 8003.5, 8524.5, 8919.1, 9016, 9534.5, 9629.5, 10058.5, 18623.5, 19035.9, and 23078 of the Business and Professions Code, Sections 111, 6471, 7506.1, 13101.5, 13866, 22706, 23606, 24155, 26007, and 31007 of the Education Code, Sections 106, 731, 1325, and 14106 of the Fish and Game Code, Sections 8012, 8527, 11015, 13912, 15486, 15625, 15703, 20136, 50847, and 66505.5 of the Government Code, Sections 1153.1, 1261, 1355, 1710, and 3804 of the Harbors and Navigation Code, Sections 103.1, 431.3, 1110.1, 13141.1, 18916, and 24385.5 of the Health and Safety Code, Sections 146, 3091, and 6220 of the Labor Code, Section 69.5 of the Military and Veterans Code, Section 13507 of the Penal Code, Sections 537, 6109, 8609, 9065.1, and 9071 of the Public Resources Code, Section 21213 of the Public Utilities Code, Section 2604 of the Vehicle Code, Sections 8562.5, 12933.5, 13007, and 71275 of the Water Code, and Section 10704 of the Welfare and Institutions Code, relating to meetings of state agencies.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 34.8 of the Agricultural Code is amended to read:

34.8. The director, with the approval of the Governor, may appoint special committees of qualified persons to study and advise on special problems affecting the agricultural industry of the state and work of the department.

Members of such special committees shall serve without compensation but shall be entitled to payment for necessary traveling expenses in the same manner as provided by the State Board of Control rules for civil service officers and employees, and such expenses are to be paid out of appropriations made to the department.

SEC. 2. Section 40.1 of the Agricultural Code is repealed.

SEC. 3. Section 44.1 of the Agricultural Code is repealed.

SEC. 4. Section 71.1 of the Agricultural Code is repealed.

SEC. 5. Section 84.1 of the Agricultural Code is repealed.

SEC. 6. Section 205.6 of the Agricultural Code is repealed.

SEC. 7. Section 335.1 of the Agricultural Code is repealed.

SEC. 9. Section 5404.5 of the Agricultural Code is repealed.

SEC. 9.1. Section 465 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

465. The director, with the approval of the Governor, may appoint special committees of qualified persons to study and advise on special problems which affect the agricultural industry of the state and the work of the department.

Members of such special committees shall serve without compensation but are entitled to payment for necessary traveling expenses in the same manner as is provided by the State Board of Control rules for civil service officers and employees. Such expenses shall be paid out of appropriations made to the department.

SEC. 9.2. Section 955 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 9.3. Section 1207 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 9.4. Section 3434 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 9.5. Section 3967 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 9.6. Section 20472 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 9.7. Section 64113 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 10. Section 1001.5 of the Business and Professions Code is repealed.

SEC. 11. Section 1610.5 of the Business and Professions Code is repealed.

SEC. 12. Section 2121 of the Business and Professions Code is repealed.

SEC. 13. Section 2130.5 of the Business and Professions Code is repealed.

SEC. 14. Section 2654.5 of the Business and Professions Code is repealed.

SEC. 15. Section 2712.5 of the Business and Professions Code is repealed.

SEC. 16. Section 2851.5 of the Business and Professions Code is repealed.

SEC. 17. Section 2917.5 of the Business and Professions Code is repealed.

SEC. 18. Section 3017.5 of the Business and Professions Code is repealed.

SEC. 19. Section 4008.5 of the Business and Professions Code is repealed.

SEC. 20. Section 4808.5 of the Business and Professions Code is repealed.

SEC. 21. Section 5017 of the Business and Professions Code is amended to read:

5017. All meetings of the board shall be open and public, except that the board may hold executive sessions to deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (com-

mencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

The members of the board who are certified public accountants and the public member may hold executive sessions to prepare, approve, grade or administer examinations. Only the certified public accountants and the public member shall have jurisdiction or vote over these functions of preparing, approving, grading or administering examinations in executive session as provided for in Section 11126 of the Government Code.

SEC. 22. Section 5524.5 of the Business and Professions Code is repealed.

SEC. 23. Section 5628.5 of the Business and Professions Code is repealed.

SEC. 24. Section 6304.5 of the Business and Professions Code is repealed.

SEC. 25. Section 6505.5 of the Business and Professions Code is repealed.

SEC. 26. Section 6716.5 of the Business and Professions Code is repealed.

SEC. 27. Section 6867 of the Business and Professions Code is amended to read:

6867. The chairman or vice chairman, on his own motion, shall call meetings of the board at least four times but no more than six times each year. Additional meetings may be held by the board only with the approval of the chief.

Four members shall constitute a quorum for the transaction of business.

The board shall elect from its members, each for a term of one year, a chairman, a vice chairman, and a secretary and may appoint such committees as it deems necessary to carry out its duties.

SEC. 28. Section 7008.5 of the Business and Professions Code is repealed.

SEC. 29. Section 7206.5 of the Business and Professions Code is repealed.

SEC. 30. Section 7309.5 of the Business and Professions Code is repealed.

SEC. 31. Section 7605.5 of the Business and Professions Code is repealed.

SEC. 32. Section 8003.5 of the Business and Professions Code is repealed.

SEC. 33. Section 8524.5 of the Business and Professions Code is repealed.

SEC. 34. Section 8919.1 of the Business and Professions Code is repealed.

SEC. 35. Section 9016 of the Business and Professions Code is repealed.

SEC. 36. Section 9534.5 of the Business and Professions Code is repealed.

SEC. 37. Section 9629.5 of the Business and Professions Code is repealed.

SEC. 38. Section 10058.5 of the Business and Professions Code is repealed.

SEC. 39. Section 18623.5 of the Business and Professions Code is repealed.

SEC. 40. Section 19035.9 of the Business and Professions Code is repealed.

SEC. 41. Section 19431 of the Business and Professions Code is amended to read:

19431. The board shall establish and maintain a general office for the transaction of its business at a place to be determined by the board. The board may establish any branch office for the transaction of its business at a place to be determined by it. The board may hold meetings at any other place when the convenience of the members of the board requires.

A public record of every vote shall be maintained at the board's general office.

A majority of the board constitutes a quorum for the transaction of its business or the exercise of any of its powers.

SEC 42. Section 23078 of the Business and Professions Code is repealed.

SEC. 43. Section 111 of the Education Code is repealed.

SEC. 44. Section 6471 of the Education Code is repealed.

SEC. 45. Section 7506.1 of the Education Code is repealed.

SEC. 46. Section 13101.5 of the Education Code is repealed.

SEC. 47. Section 13866 of the Education Code is repealed.

SEC. 48. Section 16645.26 of the Education Code is amended to read:

16645.26. An Advisory Committee on Development Care Centers for mentally retarded and physically handicapped minors shall be established to aid in setting standards for admission to centers, and to advise district governing boards in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped minor to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

SEC. 49. Section 22706 of the Education Code is repealed.

SEC. 50. Section 23606 of the Education Code is repealed.

SEC. 50 5. Section 23656 of the Education Code is amended to read:

23656. Each board shall meet at least once each year and shall meet at such other times as the chairman or executive secretary may designate.

The provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to such meetings.

SEC. 51. Section 24155 of the Education Code is repealed.

SEC. 52. Section 26007 of the Education Code is repealed.

SEC. 53. Section 27115.4 of the Education Code is amended to read:

27115.4. The board shall maintain its headquarters at Sacramento and shall hold meetings at such times and at such places as shall be determined by it.

SEC. 54. Section 31007 of the Education Code is repealed.

SEC. 55. Section 106 of the Fish and Game Code is repealed.

SEC. 56. Section 731 of the Fish and Game Code is repealed.

SEC. 57. Section 1325 of the Fish and Game Code is repealed.

SEC. 58. Section 14106 of the Fish and Game Code is repealed.

SEC. 59. Section 8012 of the Government Code is repealed.

SEC. 60. Section 8165 of the Government Code is amended to read:

8165. The commission shall meet in the City of Sacramento at such times as a majority of its members deems advisable.

SEC. 61. Section 8527 of the Government Code is repealed.

SEC. 62. Section 11015 of the Government Code is repealed.

SEC. 63. Section 12057 of the Government Code is amended to read:

12057. The Governor, by executive order, may create such advisory committees as he deems necessary to assist the Consumer Counsel in carrying out his functions under this article. The Governor shall appoint the members thereof and they shall serve at his pleasure. The committees shall be under the direction of the Consumer Counsel. The members of such advisory committees shall receive no compensation for their services except that they shall receive their actual and necessary expenses incurred in the discharge of their duties.

SEC. 64. Section 13493 of the Government Code is amended to read:

13493. One or more technical advisory committees may be created by the Governor to advise the commissioner in carrying out his functions under this chapter. The members of such committees shall be appointed by the Governor upon the nomination of the commissioner. In no event shall the total membership of all of such committees exceed 20 members. The members of such committees, to the extent possible, shall be selected on the basis of their knowledge, ability, and interest in the field of industrial and economic development. Such com-

mittees shall act in an advisory capacity only and shall have no administrative authority or responsibility. The committee members shall serve without compensation but shall be reimbursed for their actual and necessary travel expenses in attending committee meetings.

SEC. 65. Section 13912 of the Government Code is repealed.

SEC. 66. Section 14503 of the Government Code is amended to read:

14503. The committee shall meet at such times and such places as the chairman shall prescribe. The members of the committee shall serve without compensation but shall be reimbursed for any necessary expenses which are incurred pursuant to this chapter.

SEC. 67. Section 15486 of the Government Code is repealed.

SEC. 68. Section 15490 of the Government Code is amended to read:

15490. (a) There is in the state government the State Allocation Board, consisting of the Director of Finance, the Director of General Services, and the Superintendent of Public Instruction. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker, shall meet and, except as otherwise provided by the Constitution, advise with the board to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature.

(b) The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties.

(c) The Director of General Services shall provide such assistance to the board as it may require.

(d) All records of the board shall be open to inspection by the public during regular office hours.

SEC. 69. Section 15625 of the Government Code is repealed.

SEC. 70. Section 15703 of the Government Code is repealed.

SEC. 71. Section 16480.1 of the Government Code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 1 of this chapter, or in bank accounts, or in loans to the General Fund and the type of investment or deposit.

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make

the determinations under this article, and may not authorize a deputy to act for them.

All records of the board shall be open to inspection by the public during regular office hours.

SEC. 72. Section 18653 of the Government Code is amended to read:

18653. The board shall meet in Sacramento as often as the needs of the public service may require and in such other places as it may designate. A majority of the members of the board constitutes a quorum. The vote of three concurring members shall be required to make any action of the board effective. The board shall keep minutes of its own proceedings and record its official actions. Such minutes and records shall be open to public inspection, subject to reasonable regulations.

The board may hold executive sessions as provided in Section 1126 of the Government Code to deliberate on (1) recommendations to the Governor or the Legislature, or (2) decisions to be reached following hearings related to the administration of the provisions of Part 1 (commencing with Section 18000) and Part 2 (commencing with Section 18500) of Division 5. of Title 2 of the Government Code or of the rules thereunder.

SEC. 73. Section 20136 of the Government Code is repealed.

SEC. 74. Section 50847 of the Government Code is repealed.

SEC. 75. Section 65020.7 of the Government Code is amended to read:

65020.7. The committee shall meet at the call of the chairman and at such places as the committee may designate.

SEC. 76. Section 66505.5 of the Government Code is repealed.

SEC. 77. Section 1153.1 of the Harbors and Navigation Code is repealed.

SEC. 78. Section 1261 of the Harbors and Navigation Code is repealed.

SEC. 79. Section 1355 of the Harbors and Navigation Code is repealed.

SEC. 80. Section 1710 of the Harbors and Navigation Code is repealed.

SEC. 81. Section 3804 of the Harbors and Navigation Code is repealed.

SEC. 82. Section 103.1 of the Health and Safety Code is repealed.

SEC. 83. Section 431.3 of the Health and Safety Code is repealed.

SEC. 84. Section 1110.1 of the Health and Safety Code is repealed.

SEC. 84.5. Section 1702 of the Health and Safety Code is amended to read:

1702. The members of the council, other than the director of the department, shall receive no compensation for their services, but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

Except as provided in Section 1720 the council is not required to conduct meetings open to the public in accordance with Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 85. Section 13141.1 of the Health and Safety Code is repealed.

SEC. 86. Section 17939 of the Health and Safety Code is amended to read:

17939. The appeals board shall determine its quorum.

SEC. 87. Section 18916 of the Health and Safety Code is repealed.

SEC. 88. Section 24385.5 of the Health and Safety Code is repealed.

SEC. 89. Section 25751 of the Health and Safety Code is amended to read:

25751. Meetings of the committee shall be held as called by the coordinator or upon request of four or more of the members.

SEC. 90. Section 25763 of the Health and Safety Code is amended to read:

25763. The council shall meet at least twice each year at the call of the Governor.

SEC. 91. Section 11770.5 is added to the Insurance Code, to read:

11770.5. The provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the Board of Directors of the State Compensation Insurance Fund.

SEC. 92. Section 71.1 of the Labor Code is amended to read:

71.1. The commission may hold executive sessions to deliberate on the evidence before the commission prior to the promulgation of any order pursuant to the authority conferred upon it by Section 1182 of the Labor Code.

SEC. 93. Section 146 of the Labor Code is repealed.

SEC. 94. Section 174 of the Labor Code is amended to read:

174. The information received from any group, firm, or individual in response to the commission's request shall be for the confidential information of the commission insofar as it relates to planning, manning, personnel, union membership and related matters. Except as otherwise provided by law, the records of the commission shall be open to inspection by the public during regular office hours.

SEC. 94.5. Section 1415.5 is added to the Labor Code, to read:

1415.5. Proceedings conducted pursuant to this part are within the meaning of Section 11126 of the Government Code and the commission may conduct executive sessions subject to

the provisions of Article 9 (commencing with Section 11120), of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 95. Section 3091 of the Labor Code is repealed.

SEC. 96. Section 6220 of the Labor Code is repealed.

SEC. 97. Section 69.5 of the Military and Veterans Code is repealed.

SEC. 98. Section 13507 of the Penal Code is repealed.

SEC. 99. Section 537 of the Public Resources Code is repealed.

SEC. 100. Section 6109 of the Public Resources Code is repealed.

SEC. 101. Section 8609 of the Public Resources Code is repealed.

SEC. 102. Section 9065.1 of the Public Resources Code is repealed.

SEC. 103. Section 9071 of the Public Resources Code is repealed.

SEC. 104. Section 306 of the Public Utilities Code is amended to read:

306. The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices.

The commission may hold executive sessions as provided in Section 11126 of the Government Code to deliberate on (1) decisions to be reached in proceedings, tariff filings, permits, general orders or crossing protection fund allocations submitted for decision, or (2) institution of proceedings or litigation.

The commission shall have a seal, bearing the inscription "Public Utilities Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct.

The commission may procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

SEC. 105. Section 21213 of the Public Utilities Code is repealed.

SEC. 106. Section 21220 of the Public Utilities Code is amended to read:

21220. The board shall fix the date and place for its regular meetings. Special and executive meetings may be called as provided by the rules and regulations of the board.

Regular meetings shall be held at the board's established offices. Whenever the convenience of the public or of the parties may be promoted, or delay or expense may be pre-

vented, the board may hold meetings, hearings, or proceedings at any other place it may designate.

SEC. 107. Section 408 of the Unemployment Insurance Code is amended to read:

408. All decisions and orders of the Appeals Board shall be in writing.

SEC. 109. Section 2604 of the Vehicle Code is repealed.

SEC. 110. Section 164 of the Water Code is amended to read:

164. The commission may hold any hearings and conduct any investigations in any part of the state necessary to carry out the powers vested in it, and for such purposes has the powers conferred upon heads of departments of the state by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Any hearing or investigation by the commission may be conducted by any member or nominee upon authorization of the commission, and he shall have the powers granted to the commission by this section, but any final action of the commission shall be taken by a majority of the members of the commission at a meeting duly called and held.

SEC. 111. Section 181 of the Water Code is amended to read:

181. The board shall maintain its headquarters at Sacramento and shall hold meetings at such times and at such places as shall be determined by it. The Governor shall designate the time and place for the first meeting of the board.

SEC. 112. Section 8562.5 of the Water Code is repealed.

SEC. 112.5. Section 12514.5 is added to the Water Code, to read:

12514.5. The provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the Colorado River Board.

SEC. 113. Section 12933.5 of the Water Code is repealed.

SEC. 114. Section 13007 of the Water Code is repealed.

SEC. 115. Section 20023 of the Water Code is amended to read:

20023. The commission shall by rule fix the time for its regular meetings, which shall be held at the office of the commission.

SEC. 116. Section 71275 of the Water Code is repealed.

SEC. 118. Section 10704 of the Welfare and Institutions Code is repealed.

SEC. 119. Section 3 of Chapter 1678, Statutes of 1963, is amended to read:

Sec. 3. All records of the commission shall be open to inspection by the public during regular office hours. Members of the commission shall serve without compensation or expenses.

SEC. 121. Section 9.1 of this act shall become operative only if the Agricultural Code as proposed by Senate Bill No. 1 is enacted by the Legislature at its 1967 Regular Session,

and in such case at the same time as Senate Bill No. 1 takes effect; at which time Section 34.8 of the Agricultural Code of 1933 as amended by Section 1 of this act is repealed.

SEC. 122. Article 9 (commencing with Section 11120) is added to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, to read

Article 9. Meetings

11120. It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

11121. As used in this article "state agency" means every state board, or commission, or similar multimember body of the state which is required by law to conduct official meetings, but does not include state agencies provided for in Article VI of the California Constitution nor districts or other local agencies whose meetings are required to be open to the public pursuant to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of this code.

11122. As used in this article "action taken" means a collective decision made by the members of a state agency, a collective commitment or promise by the members of the state agency to make a positive or negative decision or an actual vote by the members of a state agency when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

11123. All meetings of a state agency shall be open and public and all persons shall be permitted to attend any meeting of a state agency except as otherwise provided in this article.

11124. A member of the public shall not be required, as a condition to attendance at a meeting of a state agency, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

11125. The state agency shall provide notice of its meeting to any person who requests such notice in writing. Notice shall be given at least 24 hours in advance of the meeting, provided that emergency meetings may be held with less than twenty-four (24) hours' notice when such meetings are necessary to discuss unforeseen emergency conditions, such as a natural disaster, as defined by published rule of the agency adopted pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of this code.

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or

employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses, or professions from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State Colleges from holding executive sessions dealing with site selection for such state colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the

purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the Motor Vehicle Pollution Control Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

11127. The provisions of this article shall apply to every state agency unless the agency is specifically excepted by law.

11128. All executive sessions of a state agency shall be held only during a regular or special meeting of the agency.

11129. Any hearing being held, or noticed or ordered to be held by a state agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the state agency. A copy of the order or notice of continuance shall be conspicuously posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

11130. Any interested person may commence an action either by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this article by members of the state agency.

SEC. 123. Section 16645.26 of the Education Code is amended and renumbered to read:

16645.23. An Advisory Committee on Development Care Centers for mentally retarded and physically handicapped minors shall be established to aid in setting standards for admission to centers, and to advise the Department of Education in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped minor to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office

participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

SEC. 124. Section 181 of the Water Code is amended to read:

181. The board shall maintain its headquarters at Sacramento and may establish branch offices in such parts of the state as the board deems necessary. The board shall hold meetings at such times and at such places as shall be determined by it. The Governor shall designate the time and place for the first meeting of the board. Three members of the board shall constitute a quorum for the purpose of transacting any business of the board.

SEC. 125. Section 123 of this act shall become operative only if Senate Bill No. 242 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 242 takes effect, at which time Section 48 of this act is repealed.

SEC. 126. Section 124 of this act shall become operative only if Assembly Bill No. 163 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 163 takes effect, at which time Section 111 of this act is repealed.

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## CHAPTER 1657

*An act to amend Sections 65302 and 65303 of the Government Code, relating to city and county planning.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. 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 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, agriculture, natural resources, recreation, education, public buildings and grounds, 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.

(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.

SEC. 2. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part or phase thereof:

(a) A 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. The conservation element may also cover:

(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.

(b) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(1) Natural reservations.

(2) Parks.

(3) Parkways.

(4) Beaches.

(5) Playgrounds.

(6) Other recreation areas.

(c) The circulation element provided for in Section 65302 (b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(d) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(e) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(f) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(g) A public buildings element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(h) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(i) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions, the improvement of housing and for provision of adequate sites for housing. This element of the plan should endeavor to make adequate provision for the housing needs of all segments of the community regardless of race, color or economic level.

(j) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(k) A safety element for the protection of the community from fires and geologic hazards including features necessary for such 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.

(*l*) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

SEC. 3. The Legislature does not intend by the enactment of this act to interfere, either directly or indirectly, with local control of zoning.

SEC. 4. 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 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, agriculture, natural resources, recreation, education, public buildings and grounds, 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.

(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 consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

SEC. 5. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part or phase thereof:

(a) A 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. The conservation element may also cover:

(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.

(b) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(1) Natural reservations.

(2) Parks.

(3) Parkways.

(4) Beaches.

(5) Playgrounds.

(6) Other recreation areas.

(7) The location, quantity and quality of the rock, sand and gravel resources.

(c) The circulation element provided for in Section 65302(b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(d) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(e) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(f) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(g) A public buildings element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(h) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(i) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions.

(j) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(k) A safety element for the protection of the community from fires and geologic hazards including features necessary for such 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.

(*l*) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

SEC. 6. Section 1 of this act shall not become operative until November 1, 1968. Sections 4 and 5 of this act shall become operative only if Assembly Bill 1952 is enacted by the Legislature at its 1967 Regular Session, and in such case said sections shall become operative on July 1, 1969; at which time Sections 65302 and 65303 of the Government Code as amended by Sections 1 and 2 of this act are repealed.

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## CHAPTER 1658

*An act to amend Sections 65302 and 65303 of the Government Code, relating to planning and zoning by cities and counties.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. 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 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, agriculture, recreation, education, public buildings and grounds, 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.

(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 consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

SEC. 2. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part or phase thereof:

(a) A 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 The conservation element may also cover:

(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.

(b) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(1) Natural reservations.

(2) Parks.

(3) Parkways.

(4) Beaches.

(5) Playgrounds.

(6) Other recreation areas.

(c) The circulation element provided for in Section 65302 (b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house

and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(d) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(e) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(f) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(g) A public buildings element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(h) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(i) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions.

(j) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(k) A safety element for the protection of the community from fires and geologic hazards including features necessary for such protection as evacuation routes, peakload water supply requirements, minimum road widths, clearances around structures, and geologic hazard mapping in areas of known geologic hazards.

(*l*) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

SEC. 3. The provisions of this act shall be effective July 1, 1969.

SEC. 4. 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 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, agriculture, natural resources, recreation, education, public buildings and grounds, 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.

(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 consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

SEC. 5. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part of phase thereof:

(a) 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. The conservation element may also cover:

(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.

(b) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(1) Natural reservations.

(2) Parks.

(3) Parkways.

(4) Beaches.

(5) Playgrounds.

(6) Other recreation areas.

(c) The circulation element provided for in Section 65302(b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(d) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(e) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(f) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(g) A public building element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(h) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(i) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions.

(j) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(k) A safety element for the protection of the community from fires and geologic hazards including features necessary for such 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.

(*l*) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

SEC. 6 Sections 4 and 5 of this act shall become operative only if Senate Bill 1401 is enacted by the Legislature at its 1967 Regular Session, and in such case said sections shall become operative on July 1, 1969; at which time Sections 65302 and 65303 of the Government Code as amended by Sections 1 and 2 of this act are repealed.

## CHAPTER 1659

*An act to amend Sections 31204 and 31247 of the Education Code, relating to state scholarships and fellowships.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. (a) There shall be available for the fiscal years 1966–1967 and 1967–1968 such scholarships in an amount equal to 1 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1968–1969 and for each fiscal year thereafter such scholarships in an amount equal to 2 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California state scholarship program.

(b) Of the scholarships, other than renewal scholarships for state scholarship winners, authorized by subdivision (a), one-third of the total number available for a fiscal year shall be available for the fiscal year for allocation pro rata to each senatorial and Assembly district.

No award shall be canceled because of change of residence of an award winner within the state.

SEC. 2. Section 31247 of the Education Code is amended to read:

31247. There shall be graduate fellowships for the academic year 1966–1967 and the academic year 1967–1968 equal in number to 1 percent of the total number of baccalaureate degrees awarded during the next preceding academic year by colleges and universities located in California and accredited by the Western Association of Schools and Colleges. There shall be graduate fellowships for the academic year 1968–1969, and each academic year thereafter, equal in number to 2 percent of the total number of baccalaureate degrees awarded during the next preceding academic year by colleges and universities located in California and accredited by the Western Association of Schools and Colleges. The amount of

each award shall be calculated according to the following stipulations based upon the applicant's financial need, independent in his own right, not to exceed full cost of tuition and regular fees for one year at the institution which the student attends.

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## CHAPTER 1660

*An act to amend Sections 11251, 11252, 11301, 11401, 11404, and 17601.1 of, and to add Section 11412 to, the Education Code, relating to average daily attendance of pupils.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 11251 of the Education Code is amended to read:

11251. In computing the average daily attendance of a school district, there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served.

SEC. 2. Section 11252 of the Education Code is amended to read:

11252. Whenever for the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, it is necessary to compute the average daily attendance of a school of a district for any certain purpose and no provision is made for the computation thereof for such purpose, the average daily attendance of the school shall be computed in accordance with Sections 11301, 11401, and 11404.

SEC. 3. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the regular day elementary schools of a district shall be computed as follows:

(a) Record the actual attendance for the last schoolday of each school month. Include attendance authorized under Section 10955.

(b) Divide the sum of the recorded days of actual attendance under (a) above by the number of school months the schools are maintained For the purposes of this section, any school month of less than 20 days is a school month.

(c) The resulting quotient, plus the attendance credited to the district on account of education of seventh and eighth

grade pupils in a junior high school pursuant to Education Code Section 11401, is the average daily attendance for the fiscal year.

For the purposes of this article, a day of kindergarten attendance is based on the 180-minute minimum day, and shall be adjusted to 180 when the minimum day is less than 180 minutes as authorized by Section 11003.

SEC. 4. Section 11401 of the Education Code is amended to read:

11401. The units of average daily attendance in the regular day high schools of a district other than evening high schools, continuation high schools, and continuation education classes, shall be computed as follows:

(a) Record the actual attendance for the last day of each school month. Include attendance authorized under Section 10955.

(b) Divide the sum of the recorded days of actual attendance as authorized under (a) above by the number of school months the schools are maintained. For the purposes of this section, any school month of less than 20 days is a school month.

(c) The resulting quotient, exclusive of the average daily attendance of pupils in the seventh and eighth grades of a junior high school, is the average daily attendance for the fiscal year.

SEC. 5. Section 11404 of the Education Code is amended to read:

11404. The units of average daily attendance for a fiscal year of pupils residing in any elementary school district and attending the seventh and eighth grades of a junior high school shall be determined separately and shall be computed according to Section 11401. The average daily attendance so computed shall be credited to the elementary school district in which the pupils reside.

SEC. 6. Section 11412 is added to the Education Code, to read:

11412. Each elementary, high school, and unified school district shall report to the Superintendent of Public Instruction on forms prepared by the Department of Education in addition to all other attendance data as required, the active enrollment as on the last day of the school month. "Active enrollment" on a day a count is taken means the pupils in enrollment in the regular schooldays of the district on the first day of the school year on which the schools were in session, plus all later enrollees, minus all withdrawals since that day.

SEC. 7. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1)

the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 exceeds the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be brought forward to the corresponding categories of the second period report for the next succeeding fiscal year.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance of the regular classes in the day elementary, day junior high schools, and day high schools maintained by the school districts shall be determined by dividing the total number of days of attendance, as recorded in accordance with subsection (a) of Sections 11301 and 11401, and Section 11404, by the number of full school months in the period.

Attendance of schools and classes maintained by school districts other than regular day schools and classes shall be computed in accordance with appropriate Education Code sections.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined by dividing the hours of attendance during the period by the number equal to three times the number of days actually taught within the period during the "academic year" as defined in Section 5554. For the purposes of this article, the average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1 2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 75 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults and continuation schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 75; for the second period, the days of attendance shall be divided by 175.

SEC. 8. The provisions of this act shall become operative July 1, 1968 and shall continue in effect until the 61st day following final adjournment of the 1970 Regular Session of the Legislature.

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## CHAPTER 1661

*An act to add Title 6 (commencing with Section 13800) and Title 7 (commencing with Section 14000) to Part 4 of the Penal Code, relating to crime prevention and control, and making an appropriation.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. This act shall be known and may be cited as the Deukmejian-Moretti Act.

SEC. 2. The Legislature hereby declares that the purpose of this act is to evaluate state and local programs associated with the prevention of crime, law enforcement and the administration of criminal justice, and to encourage the preparation and adoption of comprehensive plans for the improvement and coordination of all aspects of law enforcement and criminal justice, and to stimulate the research and development of new methods for the prevention and reduction of crime.

SEC. 3. Title 6 (commencing with Section 13800) is added to Part 4 of the Penal Code, to read:

### TITLE 6. CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

13800. There is hereby created in the state government the California Council on Criminal Justice, hereafter referred to as the council, which shall be composed of the following mem-

bers. the Attorney General, 12 members appointed by the Governor, three of whom shall be the Commissioner of the Department of the Highway Patrol, the Director of the Department of Corrections, and the Director of the Youth Authority; six members appointed by the Senate Rules Committee, two of whom shall be Members of the Senate; and six members appointed by the Speaker of the Assembly, two of whom shall be Members of the Assembly.

The appointing authorities shall consult in the selection of council members to insure that there is balanced representation on the council including representatives of the public concerned with the prevention and reduction of crime.

The appointees of the Governor shall include: a chief of police, a district attorney, a sheriff, a public defender, a representative of the Commission on Peace Officer Standards, a faculty member of a college or university qualified in the field of criminology, police science, or law, and a person qualified in the general field of research, development, and systems technology. The Speaker and Senate Committee on Rules shall include among their appointments a representative of the Judicial Council, a judge, a representative of the cities and a representative of the counties.

13801. (a) The legislator members of the council shall participate in its work to the extent such participation is not incompatible with their positions as Members of the Legislature.

(b) For the purposes of this title the Members of the Legislature who are appointed shall be considered a joint committee of the two houses of the Legislature constituted and acting as an investigating committee, and as such shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly. The members of such committee shall report to the Legislature on the fifth legislative day of the 1968 Regular Session on additional legislation which may be necessary to comply with provisions of federal law.

13802. The Governor shall appoint the chairman of the council and the council shall designate one or more vice chairmen from among its members, who shall serve at the pleasure of the council The Governor shall call the first meeting on or after January 16, 1968.

13803. Members of the council 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 under this title.

13804. The council may appoint an executive officer by affirmative vote of a majority of the members and may appoint other employees and consultants. The council may utilize personnel, facilities and services of departments and agencies of state government, pursuant to agreements developed between the council and the agencies concerned.

13805. The council shall have the following powers and duties:

(a) To develop plans for the prevention, detection, and control of crime in the administration of criminal justice. In developing these plans, the council may conduct studies, survey resources and identify needs for research and development in this field.

(b) To encourage coordination, planning and research by law enforcement and criminal justice agencies throughout the state and to act as a clearing house for proposals and projects in this field.

(c) To develop plans for the dissemination of information on proposed, existing, and completed research and development projects.

(d) To advise the Governor, Legislature, and the various state departments and local jurisdictions charged with responsibility in criminal justice matters.

13806. In the exercise of its authority under subdivision (a) of Section 13807 the council may develop plans to fulfill the requirements of any federal act providing for the adoption of comprehensive plans to facilitate the receipt and allocation of federal funds for planning, research, demonstration and special project grants. The council shall submit its recommendations concerning applications for federal funds by any state or local agency to the Governor to be forwarded to the United States Attorney General or appropriate federal agency. The council shall also report to the Legislature on its recommendations.

13807. Nothing in this title shall be construed as authorizing the council to undertake direct operational law enforcement responsibilities.

SEC. 4. Title 7 (commencing with Section 14000) is added to Part 4 of the Penal Code, to read:

## TITLE 7. CALIFORNIA CRIME TECHNOLOGICAL RESEARCH FOUNDATION

14000. The benefits of scientific and technological advances which have with accelerating abundance enriched the lives of our citizenry have also with cunning rapidity been adapted for use by criminals. If our society is to stem and reverse the increasing incidence of crime, it is essential that scientific and technological improvements, as they are perfected, be utilized to the fullest extent in the prevention and detection of crime. In addition, there is need for basic research involving combinations of various scientific disciplines into the nature of crime, criminals, and methods of detection, apprehension, and treatment. It is therefore declared to be the policy of the state to encourage scientific and technological research, development, and education in the field of the prevention and detection of crime and the apprehension and treatment of criminals, and to develop research in the area of police management administration, in order to promote the general welfare of the people.

14001. A public corporation is hereby created, which shall be known as the California Crime Technological Research Foundation, hereafter referred to as the foundation. The foundation is a state agency.

14002. The foundation shall encourage and promote the development and application of science and technology for the prevention and detection of crime, the apprehension and treatment of criminals, and the improvement of administration of law enforcement in the state. The foundation shall also assist law enforcement to determine the kind and quality of scientific, technological, and management processes and equipment which would improve the effectiveness of law enforcement operations.

14003. The foundation shall be governed and all of its corporate powers exercised by a board of directors, which shall consist of the following members appointed by the Governor, to serve at his pleasure, and confirmed by the Senate: a representative from the Department of Justice nominated by the Attorney General, a representative from the Department of the Youth Authority, a representative from the Department of Corrections, a representative nominated by the Judicial Council, a representative nominated by the State Bar of California, a representative from a district attorney's office appointed with the approval of the district attorney, one member of city police departments appointed with the approval of his chief of police, one member of the county sheriff's departments appointed with the approval of his sheriff, a faculty member of a college or university qualified in the subject of criminology or police science, two persons qualified in the field of research, development, and system technology, and four public members interested in the prevention and control of crime. The representatives from the Department of the Youth Authority and the Department of Corrections shall be nonvoting members of the board of directors.

14004. The Governor shall appoint the chairman of the board, and the board shall designate a vice chairman from among the appointed members, who shall serve at the pleasure of the board The chairman or his representative shall attend meetings of the California Council on Criminal Justice.

14005. The board of directors may adopt regulations for the foundation, and may appoint such officers and employees as it deems advisable and may fix their compensation and prescribe their duties.

14006. Members of the board of directors 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 under this title.

14007. No director, officer, or employee of the foundation shall be disqualified from holding any public office or employment, nor shall he forfeit any public office, by reason of his appointment under this title, notwithstanding any other provision of law to the contrary.

14008. The board of directors may elect an executive committee of not less than five members who, in intervals between meetings of the board, may transact such business of the foundation as the board may authorize from time to time. Unless otherwise provided by the regulations of the foundation, a majority of such committee shall constitute a quorum for the transaction of business and the acts of a majority of the members of the committee present at any meeting at which a quorum is present shall be deemed the acts of the committee.

14009. In furtherance of the purposes set forth in this title, the foundation shall have the following powers:

(a) Through contracts or other appropriate means, to foster and support scientific and technological research in this state in cooperation with the federal government, the state government, political subdivisions of the state, educational institutions, nonprofit institutions and organizations, business enterprises, and other persons concerned with scientific and technological research concerning the prevention and detection of crime.

(b) To identify, review, and evaluate research and development efforts applied to the prevention and detection of crime and the apprehension and treatment of criminals.

(c) To sponsor and conduct conferences and studies, collect and disseminate information, and issue periodic reports relating to scientific and technological research concerning the prevention and detection of crime.

(d) To retain and employ technical and other specialized consultants on a contract basis or otherwise.

(e) To receive, hold, invest, reinvest, and use, on behalf of the foundation and for any of its purposes, real property, personal property, and money, or any interest therein, and the income therefrom, either absolutely or in trust.

(f) To sue and be sued in the name of the foundation. Process in any action or proceeding shall be served in the manner provided by law.

(g) To have and use a corporate seal.

(h) To adopt rules and regulations, not inconsistent with law, governing any matters relating to the activities of the foundation.

(i) To have and exercise all powers necessary or convenient to effect any or all of the purposes of the foundation.

14010. Notwithstanding the provisions of any law or the provisions of any certificate of incorporation, charter, or other articles of organization, any corporation, association, or person may make contributions to the foundation. The foundation may accept grants from private sources if the board of directors unanimously approves each such grant.

14011. The foundation shall make an annual report to the Governor, the California Council on Criminal Justice, and the Legislature not later than the first day of March of each year.

14012. The foundation may by mutual agreement with any public agency undertake research and development projects for that agency.

14013. Nothing in this title shall be construed as authorizing the foundation to undertake direct operational law enforcement responsibilities.

14014. The foundation may utilize the resources of existing state agencies pursuant to agreements developed between the foundation and the agencies concerned.

14015. The Attorney General shall act as the legal counsel for the foundation.

14016. The foundation's budget shall be approved by the California Council on Criminal Justice before submission to the Legislature.

14017. The existence of the foundation shall terminate on the 61st day after adjournment of the 1971 Regular Session of the Legislature.

SEC. 3. There is hereby appropriated from the General Fund, in furtherance of crime prevention and control, the sum of one hundred thousand dollars ($100,000), in accordance with the following schedule:

| | |
|---|---|
| For support of the California Council on Criminal Justice | $50,000 |
| For support of the California Crime Technological Research Foundation | 50,000 |
| Total | $100,000 |

## CHAPTER 1662

*An act to amend Section 6580.1 of, to repeal Section 6580.2 of, and to add Section 6580.2 to, the Health and Safety Code, relating to elections in sanitary districts.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 6580.1 of the Health and Safety Code is amended to read:

6580.1. The election of officers may be consolidated with the direct primary election if the board of directors passes a resolution to that effect on or before the first day of August of the preceding odd-numbered year and states in the resolution those offices of director to be filled at the first consolidated election. The offices which may be filled at the first consolidated election in those districts whose general district elections are held pursuant to the Uniform District Election Law are those offices which would have expired on the last Friday of December of the year preceding the direct primary election and in all other

districts are those offices which would have expired in the year of the consolidated election or in the year next following. Upon a determination to consolidate pursuant to this section, the affected officers shall hold office until the first meeting of the board following the entry of the statement of the result of the consolidated election on the records of the board of supervisors or until the end of the terms for which they were elected, whichever is shorter. In the event this consolidation procedure is used then all other elective offices shall expire and be filled in the same manner at the next succeeding consolidated election. Any vacant office resulting from the operation of this provision shall be filled by appointment by the board.

If the election of directors is consolidated, and if there is to be but one person to be elected to the office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to the office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected. If a tie vote makes it impossible to determine which of two or more candidates has been elected, the governing board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated by the governing body. The governing body shall at that time and place determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election.

For such consolidated elections candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this section. Directors elected under the procedure provided in this section, except the first board of directors, shall take office at the first meeting of the board following the entry of the statement of the result of the consolidated election on the records of the board of supervisors. Elections held under this section at the time of the direct primary election and consolidated therewith shall be known as the general district election and each other election in a district holding elections under this section which may be held by authority of this law or the Elections Code or other law applicable thereto shall be known as a special district election.

The provisions of Chapter 4 (commencing with Section 23300) of Division 12 of Part 2 of the Elections Code shall apply to every consolidation under this section.

SEC. 2. Section 6580.2 of the Health and Safety Code is repealed.

SEC. 3. Section 6580.2 is added to the Health and Safety Code to read:

6580.2. An officer elected or appointed pursuant to Section 6580.1 shall hold office until the election or appointment and qualification of his successor.

A district which has determined to consolidate its general district elections with the direct primary election may thereafter determine to conduct its general district elections pursuant to the Uniform District Election Law. In such event, the district board shall, at any time on or before the 15th day of July of any odd-numbered year, adopt a resolution to that effect. A certified copy of said resolution shall be filed with the county clerk no later than the 20th day of July of said year. Thereafter, the terms of each elective officer shall be determined pursuant to Section 23505 of the Elections Code, and, commencing with the first Tuesday after the first Monday in November of said year, all subsequent general district elections shall be held in the time and manner set forth in the Uniform District Election Law.

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## CHAPTER 1663

*An act to amend Section 31248 of the Education Code, relating to fellowships for graduate study.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 31248 of the Education Code is amended to read:

31248. Awards shall be made for full-time graduate study, as defined by the institution which the student attends. Fellowship holders may receive an additional maximum income per academic year through teaching assistantships of three thousand four hundred dollars ($3,400) or two thousand five hundred dollars ($2,500) through other fellowships. Any income received through teaching assistantships or other fellowships in excess of such amounts shall be deducted from the basic stipend.

# CHAPTER 1664

*An act to add Section 24348.5 to the Revenue and Taxation Code, relating to bank and corporation taxation.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 24348.5, is added to the Revenue and Taxation Code, to read:

24348.5. (a) Notwithstanding the provisions of Section 24952, in the case of a state or federal savings and loan association, no gain or loss shall be recognized, and no debt shall be considered as becoming worthless or partially worthless, as a result of such organization having bid in at foreclosure, or having otherwise reduced to ownership or possession by agreement or process of law, any property which was security for the payment of any indebtedness.

(b) For purposes of Section 24348, any property acquired in a transaction with respect to which gain or loss to an organization was not recognized by reason of subdivision (a) shall be considered as property having the same characteristics as the indebtedness for which such property was security. Any amount realized by such organization with respect to such property shall be treated for purposes of this chapter as a payment on account of such indebtedness, and any loss with respect thereto shall be treated for purposes of this chapter as a bad debt to which the provisions of Section 24348 (relating to allowance of a deduction for bad debts) apply.

(c) The basis of any property to which subdivision (a) applies shall be the basis of the indebtedness for which such property was security (determined as of the date of the acquisition of such property) properly increased for costs of acquisition.

(d) The Franchise Tax Board shall prescribe such regulations as it may deem necessary to carry out the purposes of this section.

SEC. 2. The provisions of this act shall be applied with respect to foreclosures or other acquisitions occurring in income years beginning after December 31, 1967.

# CHAPTER 1665

*An act to add Chapter 6 (commencing with Section 4420) to Division 5 of Title 1 of the Government Code, relating to insurance in connection with public contracts.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Chapter 6 (commencing with Section 4420) is added to Division 5 of Title 1 of the Government Code, to read:

## CHAPTER 6. UNFAIR AND COERCIVE INSURANCE REQUIREMENTS

4420. No officer or employee of this state, or of any public agency as defined in Section 21615 of this code, 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.

4421. This chapter shall not prevent the exercise by such officer or employee on behalf of the state or such public agency or public authority of the right to approve the form, sufficiency, or manner of execution of the surety bonds or contracts of insurance furnished by the surety or insurance company selected by the bidder to underwrite said bonds or contracts of insurance.

4422. All provisions in any invitation for bids, or in any of the contract documents, in conflict with this chapter are

hereby declared to be contrary to the public policy of this state.

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## CHAPTER 1666

*An act to add Chapter 6.5 (commencing with Section 13600) to Division 7 of the Water Code, relating to state cooperation and participation with the federal government with respect to federal grants for construction of sewage treatment facilities.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Chapter 6.5 (commencing with Section 13600) is added to Division 7 of the Water Code, to read:

### CHAPTER 6.5. FEDERAL ASSISTANCE FOR SEWAGE TREATMENT FACILITIES

13600. It is the purpose of this chapter to provide authority to enable local governmental agencies and subdivisions of the state to receive the financial assistance available under the "Clean Water Restoration Act of 1966" (Public Law 89-753; 80 Stat. 1246).

The State Water Resources Control Board is "the appropriate state water pollution control agency" authorized to represent the state and its local governmental agencies and subdivisions in participating under the "Clean Water Restoration Act of 1966."

13601. The state board, in cooperation with the regional boards, shall survey the statewide need for sewage treatment facilities which will be required during the five-year period, January 1, 1968, to December 31, 1972, inclusive, to adequately protect the waters of the state for beneficial use. The state board may request a local public agency operating sewage treatment facilities to transmit to its regional board a report on the following:

1. A summary of the construction or improvement of its sewage treatment facilities and amounts expended therefor.

2. An estimate of its sewage treatment facility needs for the five-year period, January 1, 1968, to December 31, 1972, inclusive.

The state board shall review the information contained in the reports made by the local public agencies. The state board shall submit to the Legislature findings and conclusions as to the anticipated local, state, and federal financing necessary to provide the needed facilities for such period and shall advise the Legislature on the need for further surveys on or before the 60th calendar day of the 1968 Regular Session of the Legislature.

13602. The state board shall make no commitment or enter into any agreement pursuant to an exercise of authority under this chapter until it has determined that any money required to be furnished as the state's share of project cost is available for such purpose.

13603. The Governor may request the funds required to finance the state's share of project costs for each fiscal year through inclusion of the anticipated state's share in the annual Budget Bill. In no case, however, shall funds under this chapter be appropriated by the Legislature prior to 1968, nor until the findings of need have been reported and evaluated by the Legislature.

13604. The state board shall review and approve each sewage treatment project for which an application for a grant under the act has been made. The state board shall, in reviewing each project, determine whether such project is in conformity with statewide policies for control of water pollution and water quality and in conformity with policies with respect to water pollution control and water quality control adopted by regional water quality control boards, and shall certify that such project is entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

13605. All money appropriated by the Legislature for the state's share of the project costs shall be appropriated without regard to fiscal years, or shall augment an appropriation without regard to fiscal years.

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## CHAPTER 1667

*An act to repeal Sections 1320.2, 1671, 2416, 2618, 2689, 2763, 2879, 2964, 3108, 4355, 4522, 4884, 5107, 5587, 5674, 6007, 6597, 6780, 7124.1, 7211.1, 7432, 7554, 7710, 8027, 8656, 8782, 8958, 10177.6, and 10562.6 of the Business and Professions Code; to amend Section 40 of the Civil Code; to repeal Sections 388, 388.2, 388.4, and 388.6 of the Elections Code; to add Division 4 (commencing with Section 4000), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), Division 7 (commencing with Section 7000), Division 8 (commencing with Section 8000), and Sections 14021 and 14150.4 to, to amend Section 9034 of, and to repeal Division 5 (commencing with Section*

*4000), Division 6 (commencing with Section 5000), Division 6.5 (commencing with Section 7900), Division 7 (commencing with Section 8000), and Division 8 (commencing with Section 9000) of, the Welfare and Institutions Code, relating to mental health services.*

[Approved by Governor September 2, 1967 Filed with Secretary of State September 2, 1967 ]

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

SECTION 1. Section 1320.2 of the Business and Professions Code is repealed.

SEC. 2. Section 1671 of the Business and Professions Code is repealed.

SEC. 3. Section 2416 of the Business and Professions Code is repealed.

SEC. 4. Section 2618 of the Business and Professions Code is repealed.

SEC. 5. Section 2689 of the Business and Professions Code is repealed.

SEC. 6. Section 2763 of the Business and Professions Code is repealed.

SEC. 7. Section 2879 of the Business and Professions Code is repealed.

SEC. 8. Section 2964 of the Business and Professions Code is repealed.

SEC 9. Section 3108 of the Business and Professions Code is repealed.

SEC. 10. Section 4355 of the Business and Professions Code is repealed.

SEC. 11. Section 4522 of the Business and Professions Code is repealed.

SEC. 12. Section 4884 of the Business and Professions Code is repealed.

SEC. 13. Section 5107 of the Business and Professions Code is repealed.

SEC. 14. Section 5587 of the Business and Professions Code is repealed.

SEC. 15. Section 5674 of the Business and Professions Code is repealed.

SEC 16. Section 6007 of the Business and Professions Code is repealed.

SEC. 17. Section 6597 of the Business and Professions Code is repealed.

SEC. 18. Section 6780 of the Business and Professions Code is repealed.

SEC. 19. Section 7124.1 of the Business and Professions Code is repealed.

SEC. 20. Section 7211.1 of the Business and Professions Code is repealed.

SEC. 21. Section 7432 of the Business and Professions Code is repealed.

SEC. 22. Section 7554 of the Business and Professions Code is repealed.

SEC. 23. Section 7710 of the Business and Professions Code is repealed.

SEC. 24. Section 8027 of the Business and Professions Code is repealed.

SEC. 25. Section 8656 of the Business and Professions Code is repealed.

SEC. 26. Section 8782 of the Business and Professions Code is repealed.

SEC. 27. Section 8958 of the Business and Professions Code is repealed.

SEC. 28. Section 10177.6 of the Business and Professions Code is repealed.

SEC. 29. Section 10562.6 of the Business and Professions Code is repealed.

SEC. 30. Section 40 of the Civil Code is amended to read:

40. Subject to Sections 1561 and 1910 of the Probate Code, and subject to Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code after his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, nor delegate any power or waive any right, until his restoration to capacity. But a certificate from the medical superintendent or resident physician of the insane asylum to which such person may have been committed, showing that such person had been discharged therefrom, cured and restored to reason, shall establish the presumption of legal capacity in such person from the time of such discharge.

SEC. 30.5. Section 40 of the Civil Code is amended to read:

40. Subject to Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code after his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, nor delegate any power or waive any right, until his restoration to capacity. But a certificate from the medical superintendent or resident physician of the insane asylum to which such person may have been committed, showing that such person had been discharged therefrom, cured and restored to reason, shall establish the presumption of legal capacity in such person from the time of such discharge.

SEC. 31. Section 388 of the Elections Code is repealed.

SEC. 32. Section 388.2 of the Elections Code is repealed.

SEC. 33. Section 388.4 of the Elections Code is repealed.

SEC. 34. Section 388.6 of the Elections Code is repealed.

SEC. 34.5. Division 5 (commencing with Section 4000) of the Welfare and Institutions Code is repealed.

SEC. 35. Division 4 (commencing with Section 4000) is added to the Welfare and Institutions Code, to read:

# DIVISION 4. STATE DEPARTMENT OF MENTAL HYGIENE

## PART 1. GENERAL PROVISIONS

### CHAPTER 1. GENERAL ADMINISTRATION, POWERS AND DUTIES OF THE DEPARTMENT

4000. There is in the Health and Welfare Agency a Department of Mental Hygiene.

4001. As used in this part:

(a) "Department" means the Department of Mental Hygiene.

(b) "Director" means the Director of Mental Hygiene.

4002. As used in this code and in every other statute heretofore, or hereafter enacted, the term "Department of Institutions" shall be construed to refer to and mean the Department of Mental Hygiene.

4003 As used in this code and in every other statute heretofore, or hereafter enacted, the term "Director of Institutions" shall be construed to refer to and mean the Director of Mental Hygiene.

4004. The department is under the control of an executive officer known as the Director of Mental Hygiene.

4005. The director shall be appointed by and hold office at the pleasure of the Governor. The director shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars ($25,000), conditioned upon the faithful performance of his duties.

4006. With the approval of the Department of General Services and for use in the furtherance of the work of the State Department of Mental Hygiene, the director may accept any or all of the following:

(a) Grants of interest in real property.

(b) Grants of money received by this state from the United States, the expenditure of which is administered through or under the direction of any department of this state.

(c) Gifts of money from public agencies or from persons, organizations, or associations interested in scientific, educational, charitable, or mental hygiene fields.

4007. The department may expend in accordance with law all money now or hereafter made available for its use, or for the administration of any statute administered by the department.

4008. The department may expend money in accordance with law for the actual and necessary travel expenses of officers and employees of the department who are authorized to absent themselves from the State of California on official business.

For the purposes of this section and of Sections 11030 and 11032 of the Government Code, the following constitutes, among other purposes, official business for said officers and employees for which such officers and employees shall be allowed actual and necessary traveling expenses when incurred either in or out of this state upon approval of the Governor and Director of Finance:

Attending meetings of any national association or organization having as its principal purpose the study of matters relating to administration of institutions, and care and treatment of mentally ill, mentally retarded, or other institutional patients; conferring with officers or employees of the United States or other states, relative to problems of institutional care, treatment or management; and obtaining information therefrom, which information would be useful in the conduct of institutional, psychiatric, medical, and similar activites of the Department of Mental Hygiene.

4009. The department may appoint and fix the compensation of such employees as it deems necessary, subject to the laws governing civil service.

4010. Except as in this chapter otherwise prescribed, the provisions of the Government Code relating to state officers and departments shall apply to the Department of Mental Hygiene.

4011. Unless otherwise indicated in this code, the Department of Mental Hygiene has jurisdiction over the execution of the laws relating to the care, custody, and treatment of mentally disordered persons, mentally retarded persons and other incompetent persons, as provided in this code.

As used in this part, "establishment" and "institution" include every hospital, sanitarium, boarding home, or other place receiving or caring for any of the persons enumerated in this section.

4012. The Department of Mental Hygiene may:

(a) Disseminate educational information relating to the prevention, diagnosis and treatment of mental disorder, or mental retardation.

(b) Upon request, advise all public officers, organizations and agencies interested in the mental health of the people of the state.

(c) Conduct such educational and related work as will tend to encourage the development of proper mental hygiene facilities throughout the state.

The department may organize, establish and maintain community mental hygiene clinics for the prevention, early diagnosis and treatment of mental retardation or disorder. Such clinics may be maintained only for persons not requiring institutional care, who voluntarily seek the aid of such clinics. Such clinics may be maintained at the locations in the communities of the state designated by the director, or at any institution under the jurisdiction of the department designated by the director.

The department may establish such rules and regulations as are necessary to carry out the provisions of this section. This section does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

4013. Within the limits of available funds it is the intent of the Legislature that the department shall require all personnel working directly with patients to complete, within a reasonable time after the effective date of this section or after their appointments, whichever is later, or have completed, training with regard to the care and treatment of such patients.

4014. In order to assure an adequate number of qualified psychiatrists, physicians and surgeons, psychologists, nurses, social workers, laboratory and other technicians, and ancillary workers, the department shall negotiate with any or all of the following: the University of California, the state colleges, the junior colleges, private universities and colleges, and public and private hospitals, and arrange such affiliations or make such contracts for educational or training programs and award training grants or stipends as may be necessary. Arrangements may be made in the hospitals and clinics operated by the department for the clinical experience essential to such educational and training programs, and positions in the department as interns and residents may be established.

4015. The department shall examine all public and private hospitals, boarding homes or other establishments whether or not licensed by the department, receiving or caring for the mentally disordered, the mentally retarded, or other incompetent persons, and shall inquire into their methods of government, and the treatment of all patients thereof.

It shall examine the condition of all buildings, grounds, or other property connected with such institutions, and shall inquire into all matters relating to their management. For the purposes specified in this paragraph the department shall have free access to the grounds, buildings, and books and papers of any such institution, and every person connected therewith shall give such information and afford such facilities for examination or inquiry as the department requires.

4016. In every place in which a mentally disordered person may be involuntarily held, the persons confined therein shall be permitted access to and examination or inspection of copies of this code.

4017. The department shall have the authority to contract with the administrator of the county mental health plan appointed under Part 1 (commencing with Section 5000) of Division 5 of this code to provide services under the county plan.

4018. The department shall adopt, for all hospitals, rules and regulations, books of record for all departments, blank forms for clinical records and other purposes, questions for examination of employees, and questions for examination, in all the different branches of medicine and surgery and especially in the subject of diseases affecting the brain and nervous

system, of all officers and interns, for the special use of the hospital.

4019. The department shall keep in its office a record showing the following facts concerning each patient in custody in the several institutions:

(a) Name, residence, sex, age, place of birth, occupation, and civil condition.

(b) The date of commitment, and the respective names and residences of

(1) The person who made the petition for commitment,

(2) The persons who signed the medical certificate, and

(3) The judge who made the order of commitment.

(c) The name of the institution in which he is confined, the date of his admission thereto, and whether he was brought from his home or from another institution. If he was brought from another institution, the record shall show also the name of that institution, by whom he was brought therefrom and his condition.

(d) If discharged, the date of discharge, to whose care he was committed, and whether recovered, improved, unimproved, or not in need of commitment.

(e) If transferred, for what cause the transfer was made, and to what institution.

(f) If dead, the date and cause of death.

(g) Such information as may be required by the State Citizens Advisory Council established in Part 1 of Division 5 of this code.

4020. The department may inquire into the manner in which any mentally retarded or other persons subject to commitment, not confined in a state hospital, is cared for and maintained. If, in its judgment any such person is not properly and suitably cared for, it may apply to a judge of the superior court for an order to commit him to a state hospital under the provisions of this code. Such order shall not be made unless the judge finds, and certifies in the order, that such person is not properly or suitably cared for by his relatives or guardian, or that it is dangerous to the public to allow him to be cared for and maintained by such relatives or guardian.

4021. When the department has reason to believe that any person held in custody as mentally disordered, mentally retarded or incompetent is wrongfully deprived of his liberty, or is cruelly or negligently treated, or that inadequate provision is made for the skillful medical care, proper supervision, and safekeeping of any such person, it may ascertain the facts. It may issue compulsory process for the attendance of witnesses and the production of papers, and may exercise the powers conferred upon a referee in a superior court. It may make such orders for the care and treatment of such person as it deems proper.

Whenever the department undertakes an investigation into the general management and administration of any establish-

ment or place of detention for the mentally disordered, mentally retarded, or other incompetents, it may give notice of such investigation to the Attorney General, who shall appear personally or by deputy, to examine witnesses in attendance and to assist the department in the exercise of the powers conferred upon it in this code.

The department may at any time cause the patients of any county or city almshouse to be visited and examined, in order to ascertain if mentally disordered or incompetent persons are kept therein.

4022. When complaint is made to the department regarding the officers or management of any hospital or institution for the mentally disordered, mentally retarded or other incompetents, or regarding the management of any person detained therein or regarding any person held in custody as mentally disordered or incompetent, the department may, before making an examination regarding such complaint, require it to be made in writing and sworn to before an officer authorized to administer oaths. On receipt of such a complaint, sworn to if so required, the department shall direct that a copy of the complaint be served on the authorities of the hospital or institution or the person against whom complaint is made, together with notice of the time and place of the investigation, as the department directs.

4023. The department shall biennially report to the Legislature its acts and proceedings for the two years ending the June 30th last preceding, with such facts regarding the management of the institution for the mentally disordered and mentally retarded and other incompetents as it deems necessary for the information of the Legislature, including estimates of the amounts required for the use of such hospitals and the reasons therefor, and including annual reports for each state hospital.

4024. The department shall report to the Legislature the prospective needs for the care, custody, and treatment of the mentally disordered and mentally retarded and other incompetent persons, together with its recommendations therefor. For the purpose of preventing overcrowding, it shall recommend such plans for the development of additional medical facilities as, in its judgment, will best meet the requirements of such persons.

## CHAPTER 2. ADMINISTRATION OF STATE INSTITUTIONS

### Article 1. Jurisdiction and General Government

4100. The department has jurisdiction over the following institutions:

Agnews State Hospital.

Atascadero State Hospital.

Camarillo State Hospital.
DeWitt State Hospital.
Fairview State Hospital.
Mendocino State Hospital.
Modesto State Hospital.
Napa State Hospital.
Metropolitan State Hospital.
Pacific State Hospital.
Patton State Hospital.
Porterville State Hospital.
Sonoma State Hospital.
Stockton State Hospital.
The Langley Porter Neuropsychiatric Institute.
Neuropsychiatric Institute, U.C.L.A. Medical Center.

4101. Except as otherwise specifically provided elsewhere in this code, all of the institutions under the jurisdiction of the Department of Mental Hygiene shall be governed by uniform rule and regulation of the Department of Mental Hygiene and all of the provisions of this chapter shall apply to the conduct and management of such institutions.

4102. Each state hospital is a corporation.

4103. Each such corporation may acquire and hold in its corporate name by gift, grant, devise, or bequest property to be applied to the maintenance of the patients of the hospital and for the general use of the corporation.

4104. All lands necessary for the use of state hospitals except those acquired by gift, devise, or purchase, shall be acquired by condemnation as lands for other public uses are acquired.

The terms of every purchase shall be approved by the Department of Mental Hygiene. No public street or road for railway or other purposes, except for hospital use, shall be opened through the lands of any state hospital, unless the Legislature by special enactment consents thereto.

4105. Notwithstanding the provisions of Section 4104, the Director of General Services, with the consent of the Department of Mental Hygiene, may grant rights-of-way for road purposes over and across state property comprising the site of the Sonoma State Hospital, upon such terms and conditions as the Director of General Services may deem to be for the best interests of the state.

4106. The Director of General Services shall grant to the County of San Bernardino under such terms, conditions, and restrictions as he deems to be for the best interests of the state, the necessary easements and rights-of-way for all purposes of a

public road on the Patton State Hospital property. The right-of-way shall be across, along, and upon the following described property:

The east 40 feet of the east one-half of the northwest one-quarter of Section 32, Township 1 North, Range 3 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California.

4107. The Director of General Services shall transfer to the Department of Public Works of the State of California under such terms, conditions and restrictions as he deems to be for the best interests of the state, the necessary easements and right-of-way for all purposes of a state highway on the Agnews State Hospital property. The right-of-way shall be across, along and upon the following described property:

All that real property in the County of Santa Clara, State of California, described as:

A portion of that certain 118-acre parcel of land, situate in the Rancho Rincon de Los Esteros, described in the Deed of Trust recorded in Book 687, at page 50, Official Records of Santa Clara County, more particularly described as follows:

Commencing at the northwesterly corner of said Parcel; thence along the Southerly line of the existing State highway in Santa Clara County, Road IV-SCL-113-A, N. 74°49'08" E., 2018.23 feet; thence N. 14°33'52" W., 33.00 feet to the center line of said State highway; thence along said center line N. 74°49'08" E., 1117.32 feet to the general easterly line of said Parcel; thence along last said line S. 15°10'52" E., 95.00 feet, from a tangent that bears N. 81°39'12" W., along a curve to the left with a radius of 203.99 feet, through an angle of 76°23'40", an arc length of 271.99 feet and S. 21°57'08" W., 68.90 feet to a line parallel with and distant 83.00 feet southerly measured radially from the "$A_3$" Line of the Department of Public Works Survey for the State freeway in Santa Clara County Road IV-SCL-113-A; thence along said parallel line from a tangent that bears S. 77°03'12" W., along a curve to the left with a radius of 3917.00 feet, through an angle of 2°14'04", an arc length of 152.76 feet and S. 74°49'08" W., 1746.04 feet; thence S. 73°01'07" W., 704.53 feet to a line parallel with and distant 275.00 feet easterly, at right angles from the general westerly line of aforesaid 118 Acre parcel of land; thence along last said parallel line S. 6°22'52" E., 250.30 feet; thence S. 9°08'55" W., 556 89 feet; thence S. 5°26'26" E., 253.18 feet; thence S. 14°31'51" E., 176.27 feet to the general Southerly line of said Parcel; thence along said general Southerly line N. 89°37'51" W., 72.44 feet to the aforesaid general Westerly line of said Parcel; thence along last said line N. 14°31'51" W., 527.64 feet, and N. 6°22'52" W., 843.44 feet to the point of commencement.

Containing 17.216 acres, more or less in addition to 0.846 of an acre more or less within the adjoining public way.

This transfer shall be for the purposes of a freeway and the grantor shall release and relinquish to the Department of

Public Works any and all abutter's rights of access, appurtenant to the Agnews State Hospital's remaining property, in and to said freeway, over and across the courses described above with lengths of 152.76 feet, 1746.04 feet, 704.53 feet and 250.30 feet, and over and across the northerly 206.89 feet of the course described above with the length of 556.89 feet.

The bearings and distances used in the above description are on the California Co-ordinate System, Zone 3.

4108. Notwithstanding Section 4104 of the Welfare and Institutions Code, the Director of General Services with the consent of the Department of Mental Hygiene, may grant a right-of-way for road purposes to the City of Stockton over and along a portion of the Stockton State Hospital property adjacent to Harding Way upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interests of the state.

The Director of General Services under the same conditions may grant a right-of-way for road purposes to the County of Orange over a portion of the Fairview State Hospital property adjacent to Harbor Boulevard.

4109. The Department of Mental Hygiene has general control and direction of the property and concerns of each state hospital. The department shall:

(a) Take care of the interests of the hospital, and see that its purpose and its bylaws, rules, and regulations are carried into effect, according to law.

(b) Establish such bylaws, rules, and regulations as it deems necessary and expedient for regulating the duties of officers and employees of the hospital, and for its internal government, discipline, and management.

(c) Maintain an effective inspection of the hospital.

4110. The medical superintendent shall make triplicate estimates, in minute detail, as approved by the Department of Mental Hygiene, of such supplies, expenses, buildings, and improvements as are required for the best interests of the hospital, and for the improvement thereof and of the grounds and buildings connected therewith. These estimates shall be submitted to the Department of Mental Hygiene, which may revise them. The department shall certify that it has carefully examined the estimates, and that the supplies, expenses, buildings, and improvements contained in such estimates, as approved by it, are required for the best interests of the hospital. The department shall thereupon proceed to purchase such supplies, make such expenditures, or conduct such improvements or buildings in accordance with law.

4111. The state hospitals may manufacture supplies and materials necessary or required to be used in any of the state hospitals which can be economically manufactured therein. The necessary cost and expense of providing for and conducting the manufacture of such supplies and materials shall be paid in the same manner as other expenses of the hospitals.

No hospital shall enter into or engage in manufacturing any supplies or materials unless permission for the same is obtained from the Department of Mental Hygiene. If, at any time, it appears to the department that the manufacture of any article is not being or cannot be economically carried on at a state hospital, the department may suspend or stop the manufacture of such article, and on receipt of a certified copy of the order directing the suspension or stopping of such manufacture, by the medical superintendent, the hospital shall cease from manufacturing such article.

4112. All money belonging to the state and received by state hospitals from any source, except appropriations, shall, at the end of each month, be deposited in the State Treasury, to the credit of the General Fund. This section shall not apply to the funds known as the industrial or amusement funds.

4113. The state hospitals and the officers thereof shall make such financial statements to the Controller as the Controller requires.

4114. The authorities for the several hospitals shall furnish to the Department of Mental Hygiene the facts mentioned in Section 4019 of this code and such other obtainable facts as the department from time to time requires of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital shall, within 10 days after the admission of any person thereto, cause an abstract of the medical certificate and order on which such person was received and a list of all property, books, and papers of value found in the possession of or belonging to such person to be forwarded to the office of the department, and when a patient is discharged, transferred, or dies, the superintendent or person in charge shall within three days thereafter, send the information to the office of the department, in accordance with the form prescribed by it.

4115. The department may permit, subject to such conditions and regulations as it may impose, any religious or missionary corporation or society to erect a building on the grounds of any state hospital for the holding of religious services. Each such building when erected shall become the property of the state and shall be used exclusively for the benefit of the patients and employees of the state hospital.

4116. The department may establish and supervise under its rules and regulations training schools or courses for employees of the department or of state institutions under its jurisdiction.

4117. Whenever a trial is had of any person charged with escape or attempt to escape from a state hospital under the provisions of Section 6330, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any person confined in a state hospital, whenever a hearing is had on a petition under Section 1026a of the Penal Code or Section 7361 of this code for the release of a person confined in a state hospital, and whenever a person confined in a state

hospital is tried for any crime committed therein, the county clerk of the county in which such trial or hearing is had must make out a statement of all costs incurred by the county for investigation and other preparation for the trial or hearing, and the actual trial or hearing, all costs of maintaining custody of the patient and transporting him to and from the hospital, and costs of appeal, which statement shall be properly certified by a judge of the superior court of such county and sent to the Department of Mental Hygiene for its approval. After such approval, the department shall cause the amount of such costs to be paid out of the money appropriated for the support of the state hospital, to the county treasurer of the county where such trial or hearing was had.

4118. The Department of Mental Hygiene shall cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are confined in, admitted, or committed to any state hospital.

4119. The Department of Mental Hygiene shall investigate and examine all nonresident persons who are confined in, admitted, or committed to any state hospital and shall cause such persons, when found to be nonresidents as defined in this chapter, to be promptly and humanely returned under proper supervision to the states in which they have legal residence. The department may defer such action by reason of a patient's medical condition.

For the purpose of facilitating the prompt and humane return of such persons the Department of Mental Hygiene may enter into reciprocal agreements with the proper boards, commissions, or officers of other states or political subdivision thereof for the mutual exchange or return of such persons confined in, admitted, or committed to any state hospital in one state whose legal residence is in the other, and it may in such reciprocal agreements vary the period of residence as defined in this chapter to meet the requirements or laws of the other states.

The department may give written permission for the return of any resident of this state confined in a public institution in another state, corresponding to any state hospital for the mentally disordered or to any state home for the mentally retarded of this state. When a resident is returned to this state pursuant to this chapter, he may be admitted as a voluntary patient to any institution of the department as designated by the Director of Mental Hygiene. If he is mentally disordered and is a possible immediate danger to others or to himself or he is gravely disabled, he may be detained and given care and services in accordance with the provisions of Part 1 (commencing with Section 5000) of Division 5, or, if he is a person subject to judicial commitment, he may be committed in accordance with the law.

4120. In determining residence for purposes of being entitled to hospitalization in this state and for purposes of returning patients to the states of their residence, an adult

person who has lived continuously in this state for a period of one year and who has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state shall be deemed to be a resident of this state. A minor is entitled to hospitalization in this state if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for the purposes of this section, and such minor shall be eligible for hospitalization in this state as a mentally disordered person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transferred to the state of residence of the parent or guardian in accordance with the applicable provisions of this code. Time spent in a public institution for the care of the mentally disordered or mentally retarded or on leave of absence therefrom shall not be counted in determining the matter of residence in this or another state.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States.

4121. All expenses incurred in returning such persons to other states shall be paid by this state, the person or his relatives, but the expense of returning residents of this state shall be borne by the states making the returns.

The cost and expense incurred in effecting the transportation of such nonresident persons to the states in which they have residence shall be advanced from the funds appropriated for that purpose, or, if necessary, from the money appropriated for the care of delinquent, or mentally disordered, mentally retarded or incompetent persons upon vouchers approved by the State Board of Control.

4122. The Department of Mental Hygiene, when it deems it necessary, may, under conditions prescribed by the director, transfer any patients of a state institution under its jurisdiction to another such institution. Transfers of patients of state hospitals shall be made in accordance with the provisions of Section 7300.

Transfer of a conservatee shall only be with the consent of the conservator.

The expense of any such transfer shall be paid from the moneys available by law for the support of the department or for the support of the institution from which the patient is transferred. Liability for the care, support, and maintenance of a patient so transferred in the institution to which he has been transferred shall be the same as if he had originally been committed to such institution. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state for care, support,

and maintenance of any such patients and which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

4123. The Director of Mental Hygiene may authorize the transfer of persons from any institution within the department to any institution authorized by the federal government to receive such person.

4124. The Department of Mental Hygiene shall send to the Department of Veterans Affairs whenever requested a list of all persons who have been patients for six months or more in each state institution within the jurisdiction of the department and who are known to have served in the armed forces of the United States.

4125. The superintendent of any state institution under the jurisdiction of the Department of Mental Hygiene may deposit any funds of patients in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit or investment only may mingle the funds of any patient with the funds of other patients. The superintendent may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. He may expend the moneys in any such fund for the education or entertainment of the patients of the institution.

4126. Whenever any patient in any state institution subject to the jurisdiction of the Department of Mental Hygiene dies, and any personal funds or property of such patient remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative all money and other personal property of such decedent remaining in the custody or possession of the superintendent thereof shall be held by him for a period of one year from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent.

Upon the expiration of said one-year period, any money remaining unclaimed in the custody or possession of the superintendent shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said one-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the superintendent, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the superintendent at public auction, or upon a sealed bid basis, and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of the decedent. If he deems it expedient to do so, the superintendent may accumulate the property of several decedents and sell the property in such lots as he may determine, provided that he makes a determination as to each decedent's share of the proceeds;

(c) If any personal property of the decedent is not salable at public auction, or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the superintendent may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraph (a), (b), or (c) hereof, shall be delivered by the superintendent to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

4127. Whenever any patient in any state institution subject to the jurisdiction of the Department of Mental Hygiene escapes, or is discharged or is on leave of absence from such institution, and any personal funds or property of such patient remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money and other intangible personal property of such patient, other than deeds, contracts, or assignments, remaining in the custody or possession of the superintendent thereof shall be held by him for a period of seven years from the date of such escape, discharge, or leave of absence, for the benefit of such patient or his successors in interest; provided, however, that unclaimed personal funds or property of minors on leave of absence may be exempted from the provisions of this section during the period of their minority and for a period of one year thereafter, at the discretion of the Director of Mental Hygiene.

Upon the expiration of said seven-year period, any money and other intangible property, other than deeds, contracts, or assignments, remaining unclaimed in the custody or possession of the superintendent shall be subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of one year from the date of such escape, discharge, or parole:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of such patient;

(b) All tangible personal property other than money, remaining unclaimed in his custody or possession, shall be sold by the superintendent at public auction, or upon a sealed-bid basis, and the proceeds of the sale shall be held by him subject to the provisions of Section 4125 of this code, and subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure. If he deems it expedient to do so, the superintendent may accumulate the property of several patients and may sell the property in such lots as he may determine, provided that he makes a determination as to each patient's share of the proceeds;

If any tangible personal property covered by this section is not salable at public auction or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the superintendent to be offered for sale at public auction or upon a sealed-bid basis at a later date, the superintendent may order it destroyed.

4128. Before any money or other personal property or documents are delivered to the State Treasurer, State Controller, or public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 4126, and before any personal property or documents are delivered to the public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 4127, of this code, notice of said intended disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the owner or deceased owner, at least 30 days prior to such disposition. The notice prescribed by this section need not specifically describe each item of property to be disposed of.

4129. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Section 4126 or of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure, the superintendent shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, and the name and last known address of the owner or deceased owner.

4130. When any personal property has been destroyed as provided in Sections 4126 or 4127, no suit shall thereafter be maintained by any person against the state or any officer thereof for or on account of such property.

4131. Notwithstanding any other provision of law, the provisions of Sections 4126 and 4127 shall apply (1) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions thereof if they had been in effect on the date of such delivery; and (2) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of the

1961 amendments to said sections, as said provisions would have applied on the date of such delivery if, on said date of delivery, the provisions of Chapter 1809, Statutes of 1959, had not been in effect.

4132. It is hereby declared that the provisions of this code reflect the concern of the Legislature that mentally disordered persons are to be regarded as patients to be provided care and treatment and not as inmates of institutions for the purposes of secluding them from the rest of the public.

Whenever any provision of this code heretofore or hereafter enacted uses the term "inmate," it shall be construed to mean "patient."

4133. Any day hospitals and rehabilitation centers maintained by the Department of Mental Hygiene shall be subject to the provisions of this code pertaining to the admission, transfer, and discharge of patients at the state hospitals, except that all admissions to such facilities shall be subject to the approval of the chief officer thereof. Charges for services rendered to patients at such facilities shall be in accordance with schedules fixed by the director. The liability for such charges shall be governed by the provisions of Article 4 (commencing at Section 7275) of Chapter 3 of Division 7 of this code, except at the hospitals for the mentally retarded such liability shall be governed by the provisions of Article 4 (commencing at Section 6715) of Chapter 3 of Part 2 of Division 6 of this code and Chapter 4 (commencing with Section 7500) of Division 7 of this code.

### Article 2. Boards of Trustees and Other Advisory Boards

4200 Each state hospital under the jurisdiction of the Department of Mental Hygiene has a board of five trustees appointed by the Governor with the consent of the Senate, each of whom holds office for the term of four years. Any trustee is subject to removal by the Governor, upon good cause shown and opportunity to be heard.

4201 No person is eligible to the office of trustee who is a member of the Legislature or an elective state officer, and if he becomes such after his appointment his office is thereby vacated. If any trustee fails to attend three consecutive regular meetings of the board, unless he is ill or absent from the state, his office becomes vacant, and the board, by resolution, shall so declare, and shall forthwith transmit a certified copy of such resolution to the Governor.

4202. The boards of trustees of the several state hospitals are advisory boards to the Department of Mental Hygiene with power of visitation and advice only in respect to the conduct of the several institutions The members of the boards shall serve without compensation other than necessary expenses incurred in the performance of duty. They shall meet once every three months and at such other times as they are

called by the head of the department. No expenses shall be allowed except in connection with meetings so held.

4203. The Langley Porter Neuropsychiatric Institute and the Neuropsychiatric Institute, U.C.L.A. Medical Center, shall each have an advisory board of five persons appointed by the Governor, each of whom holds office for the term of four years. Such boards shall advise and consult with the department with respect to the conduct of the several facilities. The members of the board shall serve without compensation other than necessary expenses incurred in attendance at meetings. Such boards shall be concerned with those phases of operations which are the responsibility of the Department of Mental Hygiene. They shall not be concerned with reference to affairs of the university.

### Article 3. Officers and Employees

4300. As used in this article, "resident officers" of a state hospital means:

(a) The superintendent and medical director.

(b) The assistant physicians.

(c) The business manager.

(d) The superintendent of nursing services.

4301. The director may appoint, define the duties of, and, subject to the laws governing civil service, fix the salary of, the superintendent and medical director of each institution mentioned in Section 4100.

4302. The Department of Mental Hygiene may determine what employees shall be employed at any state hospital according to the needs and objects of the hospital.

4303. At the request of one or more employees of any institution within the department, the department may, at its option, provide, within the grounds of the institution, meals and subsistence for employees who do not reside within the institution, or living facilities, meals and subsistence for employees who reside within the institution. The department may make a reasonable charge for all facilities taken by or furnished to employees, to be determined by the State Board of Control, and to be deducted from the salary of the employee. No employee shall be compelled to eat his meals at the institution, nor shall he be charged for meals or facilities not furnished to or taken by him. No employee shall be discriminated against in any manner whatsoever because he elects to eat his meals outside the institution grounds.

The provisions of this section apply only to those employees who are not officers and who receive gross salaries as specified by the salary scales of the State Personnel Board, and do not apply to those employees who are officers of an institution or who receive a cash salary plus maintenance for self and family as provided by the salary scales of the State Personnel Board.

4304. Salaries of resident and other officers and wages of employees shall be included in the estimates and paid in the same manner as other expenses of state hospitals.

4305. As often as a vacancy occurs in a hospital under the control of the Director of Mental Hygiene, he shall appoint, as provided in Section 4301 of this code, a superintendent and medical director, who shall be a well-educated physician, of good moral character, who has had not less than three years' experience in the care and treatment of the mentally disordered or of the mentally retarded.

The appointment of any person as superintendent and medical director shall not be effective for any purpose unless such person has passed, or shall pass, an examination touching his qualifications in all the different branches of medicine and surgery, and especially in diseases affecting the brain and nervous system.

4306. The medical superintendent of each hospital is its chief executive officer. In his absence or sickness the first assistant physician or other medical officer designated by the medical superintendent, or by the Department of Mental Hygiene, shall perform his duties and be subject to his responsibilities.

4307. The full title of the chief executive officer of each hospital is "superintendent and medical director" of the hospital. Wherever in this code or in any provision of statute heretofore or hereafter enacted "superintendent" and "medical superintendent" are used in reference to the chief executive officer of a state hospital for the mentally disordered or mentally retarded, they shall be construed to refer to and mean the "superintendent and medical director" of the institution.

4308. Subject to the rules and regulations established by the department, the medical superintendent has general superintendence of all buildings, together with their furniture, fixtures, and stock, and the direction and control of all persons therein. He shall personally maintain an effective supervision and inspection of all parts of the hospital, and generally direct the care and treatment of the patients. He shall visit all the wards for patients at such times as the rules and regulations of the hospital prescribe.

4309. The medical superintendent shall:

(a) Give such orders and instructions as he deems best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses, and shall maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital.

(b) Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or forms provided for that purpose. He shall see that all such accounts and records are

fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the department within 30 days thereafter.

(c) Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence, and occupation, the date of his reception, by whom he was brought and by what authority, on whose petition he was committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying him.

4310. The superintendent shall also exercise general supervision over the kitchen and all food supplies, and see that the food is properly cooked and served.

4311. The superintendent and medical director may establish rules and regulations, not inconsistent with law, for the government of the hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of the superintendent, be ejected from the buildings and premises of the hospital.

4312. The business manager, under the direction of the superintendent, shall:

(a) Be accountable for the careful keeping and economical use of all furniture;

(b) Make all purchases for the hospital according to the provisions of Section 4111 of this code, receive the same, and preserve the original bills and receipts therefor, and keep full and accurate accounts of all such proceedings;

(c) Have control of the farm, livestock, grounds, and all outside departments;

(d) Receive all supplies and see that they are the articles ordered and of proper weight and quality, and reject those that are below the standard adopted;

(e) Receive all products of farm and garden, and keep true and accurate books and accounts of such products and all supplies and materials under his supervision.

4313. The business manager, under the direction of the superintendent, shall preserve the peace in the hospital buildings and grounds and arrest or cause the arrest and appearance before the nearest magistrate for examination, of all persons who attempt to commit or have committed a public offense thereon.

4314. The business manager of each state hospital may with the approval of the superintendent, designate, in writing, as a police officer, one or more of the bona fide employees of the hospital. The business manager and each such police officer have all the powers of peace officers. Such police officers shall receive no compensation as such and the additional duties arising therefrom shall become a part of the duties of their regular positions. When and as directed by the business manager or the superintendent, such police officers shall enforce the rules and regulations of the hospital, preserve peace and order on the premises thereof, and protect and preserve the property of the state.

4315. The Director of Mental Hygiene may set aside and designate any space on the grounds of any of the institutions under the jurisdiction of the department that is not needed for other authorized purposes, to enable such institution to establish and maintain therein a store or canteen for the sale to or for the benefit of patients of the institution of candies, cigarettes, sundries and other articles. The stores shall be conducted subject to the rules and regulations of the department and the rental, utility and service charges shall be fixed as will reimburse the institutions for the cost thereof. The stores when conducted under the direction of a superintendent shall be operated on a nonprofit basis but any profits derived shall be deposited in the benefit fund of each such institution as set forth in Section 4125.

Before any store is authorized or established, the Director of Mental Hygiene shall first determine that such facilities are not being furnished adequately by private enterprise in the community where it is proposed to locate the store, and the director may hold public hearings or cause surveys to be made to determine the same.

The Director of Mental Hygiene may rent such space to private individuals, for the maintenance of a store or canteen at any of the said institutions upon such terms and subject to such regulations as are approved by the Department of General Services, in accordance with the provisions of Section 13109 of the Government Code. The terms imposed shall provide that the rental, utility and service charges to be paid shall be fixed so as to reimburse the institution for the cost thereof and any additional charges required to be paid shall be deposited in the benefit fund of such institution as set forth in Section 4125

SEC. 36. Division 5 (commencing with Section 5000) is added to the Welfare and Institutions Code, to read:

## DIVISION 5. COMMUNITY MENTAL HEALTH SERVICES

## PART 1. CALIFORNIA MENTAL HEALTH ACT OF 1967

### CHAPTER 1. GENERAL PROVISIONS

5000. This part shall be known and may be cited as the Lanterman-Petris-Short Act.

5001. The provisions of this part shall be construed to promote the legislative intent as follows:

(a) To end the inappropriate, indefinite, and involuntary commitment of mentally disordered persons and persons impaired by chronic alcoholism, and to eliminate legal disabilities;

(b) To provide prompt evaluation and treatment of persons with serious mental disorders or impaired by chronic alcoholism;

(c) To guarantee and protect public safety;

(d) To safeguard individual rights through judicial review;

(e) To provide individualized treatment, supervision, and placement services by a conservatorship program for gravely disabled persons;

(f) To encourage the full use of all existing agencies, professional personnel and public funds to accomplish these objectives and to prevent duplication of services and unnecessary expenditures.

5002. Mentally disordered persons and persons impaired by chronic alcoholism may no longer be judicially committed.

Mentally disordered persons shall receive services pursuant to this part. Persons impaired by chronic alcoholism may receive services pursuant to this part if they elect to do so pursuant to Article 3 (commencing with Section 5225) of Chapter 3 of this part.

Epileptics may no longer be judicially committed.

This part shall not be construed to repeal or modify laws relating to the commitment of mentally disordered sex offenders, narcotic drug addicts, habit-forming drug addicts, mentally abnormal sex offenders, mentally retarded persons, juvenile court wards, and mentally disordered criminal offenders.

5003. Nothing in this part shall be construed in any way as limiting the right of any person to make voluntary application at any time to any public or private agency or practitioner for mental health services, either by direct application in person, or by referral from any other public or private agency or practitioner.

5005. Unless specifically stated, a person complained against in any petition or proceeding initiated by virtue of the provisions of this part shall not forfeit any legal right or suffer legal disability by reason of the provisions of this part.

5006 The provisions of this part shall not be construed to deny treatment by spiritual means through prayer in accordance with the tenets and practices of a recognized church or denomination for any person detained for evaluation or treatment who desires such treatment, or to a minor if his parent, guardian, or conservator desires such treatment

5007. Unless otherwise indicated, the provisions of this part shall not be construed to apply retroactively to terminate court commitments of mentally ill persons or inebriates under preexisting law.

5008. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Evaluation" consists of multidisciplinary professional analyses of a person's medical, psychological, social, financial, and legal conditions as may appear to constitute a problem. Persons providing evaluation services shall be properly qualified professionals and may be full-time employees of an agency providing evaluation services or may be part-time employees or may be employed on a contractual basis.

(b) "Court-ordered evaluation" means an evaluation ordered by a superior court pursuant to Article 2 (commencing with Section 5200) or by a municipal court pursuant to Article 3 (commencing with Section 5225) of Chapter 3 of this part;

(c) "Intensive treatment" consists of such hospital and other services as may be indicated. Intensive treatment shall be provided by properly qualified professionals and carried out in facilities qualifying for reimbursement under the California medical assistance program set forth in Chapters 7 and 8 of Part 3 of Division 9 of this code, or under Title XVIII of the Federal Social Security Act and regulations thereunder. Nothing in this part shall be construed to prohibit an intensive treatment facility from also providing 72-hour treatment and evaluation;

(d) "Referral" is referral of persons by each agency or facility providing intensive treatment or evaluation services to other agencies or individuals. The purpose of referral shall be to provide for continuity of care, and may include, but need not be limited to, informing the person of available services, making appointments on the person's behalf, discussing the person's problem with the agency or individual to which the person has been referred, appraising the outcome of referrals, and arranging for personal escort and transportation when necessary. Referral shall be considered complete when the agency or individual to whom the person has been referred accepts responsibility for providing the necessary services. All persons shall be advised of available precare services which prevent initial recourse to hospital treatment or aftercare services which support adjustment to community living following hospital treatment. Such services may be provided through county welfare departments, State Department of Social Welfare, Department of Mental Hygiene, Short-Doyle programs or other local agencies.

Each agency or facility providing evaluation services shall maintain a current and comprehensive file of all community services, both public and private. Such files shall contain current agreements with agencies or individuals accepting referrals, as well as appraisals of the results of past referrals;

(e) "Professional counseling" consists of an interview or series of interviews within a brief period of time, conducted by qualified professionals, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the person or the family. The interview or interviews may be conducted in the home of the person or family, or on an inpatient or outpatient basis with such therapy, or other services, as may be appropriate. Crisis intervention may, as appropriate, include suicide prevention, psychiatric, welfare, psychological, legal, or other social services;

(f) "Prepetition screening" is a screening of all petitions for court-ordered evaluation as provided in Article 2 (com-

mencing with Section 5200) of Chapter 3, consisting of a professional review of all petitions; an interview with the petitioner and, whenever possible, the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, to assess the problem and explain the petition; when indicated, efforts to persuade the person to receive, on a voluntary basis, comprehensive evaluation, crisis intervention, referral, and other services specified in this part.

(g) "Conservatorship investigation" means investigation by an agency appointed by the superior court of cases in which conservatorship is recommended pursuant to Chapter 4 (commencing with Section 5350) of this part;

(h) "Gravely disabled" means a condition in which a person, as a result of mental disorder or impairment by chronic alcoholism, is unable to provide for his basic personal needs for food, clothing, or shelter;

(i) "Peace officer" means a general peace officer as described in the first paragraph of Section 817 of the Penal Code;

(j) "Postcertification treatment" means an additional period of treatment pursuant to Article 5 (commencing with Section 5300) of Chapter 3 of this part.

5009. Persons receiving evaluation or treatment under this part shall be given a choice of physician or other professional person providing such services, in accordance with the policies of each agency providing services, and within the limits of available staff in the agency.

## Chapter 2. Involuntary Treatment

### Article 1. Detention for Evaluation and Treatment

5150. When any person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled, a peace officer, or other professional person designated by the county may, upon reasonable cause, take the person into custody and place him in a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the officer's or professional person's attention, and stating that the officer or professional person believes as a result of his personal observations that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled

5151. If the facility for 72-hour treatment and evaluation admits the person, it may detain him for evaluation and treatment for a period not to exceed 72 hours, excluding Saturdays, Sundays, and holidays if evaluation and treatment services are not available on those days.

If in the judgment of the professional person in charge of the facility providing evaluation and treatment, or his desig-

nee, the person can be properly served without being detained, he shall be provided evaluation, crisis intervention, or other inpatient or outpatient services on a voluntary basis.

5152. Each person admitted to a facility for 72-hour treatment and evaluation under the provisions of this chapter shall receive an evaluation as soon after he is admitted as possible and shall receive such treatment and care as his condition requires for the full period that he is held. Such person shall be released before 72 hours have elapsed if, in the opinion of the professional person in charge of the facility, or his designee, the person no longer requires evaluation or treatment.

Persons who have been detained for evaluation and treatment shall be released, referred for further care and treatment on a voluntary basis, certified for intensive treatment, or recommended for conservatorship pursuant to this part as required.

5153. Whenever possible, officers charged with apprehension of persons pursuant to this article shall dress in plain clothes and travel in marked official vehicles other than peace officer vehicles.

5154. Neither the professional person in charge of the facility providing 72-hour treatment and evaluation, nor his designee, shall be held civilly or criminally liable for any action by a person released at or before the end of 72 hours pursuant to this article.

### Article 2. Court-Ordered Evaluation for Mentally Disordered Persons

5200. Any person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, may be given an evaluation of his condition under a superior court order pursuant to this article. The provisions of this article shall be carried out with the utmost consideration for the privacy and dignity of the person for whom a court-ordered evaluation is requested.

5201. Any individual may apply to the person or agency designated by the county for a petition alleging that there is in the county a person who is, as a result of mental disorder a danger to others, or to himself, or is gravely disabled, and requesting that an evaluation of the person's condition be made.

5202. The person or agency designated by the county shall prepare the petition and all other forms required in the proceeding, and shall be responsible for filing the petition. Before filing the petition, the person or agency designated by the county shall request the person or agency designated by the county to provide prepetition screening to determine whether there is probable cause to believe the allegations. The screening shall also determine whether the person will agree voluntarily to receive professional counseling services or an evaluation in his own home or in a facility designated by the county. Follow-

ing prepetition screening, the person or agency designated by the county shall file the petition if satisfied that there is probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled, and that the person will not voluntarily receive evaluation or professional counseling.

If the petition is filed, it shall be accompanied by a report containing the findings of the person or agency designated by the county to provide prepetition screening. The prepetition screening report submitted to the superior court shall be confidential and shall be subject to the provisions of Section 5328.

5203. Any individual who seeks a petition for court-ordered evaluation knowing that the person for whom the petition is sought is not, as a result of mental disorder, a danger to himself, or to others, or gravely disabled is guilty of a misdemeanor or may be held liable in civil damages by the person against whom the petition was sought.

5204. The petition for a court-ordered evaluation shall contain the following:

(a) The name and address of the petitioner and his interest in the case.

(b) The name of the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, and, if known to the petitioner, the address, age, sex, marital status, and occupation of the person.

(c) The facts upon which the allegations of the petition are based.

(d) The name of, as a respondent thereto, every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, and the address of each such person, if known to the petitioner.

(e) Such other information as the court may require.

5205. The petition shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

---

| | |
|---|---|
| The People of the State of California<br>Concerning<br>_____and<br>_____<br>Respondents | No._____<br>Petition for<br>Evaluation |

---

_____, residing at _____ (tel. _____), being duly sworn, alleges: That there is now in the county, in the City or Town of _____, a person named _____, who resides at _____, and who is, as a result of mental disorder:

(1) A danger to others.
(2) A danger to himself.
(3) Gravely disabled as defined in subdivision (*l*) of Section 5008 of the Welfare and Institutions Code (Strike out all inapplicable classifications).

That the person is _____ years of age; that ___he is _____ (sex); and that ___he is _____ (single, married, widowed, or divorced); and that _____ occupation is _____.

That the facts upon which the allegations of the petition are based are as follows: That ___he, at _____ in the county, on the _____ day of _____, 19___, _____

_____

_____

That petitioner's interest in the case is _____

_____

That the person responsible for the care, support, and maintenance of the person, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents)

Wherefore, petitioner prays that evaluation be made to determine the condition of _____, alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled.

_____
Petitioner

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

_____, County Clerk
By_____Deputy

5206. Whenever it appears, by petition pursuant to this article, to the satisfaction of a judge of a superior court that a person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled, and the person has refused or failed to accept evaluation voluntarily, the judge shall issue an order notifying the person to submit to an evaluation at such time and place as designated by the judge. The order for an evaluation shall be served as provided in Section 5208 by a peace officer, counselor in mental health, or a court-appointed official. The person shall be permitted to remain in his home or other place of his choosing prior to the time of evaluation, and shall be permitted to be accompanied by one or more of his relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. If the person to receive evaluation so requests, the individual or individuals who accompany him may be present during the evaluation.

If the person refuses or fails to appear for evaluation after having been properly notified, a peace officer, counselor in mental health, or a court-appointed official shall take the person into custody and place him in a facility designated by the

county as a facility for treatment and evaluation. The person shall be evaluated as promptly as possible, and shall in no event be detained longer than 72 hours under the court order, excluding Saturdays, Sundays, and holidays if treatment and evaluation services are not available on those days.

Persons who have been detained for evaluation shall be released, referred for care and treatment on a voluntary basis, certified for intensive treatment, or recommended for conservatorship pursuant to this part, as required.

5207. The order for evaluation shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

| | |
|---|---|
| The People of the State of California<br>Concerning<br>_____and<br>_____<br>Respondents | No. _____<br>Order<br>for<br>Evaluation<br>or Detention |

The People of the State of California to _____
_____ :
(Peace officer, counselor in mental health, or
other official appointed by the court)

The petition of _____ has been presented this day to me, a Judge of the Superior Court for the County of _____, State of California, from which it appears that there is now in this county, at _____, a person by the name of _____, who is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled.

Now, therefore, you are directed to notify _____ to submit to an evaluation at _____ on the _____ day of _____, 19 __ , at ___ o'clock ___m.

_____ shall be permitted to be accompanied by one or more of his relatives, friends, an attorney, a personal physician, or other professional or religious advisor.

The individual or individuals who accompany _____ may be present during the evaluation if so requested by _____.

* Provision for Detention for Evaluation

If the person fails or refuses to appear for evaluation when notified by order of this court, you are hereby directed to detain said _____ or cause him to be detained at _____ for a period no longer than 72 hours, excluding Saturdays, Sundays, and holidays if evaluation services are not available on those days, for the purposes of evaluation.

I hereby direct that a copy of this order together with a copy of the petition be delivered to said person and his representative, if any, at the time of his notification; and I further

authorize the service of this order at any hour of the day or night.

Witness my hand, this _____ day of _____, 19___.

_____

Judge of the Superior Court

* This paragraph is applicable only if the person to be evaluated fails or refuses to appear for evaluation after having been properly notified.

Return of Order

I hereby certify that I received the above order for the evaluation of _____ and on the _____ day of _____, 19___, personally served a copy of the order and of the petition on _____ and the professional person in charge of the _____, a facility for treatment and evaluation, or his designee.

Dated: _____, 19___.

_____

Signature and Title

5208. As promptly as possible, a copy of the petition and the order for evaluation shall be personally served on the person to be evaluated and the professional person in charge of the facility for treatment and evaluation named in the order, or his designee.

If the person to be evaluated fails to appear for an evaluation at the time designated in the order, the professional person in charge, or his designee, shall notify the person who served the order to have the person to be evaluated detained pursuant to the order.

5210. At the time a person is taken into custody for evaluation, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in possession of the person's personal property, the person taking him into custody shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by the person. The person taking him into custody shall then furnish to the court a report generally describing the person's property so preserved and safeguarded and its disposition, in substantially the form set forth in Section 5211; except that if a responsible relative or the guardian or conservator of the person is in possession of the person's property, the report shall include only the name of the relative or guardian or conservator and the location of the property, whereupon responsibility of the person taking him into custody for such property shall terminate.

As used in this section, "responsible relative" includes the spouse, parent, adult child, or adult brother or sister of the person, except that it does not include the person who applied for the petition under this article.

5211. The report of a patient's property required by Section 5210 to be made by the person taking him into custody for evaluation shall be in substantially the following form:

Report of Officer

I hereby report to the Superior Court for the County of _____ that the personal property of the person apprehended, described generally as _____ was preserved and safeguarded by _____ (Insert name of person taking him into custody, responsible relative, guardian, or conservator).

That property is now located at _____.

Dated: _____19___.

_____

Signature and Title

5212. Whenever possible, persons charged with service of orders and apprehension of persons pursuant to this article shall dress in plain clothes and travel in marked official vehicles other than peace officer vehicles.

5213. If, upon evaluation, the person is found to be in need of treatment because he is, as a result of mental disorder, a danger to others, or to himself, or is gravely disabled, he may be detained for treatment in a facility for 72-hour treatment and evaluation. In no event shall he be detained longer than 72 hours from the time of evaluation or detention for evaluation, excluding Saturdays, Sundays and holidays if treatment services are not available on those days.

## Article 3. Court-Ordered Evaluation for Persons Impaired by Chronic Alcoholism

5225. Whenever a criminal defendant who appears, as a result of chronic alcoholism, to be a danger to others, to himself, or to be gravely disabled, is brought before any municipal court judge, the judge may order the defendant's evaluation under conditions set forth in this article if that county has provided facilities for the evaluation and treatment of persons impaired by chronic alcoholism.

5226. Such a criminal defendant must be advised of his right to immediately continue with the criminal proceeding, and it is the duty of the judge to apprise the defendant fully of his option and of the consequences which will occur if the defendant chooses the evaluation procedures. The defendant shall have a right to legal counsel at the proceedings at which the choice is made.

5227. The order for evaluation shall be in substantially the following form:

In the Municipal Court of the State of California
for the County of _____

| | |
|---|---|
| The People of the State of California<br>Concerning<br>_____and<br>_____<br>Respondents | No. _____<br>Order<br>for<br>Evaluation |

The People of the State of California to_____
_____:

(Professional person in charge of the facility providing evaluation for persons impaired by chronic alcoholism)

_____ has appeared before me and appears to be, as a result of chronic alcoholism, a danger to himself, or others, or gravely disabled.

Now, therefore, you are directed to evaluate _____ at _____ on the _____ day of _____, 19___, at ___ o'clock ___m.

Witness my hand, this _____ day of _____, 19___.

_____
Judge of the Superior Court

Return of Order

I hereby certify that I received the above order for the evaluation of _____ and on the _____ day of _____, 19___, personally served a copy of the order and of the petition on the professional person in charge of the _____, a facility for treatment and evaluation, or his designee.

Dated: _____, 19___.

_____
Signature and title

5228. As promptly as possible, a copy of the order for evaluation shall be personally served on the person to be evaluated and the professional person in charge of the facility for treatment and evaluation named in the order, or his designee.

5229. At the time a person is ordered to undergo evaluation, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in possession of the person's personal property, the person shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by the person. The person responsible for taking him to the evaluation facility shall then furnish to the court a report generally describing the person's property so preserved and safeguarded and its disposition, in substantially the form set forth in Section 5211; except that if a responsible relative

or the guardian or conservator of the person is in possession of the person's property, the report shall include only the name of the relative or guardian or conservator and the location of the property, whereupon responsibility of the person responsible for taking him to the evaluation facility for such property shall terminate.

As used in this section, "responsible relative" includes the spouse, parent, adult child, or adult brother or sister of the person.

5230. The report of a patient's property required by Section 5210 to be made by the person responsible for taking him to the evaluation facility shall be in substantially the following form:

Report of Officer

I hereby report to the Superior Court for the County of _____ that the personal property of the person detained for evaluation, described generally as _____ was preserved and safeguarded by _____ (Insert name of person taking him into custody, responsible relative, guardian, or conservator).

That property is now located at _____.

Dated: _____ 19___.

_____

Signature and title

5231. If, upon evaluation, the person is found to be in need of treatment because he is, as a result of impairment by chronic alcoholism, a danger to others, or to himself, or is gravely disabled, he may be detained for treatment in a facility for 72-hour treatment and evaluation. In no event shall he be detained longer than 72 hours from the time of evaluation or detention for evaluation, excluding Saturdays, Sundays and holidays if treatment services are not available on those days.

Article 4. Certification for Intensive Treatment

5250. If a person detained for 72 hours under the provisions of Article 1 (commencing with Section 5150) of this chapter, or under court order for evaluation pursuant to Article 2 (commencing with Section 5200) or Article 3 (commencing with Section 5225) of this chapter has received an evaluation, he may be certified for not more than 14 days of involuntary intensive treatment under the following conditions:

(a) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and has found the person is, as a result of mental disorder or impairment by chronic alcoholism, a danger to others, or to himself, or gravely disabled.

(b) The person has been advised of, but has not accepted, voluntary treatment.

(c) The facility providing intensive treatment is equipped and staffed to provide treatment, is designated by the county to provide intensive treatment, and agrees to admit the person.

5251. For a person to be certified under this article, a notice of certification must be signed by the professional person in charge of the agency or facility providing evaluation services and a physician, if possible a board-qualified psychiatrist, who participated in the evaluation.

If the professional person in charge is the physician who performed the medical evaluation, the second person to sign may be another physician unless one is not available, in which case, a psychologist, a social worker, or a registered nurse who participated in the evaluation shall sign the notice of certification.

5252. A notice of certification is required for all involuntary 14-day intensive treatment, and shall be in substantially the following form:

To the Superior Court of the State of California
for the County of _____

The authorized agency providing evaluation services in the County of _____ has evaluated the condition of:

Name _____
Address _____
Age _____
Sex _____
Marital status _____
Religious affiliation _____

We the undersigned allege that the above-named person is, as a result of mental disorder or impairment by chronic alcoholism:

(1) A danger to others.

(2) A danger to himself.

(3) Gravely disabled as defined in subdivision (*l*) of Section 5008 of the Welfare and Institutions Code.

[Strike out all inapplicable classifications.]

The above-named person has been informed of this evaluation, and has been advised of, but has not been able or willing to accept referral to, the following services:

_____
_____
_____
_____
_____

We, therefore certify the above-named person to receive intensive treatment for no more than 14 days beginning this _____ day of _____, 19___, in the intensive treatment
(Month)
facility herein named _____.

We hereby state that a copy of this notice has been delivered this day to the above-named person and that he has been informed of his legal right to a judicial review by habeas corpus, and this term has been explained to him.

---

(Date)

Signed_____

Signed _____

Countersigned _____

Representing Intensive Treatment Facility

5253. Copies of the certification notice, as set forth in Section 5252, shall be personally delivered to the person certified, and a copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of Mental Hygiene.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

5254. Certification shall be for no more than 14 days, and shall terminate as soon as, in the opinion of the professional person in charge of the facility providing intensive treatment or his designee, the individual has improved sufficiently for him to leave, or is prepared to accept voluntary treatment on referral or to remain in the facility providing intensive treatment on a voluntary basis.

Except as otherwise indicated in the conservatorship provisions of Chapter 4 (commencing with Section 5350) of this part, or in the provisions of Article 6 (commencing with Section 5300) of this chapter, a facility providing intensive treatment must release all involuntary patients at the end of 14 days who do not agree to receive further treatment on a voluntary basis.

5255. Any individual who is knowingly and willfully responsible for detaining a person for more than 14 days in violation of the provisions of Section 5254 is liable to that person in civil damages.

5256. Whenever a county designates two or more facilities to provide intensive treatment and the person to be treated, his family, conservator or guardian expresses a preference for one such facility, the professional person certifying the person to be treated shall attempt, if administratively possible, to comply with the preference.

5257. Neither the professional person in charge of the facility providing intensive treatment, nor his designee, shall be held civilly or criminally liable for any action by a person released at or before the end of 14 days pursuant to this article.

5258. Nothing in this article shall prohibit the professional person in charge of an intensive treatment facility, or his des-

ignee, from permitting a person certified for intensive treatment to leave the facility for short periods during the person's involuntary intensive treatment.

Article 4. Judicial Review

5275. Every person detained by certification for intensive treatment shall have a right to a hearing by writ of habeas corpus for his release after he or his attorney has made a request to leave to any member of the staff of a facility providing intensive treatment.

Any member of the staff to whom a request for release is made shall promptly provide the person for his signature or mark a copy of the form set forth below. The member of the staff shall fill in his own name and the date, and, if the person signs by mark, shall fill in the person's name, and shall then deliver the completed copy to the professional person in charge, or his designee, notifying him of the request. As soon as possible, the person notified shall inform the superior court for the county in which the facility is located of the request for release.

Any person who intentionally violates this section is guilty of a misdemeanor.

The form for a request for release shall be substantially as follows:

(Name of the facility) _____ day of _____ 19___

I, _____ (member of the staff), have today received a request for release from the undersigned patient.

_____

(Signature or mark of patient)

5276. Judicial review shall be in the superior court for the county in which the facility providing intensive treatment is located. The person requesting to be released shall be informed of his right to counsel; and, if he so elects, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and, if he so elects, to represent him in the proceedings.

The court shall grant a writ of habeas corpus or order an evidentiary hearing within one judicial day after the petition is filed. If the court finds that the person requesting release is not, as a result of mental disorder or impairment by chronic alcoholism, a danger to others, or to himself, or gravely disabled, he shall be released immediately.

5277. A finding under Section 5276 shall not be admissible in evidence in any civil or criminal proceeding.

5278. Individuals authorized under this part to detain a person for 72-hour treatment and evaluation pursuant to Article 1 (commencing with Section 5150), to certify a person for intensive treatment pursuant to Article 4 (commencing

with Section 5250), or to file a petition for postcertification treatment for a person pursuant to Article 6 (commencing with Section 5300) shall not be held either criminally or civilly liable for exercising such authority in accordance with the law.

### Article 6. Postcertification Procedures for Imminently Dangerous Persons

5300. At the expiration of the 14-day period of intensive treatment a person who has threatened, attempted or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and who, as a result of mental disorder or impairment by chronic alcoholism, presents an imminent threat of substantial physical harm to others, may be confined for further treatment pursuant to the provisions of this article for an additional period not to exceed 90 days.

5301. At any time after the first week of the 14-day intensive treatment period the professional person in charge of the facility, or his designee, may petition the superior court for an order requiring such person to undergo an additional period of treatment on the grounds set forth in Section 5300. Such petition shall summarize the facts which support the contention that the person falls within the standard set forth in Section 5300. The petition shall be supported by affidavits describing in detail the behavior which indicates that the person falls within the standard set forth in Section 5300.

Copies of the petition for postcertification treatment and the affidavits in support thereof shall be served upon the person named in the petition on the same day as they are filed with the clerk of the superior court.

The petition shall be in the following form:

### Petition for Postcertification Treatment of Imminently Dangerous Person

I, _____, (the professional person in charge of the _____ intensive treatment facility) (the designee of _____ the professional person in charge of the _____, treatment facility) in which _____ has been under treatment pursuant to the certification by _____ and _____, hereby petition the court for an order requiring _____ to undergo an additional period of treatment, not to exceed 90 days, pursuant to the provisions of Article 6 (commencing with Section 5300) of Chapter 3 of Part 1 of Division 5 of the Welfare and Institutions Code. Such petition is based upon my allegation that _____ has threatened, attempted or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation, and that, by reason of mental disorder or impairment by chronic alcoholism (strike out whichever is inapplicable), presents an imminent threat of substantial physical harm to others.

My allegation is based upon the following facts:

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This allegation is supported by the accompanying affidavits signed by _____.

Signed_____

5302. At the time of filing of a petition for postcertification treatment the court shall appoint the public defender or other attorney to represent the person named in the petition. The attorney shall advise the person of his rights in relation to the proceeding and shall represent him before the court.

5303. The court shall conduct the proceedings on the petition for postcertification treatment within four judicial days of the filing of the petition and in accordance with constitutional guarantees of due process of law and the procedures required under Section 13 of Article 1 of the Constitution of the State of California.

If at the time of the hearing the person named in the petition requests a jury trial, such trial shall commence within 10 judicial days of the filing of the petition for postcertification treatment unless the person's attorney requests a continuance, which may be for a maximum of 10 additional judicial days.

Until a final decision on the merits by the trial court, but for a period which shall in no event exceed an additional 14 calendar days, the person named in the petition shall continue to be treated in the intensive treatment facility until released by order of the superior court having jurisdiction over the action, or unless the petition for postcertification treatment is withdrawn.

5304. If the court finds that the person named in the petition for postcertification treatment has threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and, as a result of mental disorder or impairment by chronic alcoholism, presents an imminent threat of substantial physical harm to others, it shall remand him to the custody of the Department of Mental Hygiene or to a facility designated by the county for a further period of intensive treatment not to exceed 90 days from the date of court judgment. Said person shall be released from involuntary treatment at the expiration of 90 days unless the superintendent or professional person in charge of the hospital in which he is confined files a new petition for postcertification treatment on the grounds that he has threatened, attempted, or actually inflicted physical harm to another during his period of postcertification treatment, and he is a person who, by reason of mental disorder or impairment by chronic alcoholism, presents an imminent threat

of substantial physical harm to others. Such new petition for postcertification treatment shall be filed in the superior court wherein the original petition for postcertification treatment was filed.

5305. Nothing in this article shall prohibit the superintendent or professional person in charge of the hospital in which the person is being involuntarily treated from releasing him from treatment prior to the expiration of 90 days when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer constitutes an imminent threat of substantial physical harm to others.

Whenever the superintendent or professional person in charge of a hospital providing postcertification treatment pursuant to this article releases a person prior to the expiration of 90 days, the superintendent or professional person in charge shall notify the court which remanded the person for treatment.

5306. Neither the superintendent nor the professional person in charge of the hospital providing 90-day involuntary treatment shall be held civilly or criminally liable for any action by a person released at or before the end of 90 days pursuant to this article.

### Article 7. Legal and Civil Rights of Persons Involuntarily Detained

5325. Each person involuntarily detained for evaluation or treatment under provisions of this part shall have the following rights, a list of which shall be prominently posted in English and Spanish in all facilities providing such services and otherwise brought to his attention by such additional means as the Director of Mental Hygiene may designate by regulation:

(a) To wear his own clothes; to keep and use his own personal possessions including his toilet articles; and to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases.

(b) To have access to individual storage space for his private use.

(c) To see visitors each day.

(d) To have reasonable access to telephones, both to make and receive confidential calls.

(e) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(f) To refuse shock treatment.

(g) To refuse lobotomy.

(h) Other rights, as specified by regulation.

5326. A person's rights under Section 5325 may be denied for good cause only by the professional person in charge of the facility or his designee. Denial of an involuntarily detained person's rights shall in all cases be entered into the person's treatment record.

Information pertaining to a denial of rights contained in the person's treatment record shall be made available, on request, to the person, his attorney, his conservator or guardian, or the State Department of Mental Hygiene, Members of the State Legislature, or a member of a county board of supervisors.

5327. Every person involuntarily detained under provisions of this part or under certification for intensive treatment or postcertification treatment in any public or private mental institution or hospital, including a conservatee placed in any medical, psychiatric or nursing facility, shall be entitled to all rights set forth in this part and shall retain all rights not specifically denied him under this part.

5328. All information and records obtained in the course of providing services under this part to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings;

(b) When the recipient of services 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 in confidence by members of a patient's family;

(c) To the extent necessary to make claims on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a ward or conservatee, and his guardian 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 in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must 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 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 unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

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Signed

(f) To the courts, as necessary to the administration of justice.

5329. Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards set by the Director of Mental Hygiene in regulations approved by the citizens advisory council.

5330. Any person may bring an action against an individual who has willfully and knowingly released confidential information or records concerning him in violation of the provisions of this chapter, for the greater of the following amounts:

(1) Five hundred dollars ($500).

(2) Three times the amount of actual damages, if any, sustained by the plaintiff.

Any person may, in accordance with the provisions of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, bring an action to enjoin the release of confidential information or records in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

It is not a prerequisite to an action under this section that the plaintiff suffer or be threatened with actual damages.

5331. No person may be presumed to be incompetent because he or she has been evaluated or treated for mental disorder or chronic alcoholism, regardless of whether such evaluation or treatment was voluntarily or involuntarily received. Any person who leaves a public or private mental health facility following evaluation or treatment for mental disorder or chronic alcoholism, regardless of whether that evaluation or treatment was voluntarily or involuntarily received, shall be given a statement of California law as stated in this section.

Any person who received voluntary or involuntary treatment under former provisions of this code relating to inebriates or the mentally ill shall, upon request to the state hospital superintendent or the Department of Mental Hygiene, be granted a certificate of competency unless the person is found to be incompetent under proceedings for conservatorship or guardianship.

## CHAPTER 3. CONSERVATORSHIP FOR GRAVELY DISABLED PERSONS

5350. A conservator of the person, of the estate, or of the person and the estate may be appointed for any person who is

gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

The procedure for establishing conservatorship under this chapter shall be the same as that provided in Division 5 (commencing with Section 1701) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) Appointment of a conservator under this part shall be subject to the list of priorities in Section 1753 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(c) When a gravely disabled person already has a guardian or conservator, the superior court under this chapter may retain that guardian or conservator, or remove him and appoint a new guardian or conservator under the provisions of this chapter.

(d) The person for whom conservatorship is sought shall have the right to demand a jury trial on the issue whether he is gravely disabled. This right shall also apply in subsequent proceedings to reestablish conservatorship.

5351. In each county or counties acting jointly under the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the superior court shall designate the probation officer, the mental health counselor, the public guardian, or other approved officer to provide conservatorship inevstigation as set forth in this chapter.

5352. When the professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment determines that a person in his care is gravely disabled as a result of mental disorder or impairment by chronic alcoholism and is unwilling to accept, or incapable of accepting, treatment voluntarily, he may recommend conservatorship to the officer providing conservatorship investigation.

If the officer providing conservatorship investigation concurs with the recommendation, he shall petition the superior court, pursuant to Probate Code Section 1754, to establish conservatorship.

Where temporary conservatorship is indicated, the fact shall be alternately pleaded in the petition and filed under Probate Code Section 1754. The officer providing conservatorship investigation shall act as the temporary conservator.

The procedure for the establishment of conservatorship shall be pursuant to Probate Code Section 1751.

5353. A temporary conservator under this chapter shall determine what arrangements are necessary to provide the person with food, shelter, and care pending the determination of conservatorship. He shall give preference to arrangements which allow the person to return to his home, family or friends. If necessary, the temporary conservator may require

the person to be detained in a facility providing intensive treatment pending the determination of conservatorship. Any person so detained shall have the same right to judicial review set forth in Article 5 (commencing with Section 5275) of Chapter 3 of this part.

Temporary conservatorship shall continue pending a hearing to consider the appointment of a conservator, the trial and any appeals, but in no event longer than a year. The powers of the temporary conservator shall be those granted in the decree, but in no event may they be broader than the powers which may be granted a conservator.

5354. The officer providing conservatorship investigation shall investigate all available alternatives to conservatorship and shall recommend conservatorship to the court only if no suitable alternatives are available. The report to the court shall be comprehensive and shall contain all relevant aspects of the person's medical, psychological, financial, family, vocational and social condition, and shall contain all available information concerning the person's real and personal property. The facilities providing intensive treatment or comprehensive evaluation shall disclose any records or information which may facilitate the investigation. If the officer providing conservatorship investigation recommends against conservatorship, he shall set forth all alternatives available. A copy of the report shall be transmitted to the individual who originally recommended conservatorship, to the person or agency, if any, recommended to serve as conservator, and to the person recommended for conservatorship.

5354.5. The person recommended to serve as conservator shall promptly notify the officer providing conservatorship investigation whether he will accept the position if appointed. If notified that the person or agency recommended will not accept the position if appointed, the officer providing conservatorship investigation shall promptly recommend another person to serve as conservator.

5355. If the conservatorship investigation results in a recommendation for conservatorship, the recommendation shall designate the most suitable person or state or local agency or county officer or employee designated by the county to serve as conservator. No person, nor agency, shall be designated as conservator whose interests, activities, obligations or responsibilities are such as to compromise his or their ability to represent and safeguard the interests of the conservatee. Nothing in this section shall be construed to prevent the Department of Mental Hygiene from serving as guardian pursuant to Section 7284.

No bond shall be required of a public officer or employee appointed to serve as conservator.

5356. The report of the officer providing conservatorship investigation shall contain his recommendations concerning the powers to be granted to, and the duties to be imposed upon the conservator, and the legal disabilities to be imposed upon the

conservatee. The report to the court shall also contain an agreement signed by the person or agency recommended to serve as conservator certifying that the person or agency is able and willing to serve as conservator.

5357. All conservators shall have the general powers specified in Section 1852 of the Probate Code and such additional powers specified in Section 1853 of the Probate Code as the court may designate. The report shall set forth which, if any, of the additional powers it recommends. The report shall also recommend for or against the imposition of each of the following disabilities on the proposed conservatee:

(a) The right to possess and carry firearms.

(b) The privilege of possessing a license to operate a motor vehicle. If the report recommends against this right and if the court follows the recommendation, the agency providing conservatorship investigation shall, upon the appointment of the conservator, so notify the Department of Motor Vehicles.

(c) The right to enter into contracts. The officer may recommend against the person having the right to enter specified types of transactions or transactions in excess of specified money amounts.

5358. A conservator appointed pursuant to this chapter shall have the right, if specified in the court order, to place his conservatee in a medical, psychiatric, nursing, or other state-licensed facility, or a state hospital, county hospital, hospital operated by the Regents of the University of California, or a United States government hospital; or in addition to any of the foregoing, in cases of chronic alcoholism, to a county alcoholic treatment center. If the conservatee is not to be placed in his own home or the home of a relative, first priority shall be to placement in a suitable facility as close as possible to his home or the home of a relative. Before doing so, the conservator shall inform the officer providing conservatorship investigation and shall, if requested by the officer, submit his conservatee to an evaluation pursuant to this part to determine whether such action is necessary.

5359. A conservator appointed under this chapter shall find alternative placement for his conservatee within seven days after he is notified by the professional person in charge of the facility serving the conservatee that the conservatee no longer needs the care and treatment offered by that facility.

5360. The Director of Mental Hygiene shall designate by regulation, standards to be followed by the officer providing conservatorship investigation in recommending for or against specific powers and duties of conservators and legal disabilities of conservatees under this chapter.

5361. Conservatorship initiated pursuant to this chapter shall automatically terminate one year after the appointment of the conservator by the superior court. The period of service of a temporary conservator shall not be included in the one-year period. If upon the termination of an initial or a succeeding period of conservatorship the conservator determines

that conservatorship is still required, he may petition the superior court for his reappointment as conservator for a succeeding one-year period. The petition must include the opinion of two physicians that the conservatee is still gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

5362. The clerk of the superior court shall notify each conservator and his conservatee one month before the termination of the one-year period. Notification shall be by certified mail. The notification must include specific mention of the conservatee's right to a jury trial on the issue whether he is gravely disabled, if the conservator petitions to reestablish conservatorship.

If the conservator does not petition to reestablish conservatorship at or before the termination of the one-year period, the court shall issue a decree terminating conservatorship. The decree shall be sent to the conservator and his conservatee by certified mail and shall be accompanied by a statement of California law as set forth in Section 5368.

5363. In the event the conservator continues in good faith to act within the powers granted him in the original decree of conservatorship beyond the one-year period, he may petition for and shall be granted a decree ratifying his acts as conservator beyond the one-year period. The decree shall provide for a retroactive appointment of the conservator to provide continuity of authority in those cases where the conservator did not apply in time for reappointment.

5364. At any time, but not to exceed more than once each six months, the conservatee may petition the superior court for a rehearing as to his status as a conservatee.

5365. All petitions under this chapter shall be heard within 30 days and an attorney shall be provided for the conservatee or proposed conservatee.

5366. It shall be the responsibility of the superintendent of each state hospital for the mentally disordered to compile a roster no later than June 30, 1969, of those patients within the institution who are gravely disabled. The roster shall indicate the county of origin of each patient. The officer providing conservatorship investigation in that county shall be given a copy of the names and pertinent records of the patients from that county and shall investigate the need for conservatorship for such patients as provided in this chapter.

Each state hospital and the Department of Mental Hygiene shall make their records concerning such patients available to the officer providing conservatorship investigation.

5367. Conservatorship established under this chapter shall supersede any commitment under former provisions of this code relating to inebriates or the mentally ill.

If conservatorship is established for any person residing in a state hospital, the person shall be placed in his own home or the home of a relative whenever possible, or when not possible,

in a suitable facility as near as possible to his own home or the home of a relative.

5368. A person who is no longer a conservatee shall not be presumed to be incompetent by virtue of his having been a conservatee under the provisions of this part.

### CHAPTER 4. ADMINISTRATION

5400. The Director of Mental Hygiene shall administer this part and shall adopt rules, regulations and standards as necessary. In developing rules, regulations, and standards, the Director of Mental Hygiene shall consult with the California Conference of Local Mental Health Directors and the Office of the Attorney General.

Wherever feasible and appropriate, rules, regulations and standards adopted under this part shall correspond to comparable rules, regulations, and standards adopted under the Short-Doyle Act. Such corresponding rules, regulations, and standards shall include qualifications for professional personnel.

Regulations adopted pursuant to this part may provide standards for services for chronic alcoholics which differ from the standards for services for the mentally disordered.

5401. The Department of Mental Hygiene may contract with a county or combination of counties acting jointly, to provide the evaluation, referral, intensive treatment, prepetition screening, professional counselling, and other services described in this part. Services provided by the state hospitals or other state facilities under contract to counties shall meet the standards adopted for services under this part and under the Short-Doyle Act.

Contracts between the Department of Mental Hygiene and counties shall provide that the amount paid for services by counties shall not exceed the actual cost of services. Funds received by the Department of Mental Hygiene under such contract shall constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

## PART 2. THE SHORT-DOYLE ACT

### CHAPTER 1. GENERAL PROVISIONS

5600. This part shall be known and may be cited as the Short-Doyle Act. This part is designed to encourage and to assist financially local governments in the establishment and development of mental health services, including services to the mentally retarded, through locally administered and locally controlled community mental health programs. It is furthermore designed to augment and promote the improvement and, if necessary, the expansion of already existing psychiatric

services in general hospitals or clinics that help to conserve the mental health of the people of California.

5601. As used in this part:

(a) "Governing body" means, in the case of a county, the county board of supervisors, or, in the case of a city, the city council, and in the case of a local health district, the board of trustees thereof.

(b) "Community mental health services" and "local mental health services" include city mental health services, county mental health services, local health district mental health services, and joint mental health services.

(c) "Population" means population as determined by the most recent estimate of the Department of Finance.

5602. Any city or combination of cities having an aggregate population of more than 50,000 may by ordinance or resolution of each city involved establish a community mental health service.

5603. Any county board of supervisors may by ordinance or resolution, or in the case of a local health district, the board of trustees thereof, may establish a community mental health service to cover the entire area of the county or local health district as the case may be.

5604. The governing body of any county or city may by agreement with the governing bodies of any other city or county or cities or counties establish a joint mental health service. Two or more cities which desire to establish a joint mental health service pursuant to this division may do so only if the aggregate population of such cities exceeds 50,000.

5605. Each community mental health service shall have an advisory board of seven members appointed by the governing body. Three members of the advisory board, shall be physicians engaged in private practice of medicine, and one-third of the physician members, when available, shall be specialists in psychiatry. One member shall be the chairman of the local governing body, one member shall be a superior court judge or an attorney selected by the superior court judges of the county, and two members shall be persons representative of the public interest in mental health. The term of each member of the board shall be for three years; provided, however, that of the members first appointed, approximately one-third shall be appointed for one year, one-third for a term of two years, and one-third for a term of three years.

The chairman of a governing body may designate a member of that body to serve in his stead as a member of the advisory board.

5606. Local mental health advisory boards shall be subject to the provisions of Chapter 9 (commencing at Section 54950) of Part 1, Division 2, Title 5 of the Government Code, relating to meetings of local agencies.

5607. The expenses incurred under the provisions of this division shall be a charge against the city, county or counties, or local health district, as the case may be, and shall be

audited, levied, collected, and paid in the same manner as other charges.

5608. The local mental health advisory board shall:

(a) Review and evaluate the community's mental health needs, services, facilities, and special problems.

(b) Advise the governing body as to a program of community mental health services and facilities, and, when requested by such governing body, may make recommendations regarding the appointment of a local director of mental health services.

(c) After adoption of a program, continue to act in an advisory capacity to the local director of mental health services.

5609. The local mental health services shall be administered, either by a local director of mental health services, by the local health officer, or by the medical administrator of the county hospital, to be appointed by the governing body. In any case, he shall be a physician and surgeon licensed under the provisions of Chapter 5 of Division 2 of the Business and Professions Code, and, in the case of the local director of mental health services, he shall meet such standards of training and experience as the Department of Mental Hygiene, by regulation, shall require. Applicants for such positions need not be residents of the city, county, or state, and may be employed on a full- or part-time basis.

5610. The local administrator of mental health services shall have the following powers and duties:

(a) He shall serve as chief executive officer of the community mental health service responsible to the governing body through administrative channels designated by the governing body;

(b) He shall exercise general supervision over mental health services and facilities furnished, operated or supported;

(c) He shall recommend to the governing body, after consultation with the advisory board, the provision of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable to accomplish the purposes of this division;

(d) He shall submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year;

(e) He shall carry on such studies as may be appropriate for the discharge of his duties, including the control and prevention of psychiatric disorders.

5611. Any agreement between two or more cities or counties for the establishment of a joint mental health service shall provide:

(a) That each city or county shall bear a share of the cost of joint mental health services.

(b) That the treasurer of one participating city or county shall be the custodian of moneys made available for the pur-

poses of such joint services, and that the treasurer may make payments from such moneys upon audit of the appropriate auditing officer or body of the city or county for which he is treasurer.

5612. Such agreement may also provide:

(a) For the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating city or county under contract for the other participating counties.

(b) For appointments of members of the local mental health advisory board between or among participating cities or counties.

(c) That for specified purposes, officers and employees of a joint mental health service shall be considered to be officers and employees of one participating city or county only.

(d) For such other matters as are necessary or proper to effectuate the purposes of this part.

5613. Unless otherwise expressly provided or required by context, the provisions of this part relating to community mental health service, and the appointment of local mental health advisory boards and directors, shall apply to joint mental health services.

5614. A community mental health service may contract for services and facilities with any hospital, clinic, laboratory, or other similar institution. Any such contract may be entered into notwithstanding that the director of community mental health service is a member of the medical or consultant staff of such hospital, clinic, laboratory or institution.

5615. Subject to the approval of the Director of Mental Hygiene any established community mental health service may by contract furnish community mental health services to any other city, county, or local health district. The cost of furnishing such services shall be subject to reimbursement under the provisions of this part without deduction of the amount received under such contract.

### CHAPTER 2. ELIGIBILITY OF CITIES, COUNTIES, AND LOCAL HEALTH DISTRICTS FOR STATE REIMBURSEMENT

5650. Community mental health expenditures made by cities, counties, and local health districts, pursuant to this division shall be reimbursed by the state pursuant to the provisions of this chapter.

5651. The community mental health services provided herein shall consist of:

(a) Inpatient services;

(b) Outpatient services;

(c) Partial hospitalization services, such as day care, night care, weekend care;

(d) Emergency services 24 hours per day shall be available within at least one of the first three services listed above;

(e) Consultation and education services available to community agencies and professional personnel and information services to the general public;

(f) Diagnostic services;

(g) Rehabilitative services; including vocational and educational programs;

(h) Precare and aftercare services in the community, including foster home placement, home visiting and halfway houses;

(i) Training;

(j) Research and evaluation.

To be eligible for reimbursement, a city, county, local health district, or in the case of a joint community mental health service two or more counties shall first have established two or more of the facilities or services provided for herein, one of which shall be the services specified in subdivision (a), (b), (c), or (f), in compliance with rules and regulations adopted by the State Department of Mental Hygiene under Section 5702.

5651.1. The following administrative costs which may be incurred under county mental health programs are subject to state reimbursement:

(a) Actual and necessary expenses incurred by members of the California Conference of Local Mental Health Directors, established under Section 5701, as contained in the Short-Doyle Act, at meetings called to implement this part. Counties, cities, and local health districts shall remain responsible for actual and necessary expenses of members of the conference for attendance at not more than three meetings per year of the conference as provided in Section 5701, as contained in the Short-Doyle Act;

(b) Actual and necessary expenses incurred by members of the county advisory boards in the performance of official duties; and

(c) Such other costs as may be approved by the Director of Mental Hygiene.

5651.2. To continue county expenditures for legal proceedings involving mentally disordered people and chronic alcoholics, the following costs incurred in carrying out this part shall be non-state-reimbursable charges against the county in which the person receives services under a county plan:

(a) The costs involved in apprehending and bringing a person into custody for 72-hour treatment and evaluation;

(b) The costs of court proceedings for court-ordered evaluation, including the service of the court order and the apprehension of the person ordered to evaluation when necessary;

(c) The costs of court proceedings in cases of appeal from 14-day intensive treatment under this part;

(d) The cost of conservatorship investigation and legal proceedings in conservatorship under this part;

(e) The court costs in postcertification proceedings.

(f) The cost of providing a public defender or other court appointed attorneys in proceedings under this part.

5652. To be eligible for reimbursement, a city or local health district, or, in the case of a joint community mental health service two or more such entities, shall first submit to the Director of Mental Hygiene annually a plan for proposed expenditures. The director shall review such plan to determine compliance with the standards established in this division and pursuant to Section 5702 and fix the amount subject to state reimbursement. Existing services may qualify, pursuant to the provisions of this chapter. for reimbursement upon determination by the local governing body that such services shall be subject to and administered under the provisions of this division.

To be eligible for reimbursement for fiscal year 1968–69, a county or combination of counties acting jointly, shall submit the consolidated county mental health plan required by Section 5502.

5653. Expenditures incurred for the items specified in Section 5651 shall, in accordance with the regulations of the Director of Mental Hygiene, be subject to reimbursement whether incurred by direct or joint operation of such facilities and services, by provisions therefor through contract, or by other arrangement pursuant to the provisions of this division. The Director of Mental Hygiene may make investigations and audits of such expenditures as he may deem necessary.

5654. Subject to appropriation therefor, there shall be paid to each city, county or local health district on account of expenditures subject to reimbursement by the state pursuant to Section 5650, 50 percent of the amount expended by the local agency for mental health services, until the amount expended each fiscal year exceeds the amount that such entity actually expended for such mental health services in the fiscal year prior to receipt of state aid for such mental health services.

Where in any fiscal year expenditures for increased mental health services specified in this chapter are made from local funds after the fiscal year prior to receipt of state aid for such mental health services, in excess of the sums spent in the fiscal year prior to receipt of state aid for such mental health services, and equal to or in excess of the sums spent by the local agency from local funds for such mental health services in the year ending June 30, 1963, the total expenditures made for such increased services shall be shared at the rate of 75 percent state funds and 25 percent local funds. Local funds, as used in this section, shall be considered to include only funds derived from the tax or revenue base of a city, county or local hospital district.

For the purpose of determining the expenditures to be reimbursed as provided in this section, there shall be deducted any fees received from patients or on behalf of a specified patient. If the total of the funds provided by the county, city, or local hospital district and the state reimbursement, in any

fiscal year exceeds the total expenditures, the state reimbursement shall be reduced to the amount required to provide the balance of funds necessary to complete funding of the mental health program. Reimbursement shall be made on a quarterly basis, upon submission to the Director of Mental Hygiene such information as he may require.

5654.5. For the purposes of determining the expenditures to be reimbursed as provided in Section 5654, there shall also be deducted any sum which is received or receivable by the local agency for mental health services or its providers of mental health services as payments from or on behalf of medical assistance patients for mental health services under Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3, Division 9 of this code.

Each local agency shall set aside an amount equal to 25 percent of any sum required to be deducted under this section with regard to that local agency, to be accumulated until the end of the fiscal year. At the end of the fiscal year, each local agency shall expend the funds so accumulated under the Short-Doyle Act, provided state matching funds are available as provided in Section 5654. To the extent that state matching funds are not available, the accumulated funds may be expended by the local agency for any general fund purposes.

5655. With respect to cities or counties which have established joint mental health services, expenditures subject to reimbursement shall mean the prorated expenditures of such cities or counties as provided by the agreement establishing the joint service.

5656. Expenditures subject to reimbursement shall include expenditures for the items specified in Section 5651; salaries of personnel; approved facilities and services provided through contract; operation, maintenance and service costs; expenses incurred under this act by members of the California Conference of Local Health Officers or members of the Conference of Local Directors of Mental Health Services for attendance at regular meetings of such conferences; and such other expenditures as may be approved by the Director of Mental Hygiene. It shall not include expenditures for capital improvements; the purchase or construction of buildings except for such equipment items and remodeling expense as may be provided for in regulations of the Department of Mental Hygiene; compensation to members of a local mental health advisory board (except actual and necessary expenses incurred in the performance of official duties); or expenditures for a purpose for which state reimbursement is claimed under any other provision of law.

5657. Reimbursement shall not be made for expenditures for treatment services furnished to patients who are able to obtain private care.

5657.5. The provisions of subdivision (c) of Section 14000 shall not be construed to prevent providers of community mental health services pursuant to this part from also being

providers of medical assistance mental health services for the purposes of Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3, Division 9 of this code. Clinics providing mental health services pursuant to this part shall not be required to be licensed as a condition to reimbursement for providing such medical assistance mental health services.

5658. Reimbursement shall not be made to any city, county, or local health district, which, with respect to a local mental health service, employs a physician who is not a citizen of the United States.

### CHAPTER 3. OPERATION AND ADMINISTRATION

5700. Fees shall be charged in accordance with the ability to pay for mental health services rendered pursuant to an approved local plan, but not in excess of actual cost. Beginning July 1, 1968, fees shall be charged in accordance with uniform patient fee plan to be adopted by the Director of Mental Hygiene pursuant to Section 5700.1.

5700.1. To provide a statewide standard for determining the fees any person may be charged for community mental health services under this part and under the Short-Doyle Act, the Director of Mental Hygiene shall adopt a uniform patient fee plan. The uniform patient fee plan shall be used in all Short-Doyle agencies beginning July 1, 1968, and in all other community mental health agencies, except state agencies, providing the services required under this part. The difference between the cost of services and any fee paid by the patient or on his behalf under the uniform patient fee plan shall be reimbursed under this chapter.

In developing the uniform patient fee plan the Director of Mental Hygiene shall be guided by the various Short-Doyle approved local patient fee plans used prior to July 1, 1968, and shall attempt not to impose more severe financial liabilities than were imposed under the Short-Doyle approved local patient fee plans The liability of patients' relatives under the uniform patient fee plan shall be identical to the liability of relatives under the California medical assistance program established pursuant to Chapters 7 and 8 of Part 3 of Division 9 of this code.

5701. There is hereby established the California Conference of Local Mental Health Directors, with which the Director of Mental Hygiene shall consult in establishing standards, rules, and regulations pursuant to this division.

The California Conference of Local Mental Health Directors shall consist of all regularly appointed directors of community mental health services and program chiefs as defined by regulation. Such program chiefs shall not be entitled to hold office or vote. It shall organize and shall annually elect a president, a vice president, and a secretary, who shall serve as the executive committee of the conference. The president of

the conference, after consultation with the Director of Mental Hygiene, may appoint, for the purpose of advising the director, such other committees of the conference as may from time to time be necessary.

Meetings of the conference for the purposes of this division shall be called by the Director of Mental Hygiene, who shall give the members at least 10 days' notice of such meetings. At official sessions of meetings of the conference the Director of Mental Hygiene shall preside; provided, however, that the conference may hold additional sessions as may be determined upon by the executive committee of the conference at which the president or other members of the conference shall preside. Those members present at official sessions shall be considered as making up a quorum. Each community mental health service shall have one vote.

Actual and necessary expenses incurred by a member as incident to his attendance at not more than three meetings per year of the conference shall be a legal charge against the local government unit which he represents. Actual and necessary expenses incurred by members of the conference incident to attendance at special meetings of the committees of the conference called by the Director of Mental Hygiene shall be a legal charge against any funds available for administration of this division.

5702. The State Department of Mental Hygiene shall administer this division and shall adopt standards for approval of local mental health services, rules and regulations necessary thereto; provided, however, that such standards, rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Mental Health Directors. Approval of such standards, rules and regulations shall be by majority vote of those present at an official session.

If the conference refuses or fails to approve standards, rules, or regulations submitted to it by the department for its approval, the department may submit such standards, rules, or regulations to the conference at its next semiannual meeting, and if the conference again refuses to approve them, the matter shall be referred for decision to a committee composed of the Administrator of the Health and Welfare Agency, the Director of Mental Hygiene, and the president of the California Conference of Local Mental Health Directors.

5703. The State Director of Mental Hygiene, after consultation with and approval by the California Conference of Local Mental Health Directors, shall by regulations establish standards of education and experience for professional and technical personnel employed in local mental health services and for the organization and operation of local mental health services. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Mental Hygiene in a manner and at such times as it may specify.

The regulations shall be adopted in accordance with the Administrative Procedure Act, commencing with Section 11370 of the Government Code.

5704. The State Department of Mental Hygiene, after consultation with and approval by the California Conference of Local Mental Health Directors, may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by the department, and for the establishment and maintenance of field training centers in local mental health services.

5705. The president of the California Conference of Local Mental Health Directors, for the purposes of this division, may, after consultation with the Director of Mental Hygiene, appoint such psychiatric and such other consultants as may be deemed necessary who shall serve without pay but who shall receive actual and necessary travel and other expenses incurred.

5706. The Director of Mental Hygiene may withhold state reimbursement after consultation with the California Conference of Local Mental Health Directors, in whole or in part, from any city or county in the event of the failure of such city or county to comply with the provisions of this division or regulations made pursuant thereto relating to community mental health services or the administration thereof.

SEC. 36.5. Division 6 (commencing with Section 5000) of the Welfare and Institutions Code is repealed.

SEC. 37. Division 6 (commencing with Section 6000) is added to the Welfare and Institutions Code, to read:

## DIVISION 6. ADMISSIONS AND JUDICIAL COMMITMENTS

## PART 1. ADMISSIONS

### CHAPTER 1. VOLUNTARY ADMISSIONS TO MENTAL HOSPITALS AND INSTITUTIONS

6000. Pursuant to rules and regulations established by the State Department of Mental Hygiene, the superintendent of a state hospital for the mentally disordered or mentally retarded may receive in such hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it or, if he is a conservatee, by his conservator.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals

as may be designated by the Director of Mental Hygiene to admit minors on voluntary applications.

Any such person received in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital the superintendent shall immediately forward to the office of the State Department of Mental Hygiene the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department.

The charges for the care and keeping of a mentally disordered person in a state hospital shall be governed by the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Part 4 relating to the charges for the care and keeping of mentally disordered persons in state hospitals. The county where a mentally retarded person resided at the time of admission, as determined by the Department of Mental Hygiene, shall pay the cost to the state of the care of such person as provided by Sections 7510 and 7511 of this code. The responsibility of the mentally retarded patient and his kindred for reimbursement to the county shall be governed by Chapters 1, 2, 4, and 5 (commencing with Section 17000) of Part 5 of Division 10 of this code.

A voluntary adult patient may leave the hospital or institution at any time by giving notice of his desire to leave to any member of the hospital staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

A minor person who is a voluntary patient may leave the hospital or institution after completing normal hospitalization departure procedures after notice is given to the superintendent or person in charge by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital, private mental institution, or county psychiatric hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital or institution for care and treatment in the manner prescribed in this section for applications by adult persons.

The Department of Mental Hygiene shall establish such rules and regulations as are necessary to carry out properly the provisions of this section.

No person shall be admitted to a state hospital for the mentally retarded under this article unless he meets the residence requirements set forth in Section 6451 of this code.

6001. Admissions to the Langley Porter Neuropsychiatric Institute or to the Neuropsychiatric Institute, U.C.L.A. Medical Center, may be on a voluntary basis after approval by the

medical superintendent of the clinic or institute, as the case may be.

6002. The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally disordered may receive therein as a voluntary patient any person suffering from a mental disorder who is a suitable person for care and treatment in the institution, hospital, or sanitarium who voluntary makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application. A conservatee may be admitted upon written application by his conservator.

After the admission of a voluntary patient to a private institution, hospital, or sanitarium the person in charge shall forward to the office of the State Department of Mental Hygiene a record of the voluntary patient showing such information as may be required by rule by the department.

A voluntary adult patient may leave the hospital or institution at any time by giving notice of his desire to leave to any member of the hospital staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

6003. As used in this article, "county psychiatric hospital" means the hospital, ward, or facility provided by the county pursuant to the provisions of Section 7100.

6004. The superintendent or person in charge of the county psychiatric hospital may receive, care for, or treat in the hospital any person who voluntarily makes a written application to the superintendent or person in charge thereof for admission into the hospital for care, treatment, or observation, and who is a suitable person for care, treatment, or observation, and who in the case of an adult person is in such condition of mind, at the time of making application for admission, as to render him competent to make such application. In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody. A conservatee may be admitted upon written application by his conservator.

6005. A voluntary adult patient may leave the hospital or institution at any time by giving notice of his desire to leave to any member of the hospital staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

A minor person who is a voluntary patient may leave the hospital or institution after completing normal hospitalization departure procedures after notice is given to the superintendent or person in charge by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

6006. A person admitted as a voluntary patient to a state hospital, a private mental institution, or a county psychiatric hospital shall have the following rights in addition to the right to leave such hospital as specified in this chapter:

(a) He shall receive such care and treatment as his condition requires for the full period that he is a patient;

(b) He shall have the full patient rights specified in Article 6 of Chapter 5 of Part 1 of Division 5 of this code.

## PART 2. JUDICIAL COMMITMENTS

### CHAPTER 1. DEFINITIONS, CONSTRUCTION AND STANDARD FORMS

6250. As used in this code, "persons subject to commitment," means persons who may be judicially committed under this part as mentally disordered sex offenders pursuant to Article 1 (commencing with Section 6300), narcotic drug addicts pursuant to Article 2 (commencing with Section 6350), habit-forming drug addicts pursuant to Article 3 (commencing with Section 6400), mentally abnormal sex offenders pursuant to Article 4 (commencing with Section 6450), mentally retarded persons pursuant to Article 5 (commencing with Section 6500), or as juvenile court wards pursuant to Article 6 (commencing with Section 6550).

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.

Any person complained against in any petition or proceeding started by virtue of the provisions of Chapter 2 (commencing with Section 6300) of this part shall not forfeit or suffer any legal disability by reason of the provisions of this part or that chapter or of any proceedings pursuant to this part or that chapter during the time of the pendency of the petition or while said person is under the jurisdiction of the court.

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 the provisions of Chapter 2 (commencing with Section 6300) of this part unless the court shall determine that he is or would likely become dangerous to himself or to the person or property of others, or unless being a minor, his parent or guardian having custody of his person shall consent to such detention or commitment.

6251. Wherever, on the basis of a petition, provision is made in this code for issuing and delivering an order for examination and detention directing that a person be appre-

hended and taken before a judge of a superior court for a hearing and examination on an allegation of being a person subject to judicial commitment, the petition shall be in substantially the following form:

In the Superior Court of the State of California
For the County of _____

| | |
|---|---|
| The People<br>For the Best Interest and Protection of<br>_____<br>as a _____<br>and Concerning<br>_____and<br>_____<br>Respondents | Petition |

_____, residing at _____ (tel. _____), being duly sworn deposes and says: That there is now in the county in the City or Town of _____ a person named _____, who resides at _____, and who is believed to be a _____. That the person is _____ years of age; that ___he is _____ (sex) and that ___he is _____ (single, married, widowed, or divorced); and that _____ occupation is _____.

That the facts because of which petitioner believes that the person is a _____ are as follows: That ___he, at _____ in the county, on the _____ day of _____, 19___, ___

_____

That petitioner's interest in and case is _____

_____

That petitioner believes that said person is so _____

(a) as to be in need of _____

or

(b) to be _____

(Strike out (a) or (b), whichever is not applicable.) That the persons responsible for the care, support, and maintenance of the _____, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents) Wherefore, petitioner prays that examination be made to determine the state of the mental health of _____, alleged to be _____, and that such measures be taken for the best interest and protection of said _____, in respect to his supervision, care and treatment, as may be necessary and provided by law.

_____
Petitioner

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

_____, County Clerk
By_____Deputy

6252. Wherever provision is made in this code for a judge of a superior court to issue and deliver an order for examination or detention directing that a person be apprehended and taken before a judge of a superior court for a hearing and examination on an allegation of being a person subject to judicial commitment, the order for examination or detention shall be in substantially the following form:

| | |
|---|---|
| The People<br>For the Best Interest and Protection of<br>_____<br>as a _____<br>and Concerning<br>_____ and<br>_____<br>Respondents | Order<br>for<br>Examination<br>or<br>Detention |

The people of the State of California _____
_____
(peace officer)

The petition for _____ having been presented this day to me, a Judge of the Superior Court in and for the County of _____, State of California, from which it appears that there is now in this county, at _____, a person by the name of _____, who is a _____.

And it satisfactorily appears to me that said person is sufficiently _____ that examination should be made and hearing held, if demanded, to determine the supervision, treatment, care or restraint, if any, necessary for his best interest and protection, and the protection of the people.

I do hereby appoint _____ and _____ as medical examiners to make a personal examination of _____, the person alleged to be _____, and to report thereon to the court, pursuant to Section _____ of the Welfare and Institutions Code.

*Now, therefore, you are commanded to notify said _____, to submit to an examination _____ on or before the ___ day of _____, that thereafter he may be taken before a judge of the superior court in this county for examination and hearing to determine the measures to be taken for the best interest and protection of said _____, as a _____, as provided by law.

*And it affirmatively appearing to me that said person is sufficiently _____ that he is likely to injure himself or others if not immediately hospitalized or detained, you are therefore commanded to forthwith detain said _____, or cause him to be detained for examination and hearing, pending the

further order of the judge, at _____, and there be cared for in a humane manner as a _____ and provided with any medical treatment deemed necessary to his physical well-being.

* And it satisfactorily appearing to me that said person has failed or has refused to appear for examination when notified by order of this court, you are therefore commanded to forthwith detain said _____ or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a _____.

I hereby direct that a copy of this order, together with a copy of the said petition be delivered to said person and his representative, if any, at the time of his notification; and I further direct that this order may be served at any hour of the night.

Witness my hand, this _____ day of _____, 19___.

_____
Judge of the Superior Court

* Strike out when not applicable.

Return of Order

I hereby certify that I received the above order for examination or detention, and on the _____ day of _____, 19___, served it by notifying and delivering to said _____ personally, and to his representatives, if any, to wit, _____, a copy of the order and of the petition, * or by apprehending said person and causing h___ to be detained for examination and hearing and for humane care as an alleged _____ at _____; until further ordered and directed by the judge.

* I hereby certify that prior to the service of the above order for detention and the apprehension of _____ I served notice on the person and his representative, if any, as required under Article 2 (commencing with Section 5200) of Chapter 3 of Part 1 of Division 5 of the Welfare and Institutions Code. Dated _____, 19___.

_____
Signature of officer

* Strike out when not applicable.

6253. Wherever provision is made in this code for court-appointed medical examiners to make and sign a certificate showing the facts of an examination in the case of a person alleged to be subject to judicial commitment, the certificate shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

| | |
|---|---|
| The People<br>For the Best Interest and Protection of _____,<br>as a _____ and<br>Concerning _____,<br>and _____,<br>Respondents | Certificate of Medical Examiners |

We, Dr. _____ and Dr. _____, medical examiners in the County of _____, duly appointed and certified as such, do hereby certify under our hands that we have examined _____, alleged to be a _____, and have attended before a judge of said court at the hearing on the petition concerning said person, and have heard the testimony of all witnesses, and, as a result of the examination, have testified under oath before the court to the following facts concerning the alleged _____:

Name _____

Address _____

Age _____ Sex _____

Occupation _____ Marital status _____

(Single, married, widowed, divorced)

Religious belief _____

Pertinent case history _____

_____

_____

General physical condition _____

_____

Present mental status _____

_____

_____

Laboratory reports (if any) _____

_____

Tentative diagnosis of mental health _____

_____

_____

Recommendation for disposition or supervision, treatment and care _____

_____

_____

Reasons for the recommendation _____

_____

_____

_____

**Date** _____

_____

**Medical Examiner**

_____

**Medical Examiner**

6254. Wherever provision is made in this code for an order of commitment by a superior court, the order of commitment shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

| | |
|---|---|
| The People<br>For the Best Interest and Protection of<br>_____<br>as a _____,<br>and Concerning<br>_____ and<br>_____, Respondents | Order for Care, Hospitalization or Commitment |

The petition dated _____, alleging that _____, having been presented to this court on the _____ day of _____, 19___, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order:

And it further appearing that the provisions of Sections 6400 to 6406, inclusive, of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged _____, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;

Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is a _____ and is so _____.

It is ordered, adjudged and decreed:

That _____ is a _____ and that ___he

* (a) Be cared for and detained in _____, a county psychiatric hospital, a community mental health service, or a licensed sanitarium or hospital for the care of the mentally disordered until the further order of the court, or

*(b) Be cared for at _____, until the further order of the court, or

* (c) Be committed to the Department of Mental Hygiene for placement in a state hospital, to wit: _____ State Hospital at _____, California, or

* (d) Be committed to a facility of the Veterans Administration or other agency of the United States, to wit: _____ at _____ in accordance with the provisions of Section 1663 of the Probate Code of the State of California.

It is further ordered and directed that _____ of this county, take, convey and deliver _____ to the proper authorities of the hospital or establishment designated herein to be cared for as provided by law.

Dated this _____ day of _____, 19___.

_____
Judge of the Superior Court

* Strike out where inapplicable.

## CHAPTER 2. COMMITMENT CLASSIFICATION

### Article 1. Mentally Disordered Sex Offenders

6300. As used in this article, "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 is dangerous to the health and safety of others. Wherever the term "sexual psychopath" is used in any code, such term shall be construed to refer to and mean a "mentally disordered sex offender."

6301. This article shall not apply to any person sentenced to death nor to any person ineligible for probation under the Penal Code. This article 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 article shall apply to such person and he may be certified to the superior court as provided in Section 6302.

6302. (a) When a person is convicted of any criminal offense, whether or not a sex offense, the trial judge, on his 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 such a 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 article. Conviction upon a charge of violation of Section 290 of the Penal Code by failure to register as required thereby is conviction of a criminal offense within the meaning of this subdivision.

(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 article.

(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 article.

(d) When a person over the age of 16 years has been found by the juvenile court to be a person described by Section 601 or 602 of this code and adjudged to be a ward of the court, the juvenile court judge on his own motion, or on motion of the probation officer, or on application by affidavit by or on behalf of the ward, if it appears to the satisfaction of the court that there is probable cause for believing such person is a mentally disordered sex offender within the meaning of this article, may adjourn the proceeding 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 article.

When an affidavit is filed under (a) or (d) it shall be substantially in the form specified for the affidavit in Section 6251 of this code. The title and body of the affidavit shall refer to such 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 article.

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 to the superior court its certification to that effect, accompanied by a statement of the court's reasons for finding that there is probable cause for believing such person is a mentally disordered sex offender within the meaning of this article in cases certified under (a) or (d), or a statement of the facts making such certification mandatory under (b) or (c).

The judge or justice presiding in such court, whenever it is deemed necessary or advisable, may issue and deliver to some 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 this code.

6303. 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 at the time and place designated in the attached order to submit to an examination into the state of his mental health. He is permitted to be accompanied by one or more of his relatives or friends to the place of examination. If he fails or refuses to appear for such examination, the court may issue an order for his forthwith detention for such examination.

*_____ has been affirmatively alleged to be likely to injure himself 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 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.

6304. Whenever a person is certified to the superior court for hearing and examination under Section 6302 the certification may be made in substantially the following form:

(Title of court and cause)

Order Adjourning 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 said defendant is a mentally disordered sex offender within the meaning of Article 1 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code of the State of California, as amended, in that—he 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 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 said court

to determine whether said defendant is a mentally disordered sex offender within the meaning of said Article 1 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code of the State of California, as amended. The above-named defendant shall be taken before said court, as provided in Section 6305 of said code, on the _____ day of _____, 19___, at the hour of _____.* A copy of this certification of said defendant to said superior court shall be delivered to said defendant.

Dated this _____ day of _____, 19___.

_____
Judge

* This sentence may be included if such date and hour have been set by the superior court upon the request of the certifying judge.

6305. 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 him that he is certified or alleged to be a mentally disordered sex offender, and inform him of his rights to make a reply and to produce witnesses in relation thereto. The judge shall by order fix such 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 6306, 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 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 the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally disordered sex offender, the judge shall appoint an attorney to represent him, and, in a county where there is no public defender, fix the compensation to be paid by the county for such services if the court determines that the person is not financially able to employ counsel.

6306. 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 appointed pursuant to Section 6306, 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 pertinent information concerning the circumstances surrounding the crime and the prior record and history of the person.

6307. The judge shall appoint not less than two nor more than three psychiatrists, each of whom shall be a holder of a valid and unrevoked physician's and surgeon's certificate who has directed his professional practice primarily to the diagnosis and treatment of mental and nervous disorders for a period of not less than five years, and at least one of whom shall be from the medical staff of a state hospital or county psychiatric hospital, to make a personal examination of the alleged mentally disordered sex offender, directed toward ascertaining whether the person is a mentally disordered sex offender.

6308. Each psychiatrist so appointed shall file with the court a separate written report of the result of his examination, together with his conclusions and recommendations and his opinion as to whether or not the person would benefit by care and treatment in a state hospital. At the hearing each psychiatrist shall hear the testimony of all witnesses, and shall testify as to the result of his examination, and to any other pertinent facts within his knowledge.

6309. Any psychiatrist 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, 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 were a witness for the adverse party. When the psychiatrist 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 proceeding the adverse party may examine him the same as in the case of any other witness called by such party.

6310. The psychiatrists so appointed by the court shall be allowed such fees as in the discretion of the court seem just and reasonable, with regard to the services rendered by the psychiatrists, but in no event shall such fees exceed the sum of forty dollars ($40) per day in addition to actual traveling expenses. The fees allowed shall be paid by the county in which the hearing is held.

6311. The provisions of this article relating to psychiatrists appointed by the court shall not be deemed or construed to prevent any party to a proceeding under this article from producing any other expert evidence as to the mental condition of the alleged mentally disordered sex offender.

6312. The judge shall also cause to be examined as a witness any other person whom he 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 support.

6313. 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; but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

All witnesses, other than psychiatrists 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.

6314. The alleged mentally disordered sex offender shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or the judge may order the county public defender to represent him at the hearing, if he determines that the person is not financially able to employ counsel.

6315. 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.

If the court finds the person is a mentally disordered sex offender, but would not benefit by care and treatment in a state hospital, the court may return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

6316. If, after examination and hearing, it appears there is sufficient cause to believe that the person is a mentally disordered sex offender within the meaning of this article, the judge may make and sign an order that the person be placed temporarily in a suitable psychiatric facility maintained by a county or in a state hospital of the Department of Mental Hygiene designated by the court for observation and diagnosis for a period not to exceed 90 days, with the further provision in said order that the superintendent of the hospital or person in charge of the county facility shall report to the court the diagnosis and recommendations concerning such person within the 90-day period. The court shall attach to the order for observation its findings and copies of the certification and statement from the other court, any affidavits filed, the written reports of the court-appointed psychiatrists, and the report of the probation officer, together with such social and other data that it has available bearing upon the case, and the same shall be delivered to the institution with such order.

The superintendent of the hospital or person in charge of the county facility shall within 90 days cause the person to be examined and forward to the committing court his opinion as to whether or not the person is a mentally disordered sex offender, whether or not he is a danger to the health and safety of others, and whether or not he will benefit by care and treatment in a state hospital, including therein a report, diagnosis and recommendation concerning the person's future care, supervision and treatment.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is not a mentally disordered sex offender, the person shall be returned to the court for further disposition of his case. 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 such criminal charge.

If the superintendent of the hospital or person in charge of the county facility reports to the committing court that the person is a mentally disordered sex offender but will not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, 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 such criminal charge. Such court shall resume the proceedings and shall impose sentence or make such other suitable disposition of the case as the court deems necessary. If, however, such court is satisfied that the person is a mentally disordered sex offender but would not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, it may recertify the person to the superior court of the county. If the superior court, after hearing, finds that the person is a mentally disordered sex offender but would not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, it may make an order committing the person for an indefinite period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of mentally disordered sex offenders designated by the court and provided pursuant to Section 6326. At such hearing or hearings, the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him. The person shall remain in such institution or institutional unit until he is no longer a danger to the health and safety of others. Thereupon, the proceedings set forth in Section 6325 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is a mentally disordered sex offender and that the person could benefit by treatment in a state hospital, 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 placement in a state hospital for an indeterminate period and a copy of such commitment shall be personally served upon said person within five days after the making of such order and such person may within 10 days demand a hearing in court and upon such demand said court shall order the return of said person to said court and fix a time and place for a hearing. Upon such hearing the court may accept the report of the superintendent of the hospital or person in charge of the county facility, if verified, in lieu of the examination by and testimony of court-appointed psychiatrists, or may consider the report as additional evidence. Upon such further hearing the court may make an order committing the person to the department for placement in a state hospital designated by the court for an indeterminate period, or may make other suitable disposition of the case.

No person shall be committed for an indeterminate period as a mentally disordered sex offender unless an observation placement has been made and reported, diagnosed and recommended upon as provided by this section.

6317. If the court orders the commitment of the person to the department for placement in a state hospital for an indeterminate period, the court may, in the order of commitment, require the superintendent of the state hospital to make periodic reports to the court concerning the person's progress towards recovery.

6318. If a person ordered under Section 6316 to be committed as a mentally disordered sex offender to the department for placement in a state hospital for care and treatment following an observation placement in a county hospital, or any friend in his behalf, is dissatisfied with the order of the judge so committing him, he may, within 10 days after the making of such order, demand that the question of his 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 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: Is the person a mentally disordered sex offender?

6319. Proceedings under this article under the order for commitment to the department for placement in a state hospital 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 may, by such order, require a bond for his appearance at the trial.

6320. 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.

6321. The trial shall be had as provided by law for the trial of civil causes, and if tried before a jury the person shall be discharged unless a verdict that he is a mentally disordered sex offender is found by at least three-fourths of the jury. If the judge adjudges or the verdict of the jury is that he 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. The order committing the person to the department for placement in a state hospital shall be presented to the superintendent of the state hospital or other representative of the department to whom the person is committed.

6322. 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 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 such 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. No female person committed pursuant to this article shall be taken to or from any state or other hospital without the attendance of some woman of good character and mature age or of a relative of the person.

The expense of transporting a person to a county facility or state hospital temporarily for an observation placement under this article and returning such person to the court is a charge upon the county in which the court is situated.

6323. 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 placement for observation or order of commitment for an indeterminate period, as the case may be, shall be delivered to the person transporting the mentally disordered sex offender to the county facility or state hospital, and shall be delivered by that person to the officer in charge of the facility or hospital.

6324. The provisions of Article 4 of Chapter 3 of Division 7 relative to the property and support of persons in state hospitals, the liability for such support, and the powers and duties of the Department of Mental Hygiene and all officers and employees thereof in connection therewith shall apply to persons committed to state hospitals pursuant to this article the same as if such persons were expressly referred to in said Article 4.

6325. Whenever a person who is committed for an indeterminate period to the department for placement in a state hospital as a mentally disordered sex offender (a) has been treated to such an extent that in the opinion of the superintendent the person will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others, or (b) has not recovered, and in the opinion of the superintendent the person is still a danger to the health and safety of others, the superintendent of the hospital shall file with the committing court a certification of his opinion under (a) or (b), as the case may be, including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. If the opinion so certified is under (a) the committing court shall forthwith order the return of the person to said committing court and 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 such criminal charge.

Such 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 for a period of not less than five years if the criminal charge permits such probation and the person is otherwise eligible for probation. As a condition of such probation the person shall totally abstain from the use of alcoholic liquor or beverages. 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 in fixing his term of sentence.

6326. If the opinion so certified is under subdivision (b) of Section 6325, the committing court shall forthwith order the return of the person to said committing court and 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 such criminal charge.

Such court shall resume the proceedings and after considering all the evidence before it shall impose sentence or make such other disposition of the case as the court may deem necessary and proper; provided, that said court, if satisfied that the person has not recovered from his mental disorder and is still a danger to the health and safety of others, may recertify the person to the superior court of the county. If said court after hearing makes a finding that the person is still a mentally disordered sex offender and is still a danger to the health and safety of others, it may make an order recommitting the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court. At such hearing or hearings, the person shall be entitled to present witnesses in his

own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him.

The Director of Mental Hygiene, with the approval of the Director of Corrections and the Director of Finance, may provide on the grounds of a state institution or institutions under the jurisdiction of the Department of Corrections or the Department of Mental Hygiene one or more institutional units to be used for the custodial care and treatment of mentally disordered sex offenders. Each such unit shall be administered in the manner provided by law for the government of the institution in which such unit is established.

The court shall cause the person so recommitted to be delivered to the state institution or the institutional unit so designated. The person shall remain therein or in any other such institution or institutional unit to which he may be transferred by the Director of Mental Hygiene until the person is no longer a danger to the health and safety of others. Thereupon the proceedings set forth in Section 6325 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

6327. After a person has been committed for an indeterminate period to the department for placement in a state hospital as a mentally disordered sex offender and has been confined 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 superintendent of the state hospital to which the person was committed to forward to the committing court, within 30 days, his opinion under (a) or (b) of Section 6325, 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 article.

The hearing shall be conducted substantially in accordance with Sections 6306 to 6314, inclusive. If, after the hearing, the judge finds that the person has not recovered from his mental disorder and is still a danger to the health and safety of others, he shall order the person returned to the Department of Mental Hygiene under the prior order of commitment for an indeterminate period, or, if the opinion of the superintendent of the state hospital was under (b) of Section 6325, he may make and sign an order recommitting the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court and provided pursuant to Section 6326. A subsequent hearing may not be held under this section until the person has been confined for an additional period of six months from the date of his return to the department. If the court finds that the person has recov-

ered from his mental disorder to such an extent that he is no longer a danger to the health and safety of others, or that he will not benefit by further care and treatment in the hospital 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 such criminal charge.

6328. The superintendent of a state hospital or person in charge of a county psychiatric facility may extend to any person confined therein pursuant to this article such of the privileges granted to other patients of the hospital or facility as are not incompatible with his detention or unreasonably conducive to his escape from custody.

6329. The district attorney of the county may appear on behalf of the people at any of the hearings held pursuant to this article.

6330. Every person ordered placed in a county facility or state hospital temporarily for observation pursuant to this article or committed for an indeterminate period to a state hospital or state institution as a mentally disordered sex offender, who escapes or attempts to escape therefrom, or who escapes or attempts to escape while being conveyed to or from such county facility, state hospital or state institution, is punishable by imprisonment in the state prison not to exceed five years or in the county jail not to exceed one year.

## Article 2. Narcotic Drug Addicts

6350. A "narcotic drug addict" within the meaning of this article is any person who habitually takes or otherwise uses to the extent of having lost the power of self-control any opium, morphine, cocaine, or other narcotic drug as defined in Article 1 of Chapter 1 of Division 10 of the Health and Safety Code.

Wherever in this article the term "drug addict" is used, such term shall be construed to refer to and mean "narcotic drug addict" as defined in this section. All persons heretofore committed or admitted as drug addicts to any state hospital, or committed to the Department of Mental Hygiene for placement therein, shall be deemed to have been committed or admitted as narcotic drug addicts.

6351. Whenever it appears by petition to the satisfaction of a judicial officer of a county that any person is a narcotic drug addict, he shall issue and deliver to some 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 on such charge. The peace 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 petition and order for examination and detention shall be personally delivered to the person.

6352. Such petition and order for examination and detention shall be substantially in the form provided by Sections 6251 and 6252 of this code.

6353. The person charged shall be taken before a judge of the superior court, to whom the petition and the order for examination or detention shall be delivered to be filed with the clerk. The judge shall then inform him of his rights to make a defense to such charge and to produce witnesses in relation thereto. The judge shall by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such 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 shall be served on the person. The judge may order that such notice of the apprehension of the person and the hearing of the charge be served on such relatives of the person known to be residing in the county as the court deems necessary or proper.

6354. The judge of the superior court 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 and shall issue such subpoenas and compel attendance of witnesses as requested by the alleged narcotic drug addict but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

The judge shall compel the attendance of at least two medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged narcotic drug addict, and testify before the judge as to the result of the examination, and to any other pertinent facts within their knowledge. The judge shall also cause to be examined before him as a witness, any other person who he has reason to believe has any knowledge of the mental condition of the alleged narcotic drug addict, or of his financial condition or that of the persons liable for his maintenance.

All witnesses 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.

6355. The alleged narcotic drug addict shall be present at the hearing and at the trial, if any, conducted pursuant to this article. If he has no attorney, the judge may, and, if the alleged narcotic drug addict requests an attorney shall, appoint an attorney to represent him at either the hearing or the trial or both. If the court determines that the alleged narcotic drug addict is financially unable to employ an attorney, the judge shall either (1) order the public defender to represent the person, or (2) in a county where there is no public de-

fender, fix reasonable compensation to be paid by the county for the services of a court-appointed attorney.

6356. The medical examiners, after making the examination and hearing the testimony, shall make and sign a certificate showing the facts of the case. The certificate made and signed by the medical examiners in the case of an examination of a person alleged to be a narcotic drug addict shall be in substantially the form specified for the certificate in Section 6253.

6357. If, after a hearing and examination, the judge believes the person charged is a narcotic drug addict, he shall make an order committing such person to the Department of Mental Hygiene for placement in a designated hospital for an indeterminate period of not less than three months nor more than two years.

If satisfactory evidence is submitted to the trial judge showing that the person to be committed is of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person if committed will not be benefited by treatment, the judge shall not commit the person to a state hospital.

6358. If a person ordered committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within 10 days after the making of the order of commitment, demand that the issue be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon a trial shall be had in compliance with the provisions of Sections 6318 to 6321, inclusive, of this code.

If the alleged narcotic drug addict has no attorney the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged narcotic drug addict, the judge shall appoint an attorney to represent him and, in a county where there is no public defender, fix the compensation to be paid by the county for such services if the judge determines that the person is not financially able to employ counsel.

6359. Witnesses at hearings for the commitment of narcotic drug addicts shall receive the usual fees and expenses allowed by law in other cases in the superior courts. Any fees or traveling expenses payable to any witness in any proceeding for the commitment of a narcotic drug addict, and all expenses connected with the execution of any process under this article, which are not paid by the narcotic drug addict or his parent, guardian, or other person charged with his support, if he is a minor, shall be paid by the county treasurer of the county in which the person resides.

6360. Any person committed as a narcotic drug addict except such persons as have been committed under the provisions of Section 6361, may be placed on leave of absence after the expiration of three months under the same rules and conditions under which the other committed persons are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may

discharge any person committed under this article after the expiration of three months and before the expiration of the maximum term of confinement when such superintendent is satisfied that the person will not receive substantial benefit from further hospital treatment.

6361. If, when a girl or boy is brought before a juvenile court under the Juvenile Court Law, or if, on the arrest of any person charged with crime in any court, it appears to the court, either before or after adjudication, that such person is a narcotic drug addict within the meaning of this article, the court may adjourn the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this article against the person before the court, and the court may order that, pending the preparation, filing, and hearing of the petition, the person before the court be detained in a place of safety, or if a minor, be placed under the guardianship of some suitable person on his entering into a recognizance for the appearance of the person upon trial or under conviction when required If, upon the hearing of the petition, or upon a subsequent hearing, the person before the court, upon trial, or under conviction, is found not to be a narcotic drug addict, the court may proceed with the trial or impose sentence, as the case may be. If the person is committed to the hospital as a narcotic drug addict and has been detained therein for a period of not less than three months whenever thereafter the superintendent of the institution wherein the addict is confined certifies to the committing court that the person has been sufficiently treated, or gives any other reason which is deemed by the court to be adequate and sufficient, the court may order the discharge of the person so committed, or may order his return to await the further action of the court.

6362. Any person who knowingly and maliciously attempts to have any person adjudged a narcotic drug addict under this article, unlawfully, is guilty of a misdemeanor.

### Article 3. Habit-forming Drug Addicts

6400. A "habit-forming drug addict," within the meaning of this article, is any person who is so far addicted to the intemperate use of habit-forming drugs, other than narcotic drugs as provided in Section 6350 of this code, as to have lost the power of self-control.

As used in this article the term "habit-forming drugs" shall be construed to refer to and mean those dangerous drugs designated in Article 8 (commencing with Section 4210) of Chapter 9, Division 2 of the Business and Professions Code, which are habit-forming drugs.

6401. Whenever it appears by petition to the satisfaction of a magistrate of a county that any person is so far addicted to the intemperate use of habit-forming drugs as to have lost the power of self-control, he shall issue and deliver to some

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. 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 petition and order for examination and detention shall be personally delivered to the person.

Wherever in this article the term "stimulants" is used, such term shall be construed to refer to and mean "habit-forming drugs" as provided in Section 6400. All persons heretofore committed as stimulant addicts shall be deemed to have been committed as habit-forming drug addicts.

6402. The petition and order for examination and detention shall be substantially in the form provided by Sections 6251 and 6252 of this code.

6403. The person charged shall immediately be taken before a judge of the superior court to whom the petition and order for examination and detention shall be delivered to be filed with the clerk. The judge shall then inform him of the charge against him, and inform him of his rights to make a defense to such charge and to produce witnesses in relation thereto.

The judge shall by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. This order shall be entered at length in the minute book of the court by the clerk or shall be signed by the judge and filed and a certified copy thereof shall be served on the person. The judge may order that notice of the apprehension of the person and of the hearing of the charge be served on such relatives of the person known to be residing in the county, as the court deems necessary or proper.

6404. Where a rehabilitation center for the care and treatment of inebriates is maintained in a branch of the county jail within the county, the judge may, upon the written recommendation of one medical examiner and the written consent of the person charged, order the person confined to such rehabilitation center immediately and without further hearing or examination for a definite term not exceeding one year. Any person confined pursuant hereto, may, upon written demand filed with the clerk at any time during the period of confinement, request hearing and examination as provided in Sections 6305 to 6316. Upon the filing of any such request, the judge shall by order, fix a time and place for hearing and examination and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged.

6405. The hearing and examination shall be had in compliance with the provisions of Sections 6354, 6355 and 6356 of this code.

6406. If the judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of

habit-forming drugs, as provided in this article, as to have lost the power of self-control, he shall make an order that the person be committed to the Department of Mental Hygiene for placement in a hospital for the care and treatment of the mentally disordered designated in such order, or that such person be confined for a definite period not exceeding one year, in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail. The order of commitment and statement of financial condition shall be in substantially the form provided by Section 6254 of this code for the commitment of mentally disordered persons.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

6407. If the court orders that the person be confined in a state hospital, the court shall commit the person to the Department of Mental Hygiene for placement in a designated hospital for a definite period not to exceed two years, but he may be placed on leave of absence by the medical superintendent under the same rules and conditions under which the other committed persons are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article when he is satisfied that the person will not receive substantial benefit from further hospital treatment, with the same power as contained in Article 7 (commencing with Section 7350), Chapter 3, Division 7 of this code. In the event that the person shall have been committed to an industrial farm or industrial road camp or branch of the county jail, as provided in Section 6404 or 6405 of this code, he may, after recommendation by the medical director of the county that the person will not receive substantial benefit from further confinement, be paroled by the county board of parole commissioners in the same manner as prisoners in county jails are paroled.

6408. If a person ordered committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within 10 days after the making of the order of commitment, demand that the issue be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon a trial shall be had in compliance with the provisions of Sections 6318 to 6321, inclusive, of this code.

## Article 4. Mentally Abnormal Sex Offenders

6450. The term "mentally abnormal sex offender" as used in this article means any person who is not mentally disordered or mentally retarded, and who by any habitual course of misconduct in sexual matters has evidenced an utter lack of power to control his sexual impulses and who, as a result is likely to attack or otherwise inflict injury, loss, pain or other evil upon the objects of his uncontrolled and uncontrollable desires.

6451. A petition alleging that a person named therein is a mentally abnormal sex offender and is in need of supervision, care or treatment and asking that provisions be made for the welfare of such person as provided in this article, may be filed in the superior court of the county in which such person resides only by the following persons:

(a) The parent, spouse or child of such person; or

(b) The person himself.

The petition shall state the petitioner's reasons for believing that the person may be a mentally abnormal sex offender and in need of supervision, care or treatment. The petition shall be accompanied by the written consent of the person himself voluntarily requesting examination and hearing by the court as provided in this article. The petition shall also be accompanied by a written statement of at least one medical examiner, stating that in his opinion the person is a mentally abnormal sex offender as defined in this article and recommending that examination be made of such person in accordance with the provisions of this article.

6452. The court shall fix a time and place for the hearing of the petition. The court shall require due notice of the hearing of the petition to be given to the person.

6453. The person alleged to be a mentally abnormal sex offender shall be taken before a judge of the superior court of said county, and the hearing and examination shall thereafter be had in substantial compliance with the provisions of Sections 6305 to 6315, inclusive, of this code.

6454. If, after examination and hearing, the judge believes that the person is a mentally abnormal sex offender, as defined in this article, he may order that the person be committed to the Department of Mental Hygiene for placement in a state hospital designated by the court for a period of time not to exceed two years for supervision, care and treatment, or the judge may dismiss the petition. The petition, the reports, the court orders and other court documents filed in the court shall not be open to inspection by any other than the parties to the proceeding, the attorneys for the party or parties, and the State Department of Mental Hygiene, except upon the written authority of a judge of the superior court of the county in which the proceedings were had.

6455. Whenever a person is committed to the department and confined in a state hospital under the provisions of this article, the superintendent of the state hospital shall maintain

complete records of the supervision, care and treatment given to each such person. Such records shall not be open to the inspection of any person not in the employ of the department or of the state hospital, except that a judge of the superior court may by order permit examination of such records. The superintendent of the state hospital may, at any time after admission, discharge such person, or grant him a leave of absence upon such terms and conditions as he deems proper.

6456. Proceedings under this article shall not be brought, and a petition under this article may not be filed, by or in behalf of any person against whom a criminal charge has been made which has not been prosecuted to final judgment.

## Article 5. Mentally Retarded Persons

6500. As used in this code, "mentally retarded persons" means those persons, not psychotic, who are so mentally retarded from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, for their own welfare, or for the welfare of others, or for the welfare of the community.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feebleminded" and "feeblemindedness" are used, they shall be construed to refer to and mean "mentally retarded" and "mental retardation," respectively, as defined in this section. All persons heretofore committed or admitted as feebleminded to any state hospital for the mentally retarded, or committed to the Department of Mental Hygiene for placement therein, shall be deemed to have been committed or admitted thereto as mentally retarded persons.

6501. Any mentally retarded person requiring hospitalization may be committed to the Department of Mental Hygiene for placement in a designated state hospital for the mentally retarded if he has been a resident of the state for the period of one year next preceding the presentation of the petition.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States. The residence of minor children during the period of such military service shall be determined in accordance with the residence of the parent in such service or in accordance with the residence of the child.

Any mentally retarded minor requiring hospitalization may be committed to the Department of Mental Hygiene if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year next preceding the presentation of the petition and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for

the purposes of this section and such minor shall be eligible for hospitalization in this state as a mentally retarded person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transferred to the state of residence of the parent or guardian in accordance with the applicable provisions of this code.

6502. A petition for the commitment of a mentally retarded person to the Department of Mental Hygiene for placement in a designated state hospital for the mentally retarded may be filed in the superior court of the county in which such person resides, by any of the following persons:

(a) The parent, guardian, or other person charged with the support of the mentally retarded person.

(b) Any district attorney or probation officer.

(c) The Youth Authority.

(d) Any person designated for that purpose by the judge of the court.

(e) The Director of Corrections.

The petition shall state the petitioner's reasons for supposing the person to be eligible for admission thereto, and shall be verified by the affidavit of the petitioner.

6503. The court shall fix a time and place for the hearing of the petition. The hearing may, in the discretion of the court, be held at any time and place which the court deems proper, and which will give opportunity for the production and examination of witnesses.

6504. In all cases the court shall require due notice of the hearing of the petition to be given to the alleged mentally retarded person. Whenever a petition is filed by a probation officer, district attorney, the Youth Authority or the Director of Corrections, the court shall require such notice of the hearing of the petition as it deems proper to be given to any parent, guardian, or other person charged with the support of the person mentioned in the petition.

6505. Whenever the court considers it necessary or advisable, it may cause an order to issue for the apprehension and delivery to the court of the alleged mentally retarded person, and may have the order executed by any peace officer.

6506. Pending the hearing the alleged mentally retarded person may be left in the charge of his parent, guardian, or other suitable person, or may be placed in the county psychiatric hospital.

6507. The court shall inquire into the condition or status of the alleged mentally retarded person. For this purpose it may by subpoena require the attendance before it of a physician who has made a special study of mental retardation and is qualified as a medical examiner, and of a clinical psychologist, or of two such physicians, or of two such psychologists, to examine the person and testify concerning his mentality. The court may also by subpoena require the attendance of such other persons as it deems advisable, to give evidence.

6508. Each psychologist and physician shall receive for each attendance mentioned in Section 6507 the sum of five dollars ($5) for each person examined, together with his necessary actual expenses occasioned thereby, and other witnesses shall receive for such attendance such fees and expenses as the court in its discretion allows, if any, not exceeding the fees and expenses allowed by law in other cases in the superior court.

Any fees or traveling expenses payable to a psychologist, physician, or witness as provided in this section and all expenses connected with the execution of any process under the provisions of this article, which are not paid by the parent, guardian, or person charged with the support of the supposed mentally retarded person, shall be paid by the county treasurer of the county in which the person resides, upon the presentation to the treasurer of a certificate of the judge that the claimant is entitled thereto.

6509. If the court finds that the person is mentally retarded, and that he or his parent or guardian is a resident of this state as determined in accordance with Section 6501, the court may make an order that the person be committed to the Department of Mental Hygiene for hospitalization. The court, however, may commit a mentally retarded person who has been in the state less than one year, or a mentally retarded minor who is not eligible for commitment to the Department of Mental Hygiene under Section 6501 for the purpose of transportation of such person to the state of his legal residence pursuant to Section 4119. The Department of Mental Hygiene shall receive the person committed to it and shall place the person in a state hospital for the mentally retarded, unless such institutions are already full, or the funds available for their support are exhausted, or, in the opinion of the Department of Mental Hygiene, the person is not a suitable subject for admission thereto.

6510. In case of the dismissal of the petition, the court may, if it considers the petition to have been filed with malicious intent, order the petitioner to pay the expenses in connection therewith, and may enforce such payment by such further orders as it deems necessary.

6511. Any person who knowingly contrives to have any person adjudged mentally retarded under the provisions of this article, unlawfully or improperly, is guilty of a misdemeanor.

6512. If, when a boy or girl is brought before a juvenile court under the juvenile court law, it appears to the court, either before or after adjudication, that the person is mentally retarded, or if, on the conviction of any person of crime by any court it appears to the court that the person is mentally retarded, the court may adjourn the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this article against the person before the court, and the court may order that, pending the

preparation, filing, and hearing of the petition, the person before the court be detained in a place of safety, or be placed under the guardianship of some suitable person, on his entering into a recognizance for the appearance of the person upon trial or under conviction when required. If, upon the hearing of the petition, or upon a subsequent hearing, the person upon trial or under conviction is not found to be mentally retarded, the court may proceed with the trial or impose sentence, as the case may be.

### Article 6. Juvenile Court Wards

6550. If the court, after finding that the minor is a person described by Section 600, 601, or 602, is in doubt concerning the state of mental health or the mental condition of the person, the court may continue the hearing and commit the the person to the Department of Mental Hygiene for placement in a state hospital for the mentally retarded for an indeterminate period of not more than 90 days, for observation of the mental health or the mental condition of the person and recommendations concerning his future care, supervision, and treatment. If the Department of Mental Hygiene has designated a particular state institution to receive minors so committed for observation, all commitments shall be made to the department for placement in the institution so designated. The superintendent of the institution to which the minor is so committed shall receive him, unless the institution is already full or the funds available for its support are exhausted, or if, in the opinion of the superintendent, the person is not a suitable subject for admission. Before such person is conveyed to the institution, it shall be ascertained from the superintendent thereof if the person may be accepted as herein set forth.

The medical superintendent or other person in charge of the state hospital for the mentally retarded in which a minor person is placed for observation pursuant to this section shall, as soon as possible and within 90 days, examine the person to determine the state of his mental health or his mental condition, and submit to the juvenile court a report on the state of his mental health or mental condition which shall include a diagnosis of the nature of his mental disorder or disability, if any, and recommendations concerning his future care, supervision, and treatment.

If the medical superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the court that the minor is not affected with any mental disorder for which he might be committed to the Department of Mental Hygiene for placement in any state institution under this chapter, such superintendent or other person in charge of the state institution shall return the minor to the juvenile court within seven days after the date of the report and the court shall proceed with the case in accordance with the provisions of the Juvenile Court Law.

When the juvenile court directs the filing in any other court of a petition for the commitment of a minor to the Department of Mental Hygiene for placement in any state institution, the juvenile court shall transmit to the court in which the petition is filed a copy of the report of the medical superintendent or other person in charge of the state institution in which the minor was placed for observation. The court in which the petition for commitment is filed may accept the report of the medical superintendent or other person in charge of the state institution in lieu of the appointment, certificate, and testimony of medical examiners or other expert witnesses appointed by the court, if the laws applicable to such commitment proceedings provide for the appointment by court of medical examiners or other expert witnesses or may consider the report as evidence in addition to the certificates and testimony of medical examiners or other expert witnesses.

The jurisdiction of the juvenile court over the minor shall be suspended during such time as the minor is subject to the jurisdiction of the court in which the petition for commitment is filed or under commitment ordered by that court.

## CHAPTER 3. EXPENSE OF DETENTION OR PROCEEDINGS CONCERNING COMMITMENTS

### Article 1. Narcotic Drug Addicts

6700. At the hearing involving a person alleged to be a narcotic drug addict the court shall inquire into the financial condition of the person committed or, if the person is a minor, of the parent, guardian, or other person charged with his support. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay, to the extent the judge considers just, the expenses of the proceedings in connection with his commitment, and to pay to the county of which he is a bona fide resident, such sums as the court deems proper, during such time as the person committed remains in the hospital or on parole to a licensed home for the care of such person. The court shall make a further order requiring such person or persons to pay to the Department of Mental Hygiene the expense of delivery of the patient to the state hospital for placement in which he was committed, which shall be paid to and collected by the department and credited to the appropriation for transportation of patients.

The county auditor shall keep a record of such payments ordered to be made to the county, and shall receive, receipt for, and record such payments made, pay over such payments to the county treasurer, see that the persons ordered to make such payments comply with such orders, and report to the court any failure on the part of such persons to make such payments.

6701. The county from which each person is committed under Section 6357 shall pay the state the cost of care of such person, for the time the person committed remains an inmate of the institution or on leave of absence to a licensed home for the care of such person, at the monthly rate therefor as fixed and determined by the Director of Mental Hygiene from time to time, but in no case shall it exceed the rate of forty dollars ($40) per month.

6702. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June, the amount due under the provisions of Section 6701 and the county treasurer, at the time of the settlement with the state in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts so due.

## Article 2. Habit-Forming Drug Addicts

6705. The reasonable cost of maintenance of a person committed or confined under the provisions of Section 6406 to a branch of the county jail, in a sum to be fixed by the court at the time of the commitment or confinement, shall be a charge against the person committed or confined, or if such person be indigent against his relatives liable for his maintenance

Prior to the making of the order of confinement provided for in Section 6406, the court shall inquire into the financial condition of the person confined and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the confinement to the extent the judge considers just, the expense of the proceedings in connection with his confinement, and to pay to the county maintaining the branch of the county jail, such sums as the court deems proper during such time as the person confined remains in said branch of the county jail.

The county auditor shall keep a record of such payments ordered to be made to the county, and shall receive, receipt for, and record such payments made, pay over such payments to the county treasurer, see that the persons ordered to make such payments comply with such orders, and report to the court any failure on the part of such persons to make such payments.

At the hearing involving a person alleged to be addicted to the use of habit-forming drugs the court shall inquire into the financial condition of the person committed and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the commitment, to the extent the judge considers just, the expense of the proceedings in connection with his commitment, and to pay to the county maintaining the institution if the commitment be to an industrial farm or road camp or branch of the county jail, such sums as the court

deems proper during such time as the person committed remains in the industrial farm or road camp or branch of the county jail.

The county auditor shall keep a record of such payments ordered to be made to the county, and shall receive, receipt for and record such payments made, pay over such payments to the county treasurer, see that the persons ordered to make such payments comply with such orders, and report to the court any failure on the part of such persons to make such payments.

Responsibility for cost of maintenance of persons confined in Department of Corrections regional jail camps shall be governed by the laws relating to such institutions and regulations of the Department of Corrections issued thereunder.

### Article 3. Mentally Abnormal Sex Offenders

6710. The cost necessarily incurred in determining that an indigent person is a mentally abnormal sex offender in need of commitment under this code and securing his admission into a state hospital, and the expense of providing proper clothing for him in accordance with the rules and regulations adopted by the Department of Mental Hygiene, is a charge upon the county from which he is committed. Such costs include the fees of the medical examiners allowed by the judge before whom the testimony of the medical examiners is given.

6711. If a person alleged to be a mentally abnormal sex offender is not an indigent person, the costs of the proceedings are a charge upon his estate, or shall be paid by persons legally liable for his maintenance, unless the judge orders otherwise. The fees allowed the medical examiners, court appointed or otherwise, shall be included as charges against the estate of the person alleged to be a mentally abnormal sex offender or against persons responsible for his maintenance only if such person is adjudged to be a mentally abnormal sex offender.

6712. If the person alleged to be a mentally abnormal sex offender is adjudged not to be a mentally abnormal sex offender, the judge may, in his discretion, charge the costs of the proceedings to the person who signed the petition in respect to him, and judgment may be entered against him for the amount thereof and enforced by execution.

6713. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 6701 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

Article 4. Mentally Retarded Persons

6715. The court shall inquire into the financial condition of the parent, guardian, or other person charged with the support of any person committed as mentally retarded person, and if it finds him able to do so, in whole or in part, it shall make a further order, requiring him to pay, to the extent the court considers him able to pay, the expenses of the proceedings in connection with the investigation, detention, and commitment of the person committed, and the expenses of his delivery to the institution, and to pay to the county, at stated periods, such sums as the court deems proper, during such time as the person remains in the institution or on leave of absence to a licensed hospital, facility or home for the care of such persons. This order may be enforced by such further orders as the court deems necessary, and may be varied, altered, or revoked in its discretion.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

6716. In any case in which the probation officer is charged with the duty of collecting amounts payable to the county under this article, upon the verified application of the probation officer the board of supervisors may make an order discharging the probation officer from further accountability for the collection of any such amount in any case as to which the board determines that the amount is too small to justify the cost of collection; that the statute of limitations has run; or that the collection of such amount is improbable for any reason. Such order is authorization for the probation officer to close his books in regard to such item, but such discharge of accountability of the probation officer does not constitute a release of any person from liability for payment of any such amount which is due and owing to the county. The board may request a written opinion from the district attorney or county counsel as to whether any particular amount is too small to justify the cost of collection, whether the statute of limitations has run, or whether collection of any particular item is improbable.

6717. The cost necessarily incurred in determining whether a person is a fit subject for admission to a hospital for the mentally retarded and securing his admission thereto, is a charge upon the county whence he is committed. Such costs include the fees of witnesses, medical examiners, psychiatrists and psychologists allowed by the judge ordering the examination. If the person sought to be committed is not an indigent person, the costs of the proceedings are a charge upon his

estate, or shall be paid by persons legally liable for his maintenance, unless otherwise ordered by the judge.

6718. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amount due the state by reason of commitments to the hospital for the mentally retarded; and the county treasurer, at the time of the settlement with the state in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts found to be due to the state by reason of such commitments. In the event of the failure of the county auditor or county treasurer to do or perform any of the things required in this section, the State Department of Mental Hygiene may require the county treasurer by writ of mandate to pay to the State Treasurer upon an order of the Controller all amounts found to be due to the state at the time of the next settlement of the county treasurer with the state, and it shall be no defense to such a proceeding that the county auditor has failed to include such sums in his report rendered to the Controller, and it shall not be necessary for the department to allege or prove any fact with relation to the condition of the funds of the county. The department may recover sums due from counties as in this article provided, by the presentation of claims against the board of supervisors, and recovery may be had on all sums due the state for a period of three years next prior to the presentation of any such claims.

6719. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state by reason of commitments of the mentally retarded which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

## Chapter 4. Execution of Commitment Orders

### Article 1. Narcotic Drug Addicts

6725. The sheriff of any county wherein an order is made by any court committing any person as a narcotic drug addict or returning such person to the court, or any other person designated by the court, shall execute the writ of commitment or order of return, and receive as compensation therefor such 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. Subject to the approval of the judge in all cases the parent, guardian, or other person charged with the support of a minor person committed may, and if he is able or the estate of such person is sufficient, shall execute the writ of commitment without expense to the county or state, after being duly sworn therefor. Where the writ is so executed, the person executing it shall for that purpose have the powers of a sheriff, and the execution by him shall have the same effect

as if performed by the sheriff. No female person committed shall be taken to the hospital by any male person not her husband, father, brother, or son, without the attendance of some woman of good character and mature age, chosen for the purpose by the court, which woman shall, if the court sees fit, be paid therefor such reasonable remuneration as the court allows.

### Article 2. Habit-Forming Drug Addicts

6730. Any person committed as a habit-forming drug addict shall be delivered to the state hospital to which he has been committed together with certified copies of the petition, order for detention, report of the apprehending officer concerning the safeguarding and disposition of his property, the order for hearing and examination, order of commitment of the judge, and the certificate of the physicians. These documents shall be delivered to the sheriff of the county and by him shall be delivered to the officer in charge of the designated state hospital or licensed hospital or sanitarium, to which the person is committed. No female person shall be taken to any state or other hospital without the attendance of some other female or of some relative of the person.

The sheriff in transporting persons delivered to him may use a vehicle that is not visibly marked as an official county vehicle and may wear apparel other than his uniform.

6731. All moneys found on a person committed under this article at the time of apprehension shall be certified to by the judge, and sent with the person to the hospital, there to be delivered to the medical superintendent and by him deposited in a fund to be known as the patients' personal deposit fund.

6732. The superintendent or person in charge of any state hospital may refuse to receive any person upon any order, if the papers presented do not comply with the provisions of Section 6730.

### Article 3. Mentally Abnormal Sex Offenders

6735. The sheriff of any county wherein an order is made by the court committing a person as a mentally abnormal sex offender for an indeterminate period to a state hospital 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 such 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. No female person committed shall be taken to or from any state or other hospital without the attendance of some woman of good character and mature age or of a relative of the person.

6736. Certified copies of the petition, certification from the trial court, order for examination and detention, order

for hearing and examination, report of the probation officer and of the court-appointed psychiatrists, and the order of placement for observation or order of commitment for an indeterminate period, as the case may be, shall be delivered to the person transporting the person to the state hospital, and shall be delivered by that person to the officer in charge of the hospital.

### Article 4. Mentally Retarded Persons

6740. The court shall attach to the order of commitment of a mentally retarded person its findings and conclusions, together with all the social and other data it has bearing upon the case, and the same shall be delivered to the home with the order.

6741. The sheriff or probation officer, whichever may be designated by the court, may execute the order of commitment with respect to any mentally retarded person.

In any case in which the probation officer executes the order of commitment, he shall be compensated for transporting such person to a state hospital in the amount and manner in which a sheriff is compensated for similar services.

6750. The superior judge of each county may grant certificates in accordance with the form prescribed by the State Department of Mental Hygiene, showing that the persons named therein are reputable physicians licensed in this state, and have been in active practice of their profession at least five years. When certified copies of such certificates have been filed with the department, it shall issue to such persons certificates or commissions, and the persons therein named shall be known as "medical examiners." There shall at all times be at least two such medical examiners in each county. The certificate may be revoked by the department for incompetency or neglect, and shall not be again granted without the consent of the department.

6751. The department shall keep in its office a record showing the name, residence, and certificate of each duly qualified medical examiner. Immediately upon the receipt of each duly certified copy of a medical examiner's certificate, it shall file the same, and advise him of its receipt and filing.

## Chapter 6. Counselors in Mental Health

6775. The office of counselor in mental health may be created in any county in this state by the board of supervisors thereof. The counselors in mental health to serve under the provisions of this chapter shall be nominated and appointed by the judge of the superior court by written order entered in the minutes of the court.

6776. In each county where the office of counselor in mental health has been created under the provisions of this chapter, the judge of the superior court may appoint two such

counselors. In counties of the first class having a charter the numbers, compensation and benefits of officers and employees shall be as provided in Section 69894.1 of the Government Code.

6777. The term of office of the counselors in mental health shall be during the pleasure of the court, and they may at any time be removed by the court in its discretion. Such counselors shall devote their entire time and attention to the duties of their office.

6778. The counselor in mental health may perform such services as are designated in the county plan established pursuant to Part 1 of Division 5 of this code. Every counselor, assistant counselor, and deputy counselor in mental health shall have the powers of a peace officer.

6779. Wherever in this code or in any other statute reference is made to psychopathic probation officers, such reference shall be deemed to mean and refer to the counselors in mental health provided for in this chapter; and wherever in this code or in any other statute reference is made to probation of incompetent persons, such reference shall mean and refer to supervision of such persons.

### CHAPTER 7. DUTIES OF PEACE OFFICERS

6800. All peace officers and other persons having similar duties relating to judicially committed poor persons shall see that all poor and indigent committed persons within their respective municipalities are speedily granted the relief conferred by this part. When so ordered by a superior court judge, they shall see that such committed persons are, without unnecessary delay, transferred to the proper state hospitals provided for their care and treatment. Before sending a person to any such hospital, they shall see that he is in a state of bodily cleanliness and comfortably clothed with new clothes. The department may by order direct that any person whom it deems unsuitable therefor shall not be employed as an attendant for any committed person. After the patient has been delivered to the proper officers of the hospital, the care and custody of the county or municipality from which he is sent ceases.

### CHAPTER 8. MENTALLY DISORDERED PERSONS CHARGED WITH CRIME

6825. The procedures for handling mentally disordered persons charged with the commission of public offenses are provided for in Section 1026 of the Penal Code and in Chapter 6 (commencing with Section 1365), Title 10, Part 2 of the Penal Code.

SEC. 38. Division 6.5 (commencing with Section 7900) of the Welfare and Institutions Code is repealed.

SEC. 39. Division 7 (commencing with Section 8000) of the Welfare and Institutions Code is repealed.

SEC. 40. Division 7 (commencing with Section 7000) is added to the Welfare and Institutions Code, to read:

## DIVISION 7. MENTAL INSTITUTIONS

### CHAPTER 1. PRIVATE INSTITUTIONS

#### Article 1. Licenses and Inspection

7000. As used in this part, "establishment" and "institution" include every hospital, sanitarium, home, or other place receiving or caring for any mentally disordered or incompetent person referred to in Division 6 of this code.

7001. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the mentally disordered or incompetent persons referred to in Division 6 without first having obtained a license therefor from the Department of Mental Hygiene, and having paid the license fee provided in this chapter.

Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment of the mentally disordered or incompetents without first having obtained a license from the Department of Mental Hygiene, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars ($1.000), or by both such fine and imprisonment The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

The provisions of this chapter do not apply to any hospital which maintains and operates organized medical or surgical facilities primarily for the diagnosis, care, and treatment of physical human illness, including convalescence, and including care during and after pregnancy, and to which persons may be admitted for overnight stay or longer, and holds a license in good standing issued under the provisions of Chapter 2 of Division 2 of the Health and Safety Code.

7002. The district attorney of every county shall, upon application by the State Department of Mental Hygiene or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

7003. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The department shall adopt such rules and regulations as are neces-

sary to properly enforce and apply the provisions of this code relating to licensed private mental institutions, and may classify the establishments and prescribe minimum standards of safety, sanitation, diagnostic, medical, nursing, therapeutic and other facilities and equipment for each class of establishment.

The application shall be accompanied by the proper license fee. The amount of the license fee for each fiscal year is that fixed by the following schedule:

(a) For establishments licensed to receive not more than ten (10) patients, the fee is twenty dollars ($20).

(b) For establishments licensed to receive more than ten (10) but not more than thirty (30) patients, the fee is forty dollars ($40).

(c) For establishments licensed to receive more than thirty (30) but not more than fifty (50) patients, the fee is seventy-five dollars ($75).

(d) For establishments licensed to receive more than fifty (50) patients, the fee is one hundred dollars ($100).

In case of the issuance of a license on or after the first day of January next succeeding the beginning of the fiscal year, the license fee for the remainder of the fiscal year is one-half the sum fixed for the entire fiscal year. The department shall require a license fee, in situations where licensed establishments increase their number of patients during any fiscal year, based upon a pro rata charge under the schedules set forth herein.

An additional fee shall be required in accordance with the schedule set forth herein in the event of an application for transfer of a license to another person to operate the same establishment or for the transfer of a license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

7004. The provisions of this chapter do not apply to private homes certified for family care of patients on leave of absence from state hospitals or state homes. The department may dispense with any requirements of this chapter in an establishment licensed to receive not more than three (3) patients. Licenses may be issued without payment of a fee to establishments which do not have the capacity to receive or care for more than six mentally disordered or incompetent persons, which establishments are classified as family homes in the regulations of the department.

7005. The provisions of this chapter do not apply to any private institution conducted by and for persons who adhere to the faith of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who rely upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

7006. The department shall not grant any such license until it has made an examination of the premises proposed to be licensed, and is satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

7007. The department may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the patients of the establishment so demand, the department may, for just and reasonable cause, suspend or revoke any such license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

7008. All licenses issued under the provisions of this chapter shall expire on the first day of July next succeeding the date of issue. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the department annually, not less than 10 days prior to its expiration and if application is not so filed, the license shall be automatically canceled.

7009. The department may at any time cause any hospital, establishment or home caring for or treating mentally disordered or incompetent persons to be visited and examined.

7010. Each such visit may include an inspection of every part of each establishment, and all the outhouses, places, buildings and grounds used in connection therewith. The representatives of the department may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein.

The patients who require it shall be given suitable opportunity to converse with the representatives of the department, apart from the officers and attendants.

The representatives of the department may examine the officers, attendants, and other employees, and make such inquiries as will determine their fitness for their respective duties.

7011. The representatives of the department may, from time to time, at times and places designated by the department, meet the managers or responsible authorities of such establishments in conference, and consider in detail all questions of management and improvement of the establishments, and may send to them from time to time, written recommendations in regard thereto.

7012. The authorities of each establishment for mentally disordered persons or incompetents shall place on file in the office of the establishment the recommendations made by the department as a result of such visits, for the purpose of consultation by such authorities, and for reference by the departmental representatives upon their visits.

Every private institution, hospital, sanitarium, or establishment licensed by the department for the care and treatment of mentally disordered or incompetent persons referred to in Division 6 shall keep records of every person admitted thereto, in the manner and form prescribed by rule and regulation of the department, and shall furnish all or any portion of such records to the department when required.

7013. The provisions of this part shall not prevent local authorities of any county, city or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for private institutions for the care, custody or treatment of mentally disordered or other incompetent persons, not in conflict with the provisions of this part, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting any such institution within such county, city or city and county.

## Article 2. Conduct

7025. Upon proof of the violation of any provision of this chapter, the license to any person to operate such private institution, hospital, establishment, home, or sanitarium may be suspended or revoked by the Department of Mental Hygiene. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

7026. The Director of Mental Hygiene may bring an action to enjoin the threatened violation, or continued violation of the provisions of this chapter, including the operation of an establishment or institution without a license, or of any of the regulations promulgated under this chapter, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed establishment or institution, and of the violation or continued violation by such establishment or institution of this part or any of the regulations promulgated under this part. No restraining order or injunction, either temporary or permanent, shall be granted by the court which would cause a licensed establishment or institution to cease operations or which would seriously impede the continued operation of the establishment

or institution, unless the operator thereof has been accorded a prior judicial hearing with respect to whether or not such restraining order or injunction shall issue.

## CHAPTER 2. COUNTY PSYCHIATRIC HOSPITALS

7100. The board of supervisors of each county may maintain in the county hospital or in any other hospital situated within or without the county, suitable facilities and hospital service for the detention, supervision, care, and treatment of persons who are mentally disordered or mentally retarded, or who are alleged to be such.

The county may contract with public or private hospitals for such facilities and hospital service when they are not suitably available in any institution or establishment maintained or operated by the county.

The facilities and services shall be subject to the approval of the State Department of Mental Hygiene, and each person having charge and control of any such hospital shall allow the department to make such investigations thereof as it deems necessary at any time.

Nothing in this chapter means that mentally disordered or mentally retarded persons may not be detained, supervised, cared for, or treated, subject to the right of inquiry or investigation by the department, in their own homes, or the homes of their relatives or friends, or in a licensed establishment.

7101. As used in this chapter "county psychiatric hospital" means the hospital, ward, or facility provided by the county pursuant to the provisions of Section 7100.

7102. The superintendent or person in charge of the county psychiatric hospital, may receive, detain, supervise, care for or treat in the hospital any person who comes within any of the following descriptions:

(a) Who has been placed therein pursuant to a court order or court commitment under the provisions of this code or the Penal Code.

(b) Who has been placed therein pursuant to the provisions of Part 1 of Division 5 of this code.

7103. The superintendent or person in charge of the county psychiatric hospital may admit and provide care and treatment in the hospital for any person who comes within the following descriptions:

(a) Who voluntarily makes a written application as provided in Chapter 1 (commencing with Section 6000) of Part 1 of Division 6 of this code.

(b) Who is a conservatee and has written application made in his behalf by his conservator.

7104. Any adult person detained in such hospital, who is in such condition of mind as to render him competent to make such application shall at his request be exempt from medical or psychiatric treatment, upon filing with the superintendent a statement that he depends upon prayer or spiritual means

for healing in the practice of the religion of a well-recognized religious church, sect, denomination, or organization. In case of an adult not found to be in such condition of mind, a similar statement may be filed on his behalf by another and thereupon similar exemption shall be granted. Any minor detained in such hospital shall be exempt from medical or psychiatric treatment, if his parent or guardian shall file with said superintendent an affidavit stating that he relies upon prayer or spiritual means for healing in the practice of the religion of a well-recognized religious church, sect, denomination or organization.

7105. A superintendent or person in charge of the county psychiatric hospital may discharge any patient who is not a proper case for treatment therein.

7106. In case a county psychiatric hospital patient or the person legally liable for his maintenance is or becomes the owner of property, real, personal, or mixed, the county furnishing such care, treatment, or observation, shall be reimbursed therefrom for its charges. The board of supervisors of the county shall fix and determine a schedule of charges for the care, treatment, or observation of such patients, and reimbursement to the county shall be made upon the basis of the charges so fixed.

7107. Any superintendent or person in charge of the county psychiatric hospital, and any public officer, public employee, or public physician who either admits, causes to be admitted, delivers, or assists in delivering, detains, cares for, or treats, or assists in detaining, caring for or treating, any person pursuant to this chapter shall not be rendered criminally liable thereby.

## CHAPTER 3. STATE HOSPITALS FOR THE MENTALLY DISORDERED

### Article 1. Establishment and General Government

7200. There are in the state the following state hospitals for the care and treatment of the mentally disordered:

1. Stockton State Hospital at the City of Stockton.
2. Napa State Hospital near the City of Napa.
3. Agnews State Hospital near the City of San Jose.
4. Mendocino State Hospital near the City of Ukiah.
5. Patton State Hospital near the City of San Bernardino.
6. Metropolitan State Hospital near the City of Norwalk, Los Angeles County.
7. Camarillo State Hospital near Camarillo, Ventura County.
8. The Langley Porter Clinic, in the City and County of San Francisco.
9. DeWitt State Hospital near the City of Auburn.
10. Modesto State Hospital near the City of Modesto.
11. Atascadero State Hospital near the City of Atascadero, San Luis Obispo County.

DeWitt State Hospital and Modesto State Hospital may be used for the reception, care and treatment of the mentally disordered, or mentally retarded. No commitments shall be made by the courts to the Department of Mental Hygiene for placement in DeWitt State Hospital or Modesto State Hospital for mentally retarded persons, but the department may transfer mentally retarded and other patients to and from these institutions as provided in Sections 163 and 7300 of this code.

7201. All of the institutions under the jurisdiction of the Department of Mental Hygiene shall be governed by the uniform rules and regulation of the Department of Mental Hygiene and all of the provisions of Chapter 2 (commencing with Section 4100) of Part 1 of Division 4 of this code on the administration of state institutions shall apply to the conduct and management of the state hospitals for the mentally disordered and, except as provided in Chapter 4 (commencing with Section 7500) of this division, to state hospitals for the mentally retarded.

7203. The Director of General Services may grant to the San Bernardino Unified School District or to the County of San Bernardino under such terms, conditions, and restrictions as he deems to be for the best interests of the state, the necessary easements and rights-of-way over and across the Patton State Hospital property for all purposes of a public or private road. The right-of-way shall be across, along, and upon the following described property:

The westerly 33 feet of Lot 2 of Block 60 of Rancho San Bernardino as recorded in Book 7 of Maps, page 2, Records of San Bernardino County, State of California, saving and excepting the southerly 40 rods thereof.

7204. The Director of General Services, with the consent of the Department of Mental Hygiene, may sell the water treatment plant at the DeWitt State Hospital to the Nevada Irrigation District under such terms, conditions, and restrictions as he deems to be for the best interests of the state. No such sale shall be made unless the district agrees to provide a sufficient amount of satisfactorily treated water to the hospital for its needs, at a cost no greater, than that incurred by the hospital for water at the time of the sale.

7205. The Director of General Services with the consent of the Department of Mental Hygiene is hereby authorized to transfer to the City of Costa Mesa and to convey to said city all of the state's rights, title and interest, and upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be in the best interest of the state, and subject to such use or uses as may be agreed upon by the city and the Department of Mental Hygiene with the approval of the Director of General Services, in all or any part of the real property consisting of approximately five acres lying at the southwest corner of the Fairview State Hospital property in Orange County, being a parcel of land lying within Lot A of the Banning Tract, in

the Rancho Santiago de Santa Ana, City of Orange, State of California, as shown on a map of said tract filed in action No. 6385 in the Superior Court of the State of California in and for the City of Los Angeles, being an action for partition entitled Hancock Banning et al. vs Mary H. Banning, more particularly described as follows:

Beginning at the most southeasterly corner of Parcel G as shown on a record of survey filed in Book 53, pages 34 through 36, of records of Surveys in the office of the County Recorder of Orange County, California; thence along the boundary of said Parcel G northwesterly along a curve concave southwesterly having a radius of 540.00 feet through a central angle of 23 degrees, 01 minutes, 33 seconds, an arc distance of 217.01 feet, thence north 34 degrees, 32 minutes, 30 seconds west, 97.50 feet to a point on a line parallel with and 280.00 feet measured at right angles northerly of the north line of Fairview Farms as shown on said record of Survey; thence departing from the boundary of said Parcel G north 89 degrees, 27 minutes, 30 seconds east along said parallel line 936.97 feet; thence south 0 degrees, 32 minutes, 30 seconds east, 280.00 feet to said north line of Fairview Farms; thence south 89 degrees, 27 minutes, 30 seconds, west, 800.00 feet to the point of beginning.

The conveyance of such property shall be subject to the following conditions:

(a) There shall be excepted and reserved in the state all deposits of minerals, including oil and gas, in the property and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposists from the property.

(b) If the city shall cease to use the property for public purposes, all right, title, and interest of the county in and to the property shall cease and the property shall revert and rest in the state.

7206. Notwithstanding the provisions of Section 4104 of this code, the Director of General Services, with the consent of the Director of Mental Hygiene, may grant a right-of-way for road purposes to the County of San Bernardino over and along a portion of the Patton State Hospital property adjacent to Arden Way and Pacific Street upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services will be for the best interests of the state.

7207. The Director of General Services, with the consent of the Department of Mental Hygiene, may grant to the Regents of the University of California, upon such terms, conditions, and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interest of the state, the necessary easements and rights-of-way for a utilities relocation and campus access road on the Langley Porter Neuropsychiatric Institute property. The right-of-way shall be across, along and upon the following described property:

A strip of land approximately 40′ in width extending from the southerly line of Parnassus Avenue beginning at a point on the southerly boundary of Parnassus Avenue 331′ from the westerly boundary of said parcel of land described by deed dated October 1, 1940, and extending in a southerly direction to the south boundary of Langley Porter property.

### Article 2. Admission

7225. Except as otherwise provided, all patients admitted to a state hospital shall be duly committed or transferred thereto, and shall be subject to the general rules and regulations of the department and of the hospital.

7226. The Department of Mental Hygiene may admit to any state hospital for the mentally disordered, if there is room therein, any mentally disordered soldier or sailor in the service of the United States on such terms as are agreed upon between the department and the properly authorized agents, officers, or representatives of the United States Government.

7227. Mentally disordered prisoners in the state prisons shall be admitted to the state hospitals in accordance with the provisions of the Penal Code.

### Article 3. Patients' Care

7250. Any person who has been committed is entitled to a writ of habeus corpus, upon a proper application made by the Department of Mental Hygiene, by such person, or by a relative or friend in his behalf to the judge of the superior court of the county in which the hospital is located. Upon the return of the writ, the truth of the allegations under which he was committed shall be inquired into and determined. The medical history of the person as it appears in the clinical records shall be given in evidence, and the superintendent in charge of the state hospital wherein the person is held in custody and any other person who has knowledge of the facts shall be sworn and shall testify relative to the mental condition of the person.

7251. Every superintendent, or person in charge of a state hospital, shall, within three days after the reception of a patient, make or cause to be made a thorough physical and mental examination of the patient, and state the result thereof, on blanks prepared and exclusively set apart for that purpose. During the time the patient remains under his care he shall also make, or cause to be made, from time to time, examination of the mental state, bodily condition, and medical treatment of the patient at such intervals and in such manner, and state its result, upon such blank forms, as are approved by the department. In the event of the death or discharge of a patient the superintendent, or person in charge of the state hospital, shall state the circumstances thereof upon such forms as are required by the department.

7252. Any patient in a state hospital, upon the consent of the superintendent and medical director of such hospital, may voluntarily donate blood to any nonprofit blood bank duly licensed by the State Department of Public Health.

7253. Every patient in a state hospital under this chapter may be permitted to keep for his own use articles of handiwork and other finished products suitable primarily for personal use, as determined by the superintendent, which have been fabricated by the patient.

7254. The provisions of this section apply to any person who has been lawfully committed or admitted to any state hospital or state home, and who is afflicted with, or suffers from, any of the following conditions:

(a) Mental disease which may have been inherited and is likely to be transmitted to descendants.

(b) Mental retardation, in any of its various grades.

(c) Marked departures from normal mentality.

The State Department of Mental Hygiene, upon compliance with the provisions of this section, may cause any such person to be sterilized by the operation of vasectomy upon the patient if a male and of salpingectomy if a female or any other operation or treatment that will permanently sterilize but not unsex the patient. When the superintendent of the state hospital or state home is of the opinion that a patient who is afflicted with or suffering from any of the conditions specified in this section should be sterilized, he shall certify such opinion to the Director of Mental Hygiene and shall at the same time give written notice of such certification to the patient and to his known parents, spouse, adult children, or guradian, if any, by registered mail to their last known address. If the patient has no known relatives or guardian, such notice shall be given to the person who petitioned for the patient's commitment. Such notice shall further state that written objection or written consent to the proposed sterilization should be filed with the Director of Mental Hygiene at his office in Sacramento within 30 days by the patient, spouse, next of kin or guardian.

When a written consent is filed, or if no objection is filed within the 30 days, the Director of Mental Hygiene, if satisfied that the sterilization will not unduly endanger the patient's health and that it is a proper case for sterilization, may authorize the superintendent to proceed with the sterilization of the patient. The director may cause such examination of the patient and other inquiry to be made as he deems advisable before issuing the authorization to the superintendent.

If a written objection is filed within the 30 days by the patient, his spouse, next of kin, or guardian, and in those cases where the patient has no known relatives or guardian, the proposed sterilization shall not be authorized or performed until the Director of Mental Hygiene has determined the matter. He shall make full inquiry into the case, and may hold a hearing at the institution at which hearing the patient shall be present, and the objecting party and others interested on be-

half of the patient may be heard. If the decision of the director is that the patient shall not be sterilized, he shall so order and notify the superintendent, the patient and the objecting party. If the decision of the director is that the patient should be sterilized, he shall send notice of such decision to the patient, his known parents, spouse, adult children, and guardian, if any, and the objecting party, by registered mail to their last known address. Such notice shall further state that any such party has the right within 30 days to petition the superior court of the county in which the institution is situated or of the county of the patient's residence for a review of the decision.

If such petition is filed in court within 30 days, and a true copy thereof is served upon the Director of Mental Hygiene, the patient shall not be sterilized unless and until the court, after hearing, issues an order authorizing the sterilization of the patient in accordance with the provisions of this section. If such petition is not filed in court within 30 days, the director may authorize the superintendent to proceed with such sterilization. The sterilization of a patient in accordance with the provisions of this section, whether performed with or without the consent of the patient, shall be lawful and shall not render the department, its officers or employees, or any person participating in the operation liable either civilly or criminally.

### Article 4. Property and Support of Patients

7275. The husband, wife, father, mother, or children of a patient in a state hospital for the mentally disordered, the estates of such persons, and the guardian and administrator of the estate of such patient shall cause him to be properly and suitably cared for and maintained, and shall pay the costs and charges of his transportation to a state institution. The husband, wife, father, mother, or children of a patient in a state hospital for the mentally disordered and the administrators of their estates, and the estate of such person shall be liable for his care, support, and maintenance in a state institution of which he is a patient. The liability of such persons and estates shall be a joint and several liability, and such liability shall exist whether the person has become a patient of a state institution pursuant to the provisions of this code or pursuant to the provisions of Sections 1026, 1368, 1369, 1370, and 1372 of the Penal Code.

7276. The rate for the care, support, and maintenance of all patients in a state hospital for the mentally disordered where there is liability to pay for such care, support, and maintenance, shall be reviewed each fiscal year and fixed at the statewide average per capita cost of maintaining patients in all state hospitals, as determined by the Director of Mental Hygiene. The rate thus fixed shall continue in effect until a new rate is fixed. The Director of Mental Hygiene may reduce, cancel or remit the amount to be paid by the estate or the

relatives, as the case may be, liable for the care, support, and maintenance of any patient of a state hospital for the mentally disordered, on satisfactory proof that the estate or relatives, as the case may be, are unable to pay the cost of such care, support, and maintenance or that the amount is uncollectible. In any case where there has been a payment under this section, and such payment or any part thereof should be refunded because of the death, leave of absence, or discharge of any patient of such hospital, such amount shall be paid by the hospital or the Department of Mental Hygiene to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law. If any person dies at any time while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

7277. The Department of Mental Hygiene shall collect all the costs and charges mentioned in Section 7275 and shall determine and collect the charges for services rendered persons in the community mental hygiene clinics maintained by the department in accordance with schedules for such charges as set forth in the rules and regulations of the department, and may take such action as is necessary to effect their collection within or without the state. The Director of Mental Hygiene may, however, at his discretion, refuse to accept payment of charges for the care, support, and maintenance in a state hospital of any mentally disordered person or inebriate who is eligible for deportation by the federal immigration authorities.

7278. The department shall, following the admission of a patient into a state hospital for the mentally disordered cause an investigation to be made to determine the moneys, property, or interest in property, if any, the patient has, and whether he has a duly appointed and acting guardian to protect his property and his property interests. The department shall also make an investigation to determine whether the patient has any relative or relatives responsible under the provisions of this code for the payment of the costs of transportation and maintenance, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges. All reports in connection with such investigation, together with the findings of the department, shall be records of the department, and may be inspected by interested relatives, their agents, or representatives at any time upon application.

7279. If any person committed to a state mental hospital has sufficient estate for the purpose, the guardian of his estate shall pay for his care, support, maintenence, and necessary expenses at the mental hospital to the extent of the estate.

Such payment may be enforced by the order of the judge of the superior court where the guardianship proceedings are pending. On the filing of a petition therein by the department showing that the guardian has failed, refused, or neglected to pay for such care, support, maintenance, and expenses, the court, by order, shall direct the payment by the guardian. Such order may be enforced in the same manner as are other orders of the court.

If at any time there is not sufficient money on hand in the estate of a committed person to pay the claim of a state mental hospital for his care, support, maintenance, and expenses therein, the court may, on petition of the guardian of the estate, or if the guardian fails, refuses, or neglects to apply, on the petition of the department, make an order directing the guardian to sell so much of the other personal or real property or both, of the person as is necessary to pay for the care, support, maintenance, and expenses of the person at the mental hospital. From the proceeds of such sale, the guardian shall pay the amount due for the care, support, maintenance, and expenses at the mental hospital, and also such other charges as are allowed by law.

Payment for the care, support, maintenance, and expenses of person at a state hospital shall not be exacted, however, if there is likelihood of the patient's recovery or release from the hospital and payment will reduce his estate to such an extent that he is likely to become a burden on the community in the event of his discharge from the hospital. If a certificate from the medical superintendent of the state hospital in which the person is confined as a patient is filed in the office of the county clerk with the papers in the guardianship proceedings of the patient, in which certificate the medical superintendent states that the patient is suffering from a chronic form of mental disorder and that in his opinion a recovery is beyond reasonable hope and that the patient will in all probability continue to be a charge in a state hospital until death, such certificate shall be prima facie evidence that the patient is not likely to recover or to be released from the hospital, and the guardian shall pay the amount due for his care, support, maintenance, and expenses at the hospital and such other charges as are allowed by law out of any moneys of the estate in his possession.

7280. The guardian of the estate of any person who is confined in a state mental hospital may, from time to time, pay to the state mental hospital moneys out of the estate to be used for the future personal needs of the mentally disordered person while in a state mental hospital and for burial expenses, such sums so paid to be credited to the patient's personal deposit account, subject to the provision relating to the deposit of funds in the patients' personal deposit fund.

7281. There is at each institution under the jurisdiction of the Department of Mental Hygiene, a fund known as the patients' personal deposit fund. Any funds coming into the

possession of the superintendent, belonging to any patient in that institution, shall be deposited in the name of that patient in the patients' personal deposit fund, except that if a guardian of the estate is appointed for the patient then he shall have the right to demand and receive such funds. Whenever the sum belonging to any one patient, deposited in the patients' personal deposit fund, exceeds the sum of five hundred dollars ($500), the excess may be applied to the payment of the care, support, maintenance and medical attention of the patient. After the death of the patient any sum remaining in his personal deposit account in excess of burial costs may be applied for payment of care, support, maintenance and medical attention. Any of the funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals for the patient or may be applied in an amount not exceeding five hundred dollars ($500) to the payment of his burial expenses.

7282. The Department of Mental Hygiene may in its own name bring an action to enforce payment for the cost and charges of transportation of a person to a state hospital against any person, guardian or relative liable for such transportation. The department also may in its own name bring an action to recover for the use and benefit of any state hospital or for the state the amount due for the care, support, maintenance, and expenses of any patient therein, against any county, or officer thereof, or against any person, guardian, or relative, liable for such care, support, maintenance, or expenses.

7283. All moneys collected by the Department of Mental Hygiene for the cost and charges of transportation of persons to state hospitals shall be remitted by the department to the State Treasury for credit to, and shall become a part of, the current appropriation from the General Fund of the state for the transportation of the mentally disordered, correctional school, or other state hospital patients and shall be available for expenditure for such purposes. In lieu of exact calculations of moneys collected for transportation charges the department may determine the amount of such collections by the use of such estimates or formula as may be approved by the Department of Finance.

7284. If any incompetent person, who has no guardian and who has been admitted or committed to the Department of Mental Hygiene for placement in any designated state hospital for the mentally disordered or the mentally retarded is the owner of any property, the Department of Mental Hygiene, acting through its designated officer, may apply to a court of competent jurisdiction for its appointment as guardian of the estate of such incompetent person.

For the purposes of this section, the Department of Mental Hygiene is hereby made a corporation and may act as executor, administrator, guardian of estates, assignee, receiver, depositary or trustee, under appointment of any court or by authority of any law of this state, and may transact business in

such capacity in like manner as an individual, and for this purpose may sue and be sued in any of the courts of this state.

If a person admitted or committed to the Department of Mental Hygiene dies, leaving any estate, and having no relatives at the time residing within this state, the Department of Mental Hygiene may apply for letters of administration of his estate, and, in the discretion of the court, letters of administration may be issued to the department. When the Department of Mental Hygiene is appointed as guardian or administrator, the department shall be appointed as guardian or administrator without bond. The officer designated by the department shall be required to give a surety bond in such amount as may be deemed necessary from time to time by the director, but in no event shall the initial bond be less than ten thousand dollars ($10,000), which bond shall be for the joint benefit of the several estates and the State of California. The Department of Mental Hygiene shall receive such reasonable fees for its services as such guardian or administrator as the court allows. The fees paid to the Department of Mental Hygiene for its services as guardian or administrator of the various estates may be used as a trust account from which may be drawn expenses for filing fees, bond premiums, court costs, and other expenses required in the administration of the various estates. Whenever the balance remaining in such trust fund account shall exceed a sum deemed necessary by the department for the payment of said expenses, such excess shall be paid quarterly by the department into the State Treasury to the credit of the General Fund.

7285. The Department of Mental Hygiene may invest funds held as executor, administrator, guardian of estates, or trustee, in bonds or obligations issued or guaranteed by the United States or the State of California. Such investments may be made and such bonds or obligations may be sold or exchanged for similar bonds or obligations without notice or court authorization.

7286. The Department of Mental Hygiene may establish one or more common trusts for investment of funds held as executor, administrator, guardian of estates, or trustee and may designate from time to time the amount of participation of each estate in such trusts. The funds in such trusts may be invested only in bonds or obligations issued or guaranteed by the United States or the State of California.

The income and profits of each trust shall be the property of the estates participating and shall be distributed, when received, in proportion to the amount of participation of each estate in such trust. The losses of each trust shall be the losses of the estates participating and shall be apportioned, as the same occur, upon the same basis as income and profits.

7287. Upon the death of an incompetent person over whom the Department of Mental Hygiene has obtained jurisdiction pursuant to Section 7284, the department may make proper disposition of the remains, and pay for the disposition of the

remains together with any indebtedness existing at the time of the death of such person from the assets of the guardianship estate, and thereupon it shall file its final account with the court or otherwise close its administration of the estate of such person.

7288. Whenever it appears that a person who has been admitted to a state institution and remains under the jurisdiction of the Department of Mental Hygiene does not have a guardian and owns personal property which requires safekeeping for the benefit of the patient, the Department of Mental Hygiene may remove or cause to be removed such personal property from wherever located to a place of safekeeping.

Whenever it appears that such patient does not own property of a value which would warrant guardianship proceedings, the expenses of such removal and safekeeping shall be paid from funds appropriated for the support of the institution in which the patient is receiving care and treatment; provided, however, that if the sum on deposit to the credit of such patient in the patients' personal deposit fund exceeds the sum of three hundred dollars ($300), the excess may be applied to the payment of such expenses of removal and safekeeping.

When it is determined by the superintendent at any time after the removal for safekeeping of such personal property, that the patient is incurable or is likely to remain in a state institution indefinitely, then any of those articles of personal property which cannot be used by the patient at the institution may be sold at public auction and the proceeds therefrom shall first be applied in reimbursement of the expenses so incurred and the balance shall be deposited to the patient's credit in the patients' personal deposit fund. All moneys so received as reimbursement shall be deposited in the State Treasury in augmentation of the appropriation from which the expenses were paid.

7289. When a person who is a patient of a state hospital in the Department of Mental Hygiene has no guardian and has money due or owing to him, the total amount of which does not exceed the sum of three thousand dollars ($3,000), the superintendent of the institution of which the person is a patient may collect any money so due or owing upon furnishing to the person, representative, officer, body or corporation in possession of or owing any such sums, an affidavit executed by the superintendent or acting superintendent. The affidavit shall contain the name of the institution of which the person is a patient, and the statement that the total amount of such sums known to be due to the person does not exceed the sum of three thousand dollars ($3,000). Payments from retirement systems and annuity plans which are due or owing to such patients may also be collected by the superintendent of the institution of which the person is a patient, upon the furnishing of an affidavit executed by the superintendent or acting superintendent,

containing the name of the institution of which the person is a patient and the statement that such person is entitled to receive such payments. Such sums shall be delivered to the superintendent and shall be deposited by him in the patients' personal deposit fund as provided in Section 7281 of this code.

The receipt of such superintendent shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this section and shall fully discharge such person, representative, officer, body or corporation from any further liability with reference to the amount of money so paid.

The superintendent of each institution shall render such reports and accounts annually or more often as may be required by the Department of Mental Hygiene or the Department of Finance of all moneys of patients deposited in the patients' personal deposit accounts of the institution.

7290. The Department of Mental Hygiene may enter into a special agreement, secured by a properly executed bond, with the relatives, guardian, or friend of any patient therein, for his care, support, maintenance, or other expenses at the institution. Such agreement and bond shall be to the people of the State of California and action to enforce the same may be brought thereon by the department. All charges due under the provisions of this section, including the monthly rate for the patient's care and treatment as established by or pursuant to law, shall be collected monthly. No patient, however, shall be permitted to occupy more than one room in any state institution.

7291 The county from which each person has been committed to an institution for defective or psychopathic delinquents shall pay the state the cost of the care of such person, for the time the person committed remains a patient of the institution, at the monthly rate therefor fixed as provided in Section 7292.

7292. The cost of such care shall be determined and fixed from time to time by the Director of Mental Hygiene, but in no case shall it exceed the rate of forty dollars ($40) per month.

7293. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 7291 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

7294. Any person who has been committed as a defective or psychopathic delinquent may be paroled or granted a leave of absence by the medical superintendent of the institution wherein the person is confined whenever the medical superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others or that the person will receive benefit from such parole or leave of absence, and after the medical superintendent and the Director of Mental Hygiene have certified such opinion to the committing court.

If within 30 days after the receipt of such certification the committing court orders the return of such person, the person shall be returned forthwith to await further action of the court. If within 30 days after the receipt of such certification the committing court does not order the return of the person to await the further action of the court, the medical superintendent may thereafter parole the person under such terms and conditions as may be specified by the superintendent. Any such paroled inmate may at any time during the parole period be recalled to the institution. The period of parole shall in no case be less than five years, and shall be on the same general rules and conditions as parole of the mentally disordered.

When any person has been paroled for five consecutive years, if in the opinion of the medical superintendent and the Director of Mental Hygiene the person is no longer a menace to the health, person, or property of himself or of any other person, the medical superintendent, subject to the approval of the Director of Mental Hygiene, may discharge the person. The committing court shall be furnished with a certified copy of such discharge and shall thereupon make such disposition of the court case as it deems necessary and proper.

When, in the opinion of the medical superintendent, a person heretofore committed as a defective or psychopathic delinquent will not benefit by further care and treatment under any facilities of the department and should be returned to the jurisdiction of the court, the superintendent of the institution and the Director of Mental Hygiene shall certify such opinion to the committing court including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. Upon receipt of such certification, the committing court shall forthwith order the return of the person to the court. The person shall be entitled to a court hearing and to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witness who testifies against him. After considering all the evidence before it, the court may make such further order or commitment with reference to such person as may be authorized by law.

### Article 5. Transfer of Patients

7300. It shall be the policy of the department to make available to all persons judicially committed to its jurisdiction all of the facilities under the control of the department. Whenever, in the opinion of the Director of Mental Hygiene, it appears that a person judicially committed to the Department of Mental Hygiene for placement in a designated institution would be benefited by a transfer from that designated institution to another institution in the department, the director may cause the transfer of the patient from that instituion to another institution under the jurisdiction of the department. Preference shall be given in any such transfer to an institution in an adjoining rather than a remote district.

However, before any inmate of a correctional school may be transferred to a state hospital for the mentally disordered he shall first be returned to a court of competent jurisdiction, and, if subject to commitment, after hearing, may be committed to a state hospital for the mentally disordered in accordance with law.

The expense of such transfers is chargeable to the state, and the bills for the same, when approved by the Director of Mental Hygiene, shall be paid by the Treasurer on the warrant of the Controller, out of any moneys provided for the care or support of the patients or out of the moneys provided for the support of the department, in the discretion of the department.

7301. Whenever, in the opinion of the Director of Mental Hygiene and with the approval of the Director of Corrections, any person who has been committed to a state hospital pursuant to provisions of the Penal Code needs care and treatment under conditions of custodial security which can be better provided within the Department of Corrections, such person may be transferred for such purposes from an institution under the jurisdiction of the Department of Mental Hygiene to an institution under the jurisdiction of the Department of Corrections.

Persons so transferred shall not be subject to the provisions of Section 4500, 4501, 4501.5, 4502, 4530, or 4531 of the Penal Code. However, they shall be subject to the general rules of the Director of Corrections and of the facility where they are confined and any correctional employee dealing with such persons during the course of an escape or attempted escape, a fight or a riot, shall have the same rights, privileges and immunities as if the person transferred had been committed to the Director of Corrections.

7302. Judicially committed patients may be transferred to a like institution at the request of relatives or friends, if there is room in the like institution to which transfer is sought and if the Department of Mental Hygiene and the superintendents of the institutions from which and to which the transfer is to be made consent thereto. The expense of such transfer shall be paid by such relatives or friends.

7303. Whenever a person, committed to the care of the Department of Mental Hygiene under one of the commitment laws which provides for reimbursement for care and treatment to the state by the county of commitment of such person, is transferred under Section 7300 to an institution under the jurisdiction of the department where the state rather than the county is liable for the support and care of patients, the county of commitment may have the original commitment vacated and a new commitment issued, designating the institution to which the person has been transferred, in order to absolve the county from liability under the original commitment.

7304. Whenever a person, committed to the Department of Mental Hygiene under one of the commitment laws providing for no reimbursement for care and treatment to the state by the county of commitment, is transferred under Section 6700 to an institution under the jurisdiction of the department where the county is required to reimburse the state for such care and treatment, the Department of Mental Hygiene may have the original commitment vacated and a new commitment issued, designating the institution to which the person has been transferred, in order to make the county liable for the care and treatment of the committed person to the extent provided by Sections 7511 and 7512 of the Welfare and Institutions Code.

Article 6. Escapes

7325. When any judicially committed patient has escaped from any state hospital or from any hospital or facility operated by or under the Veterans' Administration of the United States government, or when a judicially committed patient's return from leave of absence has been authorized or ordered by the Department of Mental Hygiene or the facility of the Veterans' Administration, any peace officer, upon written request of a state hospital or veterans' facility, shall without the necessity of a warrant or court order, or any officer or employee of the Department of Mental Hygiene designated to perform such duties may, apprehend, take into custody and deliver him to a state hospital or to a facility of the Veterans' Administration, or to any person or place authorized by the Department of Mental Hygiene, or by the Veterans' Administration, as the case may be, to receive him. Every officer or employee of the department designated to apprehend or return such patients shall have the powers and privileges of peace officers so far as necessary to enforce the provisions of this section.

As used in this section "any peace officer" means any sheriff, undersheriff, deputy sheriff, constable of a township, chief of police or policeman of a city or town, who is regularly employed and paid as such by a county, township, city or town.

7326. Any person who willfully assists any judicially committed patient of a state hospital to escape, or to attempt to escape therefrom or to resist being returned from a leave of absence, is guilty of a misdemeanor.

7327. Every peace officer who is designated in and pursuant to Section 7325 delivers or assists in the delivery of a patient to a state hospital or other place designated by a state hospital shall be entitled to receive from the state hospital such fees and expenses as are payable to sheriffs for conveyance of patients to state hospitals

7328. Whenever a person, committed to an institution subject to the jurisdiction of the Department of Mental Hygiene under one of the commitment laws which provides for reimbursement for care and treatment to the state by the county

of commitment of such person, is accused of committing a crime while confined in such institution and is committed by the court in which the crime is charged to another institution under the jurisdiction of the Department of Mental Hygiene or the Department of Corrections, the state rather than the county of commitment shall bear the subsequent cost of supporting and caring for such person.

7329. When any patient, who is subject to commitment, has escaped from any public mental hospital in a state of the United States other than California and is present in this state, any peace officer, health officer, county physician, or assistant county physician may take such person into custody within five years after the escape. Such person may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the identity of the person, the name and place of the institution from which he escaped and the approximate date of the escape, and the fact that the person has been apprehended pursuant to this section.

As soon as possible after the person is apprehended, the district attorney of the county in which the person is present shall file a petition in the superior court alleging the facts of the escape, and requesting an immediate hearing on the question of whether the person has escaped from a public mental hospital in another state within five years prior to his apprehension. The hearing shall be held within three days after the day on which the person was taken into custody. If the court finds that the person has not escaped from such a hospital within five years prior to his apprehension, he shall be released immediately.

If the court finds that the person did escape from a public mental hospital in another state within five years prior to his apprehension, the superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person, and the district attorney of the county in which such person is present immediately shall present to a judge of the superior court a petition asking that the person be committed to a state hospital in this state. The hearing on the petition shall be held within seven days after the court's determination in the original hearing that the person did escape from a public mental hospital in another state within five years prior to his apprehension. Proceedings shall thereafter be conducted as on a petition for commitment of the particular type of person subject to commitment. If the court finds that the person is subject to commitment it shall order him committed to a state hospital in this state; otherwise, it shall order him to be released. It shall be the duty of the superintendent of the state hospital to accept custody of such person, if he has been determined to be subject to commitment. The Department of Mental Hygiene will promptly cause

such person to be returned to the institution from which he escaped if the authorities in charge of such institution agree to accept him. If such authorities refuse to accept such person, the superintendent of the state hospital in which the person is confined shall continue to care for and treat the person in the same manner as any other person committed to the hospital as mentally disordered.

Article 7. Leave of Absence, Discharge, and Restoration to Capacity of Persons Other Than the Mentally Disordered Criminals

7350. The provisions of this article shall not apply to any patient held upon an order of a court or judge in a proceeding arising out of a criminal action.

7351. Wherever in any provision of this code heretofore or hereafter enacted the term "parole" is used in relation to the release of a judicially committed patient from a state hospital, it shall be construed to refer to and mean "leave of absence." Any judicially committed patient granted a leave of absence may at any time during the peroid of the leave of absence be recalled and returned to the hospital.

Upon the release of a judicially committed patient as granted by the medical superintendent of a state hospital, on leave of absence or discharge upon any of the grounds provided in this article, in accordance with the rules and regulations prescribed by the department, the superintendent shall issue to or on behalf of the judicially committed patient a document stating the general terms or limitations of the leave of absence, or a certificate stating the general condition of or the reason for the discharge of the judicially committed patient.

7352. The superintendent of a state hospital may grant a leave of absence to a judicially committed patient under general conditions prescribed by the Department of Mental Hygiene.

7353. The department may grant certificates to private homes for family care of patients on leave of absence from state hospitals. Such certificates shall be granted without payment of fees. Each such home may care for not more than six (6) patients and shall be regulated by standards established by the department for the care of such patients.

7354. Any judicially committed patient may be placed on leave of absence for care in a licensed hospital or other suitable licensed facility. The department may pay for such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the director. Such payments shall be made from funds available to the department for that purpose or for the support of patients in the state hospitals.

7355. No patient shall be discharged or granted a leave of absence from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it cannot

otherwise be obtained, the superintendent, under general conditions prescribed by the Department of Mental Hygiene, shall furnish such clothing and money, not exceeding twenty-five dollars ($25) to defray the necessary expenses of such patient who is going on leave of absence or is to be discharged until he can reach his relatives or friends, or find employment to earn a subsistence.

The superintendent may, under general conditions prescribed by the Department of Mental Hygiene, furnish to patients while on leave of absence such incidental moneys, supplies or services as are necessary and advisable in the care, supervision and rehabilitation of such patients on leave of absence. Payments therefor shall be made from funds available for support of patients in the state hospital or hospitals from which such patients have been granted a leave of absence.

7356. The charges for the care and keeping of persons on leave of absence from a state hospital where the department pays for such care shall be a liability of such person, his estate, and relatives, to the same extent that such liability exists for patients in state hospitals.

7357. The superintendent of a state hospital, on filing his written certificate with the Director of Mental Hygiene, may discharge any patient who, in his judgment, has recovered or was not, at time of admission, mentally disordered.

7359. The superintendent of a state hospital, on filing his written certificate with the Director of Mental Hygiene, may discharge as improved, or may discharge as unimproved, as the case may be, any judicially committed patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient.

7360. The medical superintendent shall not refuse to discharge any judicially committed patient as improved, on the ground that the guardian, friends, or relatives of the patient are not financially able and willing to care properly for the patient after his discharge. Any patient whose condition has improved so as to render him eligible for discharge under Section _____ and whose guardian, friends, or relatives are not financially able and willing to care properly for him after his discharge shall be returned to the county from which he was committed, at the expense of the county, and shall be cared for by the county as are other indigent persons.

7361. When the superintendent is unwilling to certify to the discharge of an unrecovered judicially committed patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated, upon such certificate, and upon any other proofs produced before him, after affording opportunity for a hearing to the superintendent, may direct, by order, the discharge of the patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order

granted thereon, shall be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order shall be filed in the hospital from which the patient is discharged.

7362. The medical superintendent of a state hospital, on filing his written certificate with the Director of Mental Hygiene, may on his own motion, and shall on the order of the Department of Mental Hygiene, discharge any patient who comes within any of the following descriptions:

(a) Who is not a proper case for treatment therein.

(b) Who is mentally deficient or is affected with a chronic harmless mental disorder.

Such person, when discharged, shall be returned to the county of his residence at the expense of such county, and delivered to the sheriff or other appropriate county official to be designated by the board of supervisors, for delivery to the official or agency in that county charged with the responsibility for such person. Should such person be a poor and indigent person, he shall be cared for by such county as are other indigent poor.

No person who has been discharged from any state hospital under the provisions of subdivision (b) above shall be again committed to any state hospital for the mentally disordered unless he is subject to judicial commitment.

### Article 8. Disposition of Mentally Disordered Criminals Upon Recovery

7375. A patient committed to a state hospital under the provisions of Chapter 6, Title 10, Part 2, of the Penal Code, shall, upon the certificate of the superintendent that the person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with in accordance with the provisions of the above-mentioned chapter of the Penal Code.

(a) A person committed to a state hospital under the provisions of Section 1026 of the Penal Code shall be released therefrom only upon determination that his sanity has been restored, as provided in Sections 1026 and 1026a of the Penal Code, except as otherwise expressly provided in subdivision (b) of this section.

(b) This subdivision applies only to persons committed to state hospitals under Section 1026 of the Penal Code who, if they had been convicted of the crimes with which they were charged, would have been eligible for probation under Section 1203 of the Penal Code. Whenever any such person has been confined in a state hospital for three years or more, and the superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others and that the person will receive benefit

from parole, the superintendent may certify said opinion to the committing court. Within 30 days after the receipt of the certification, the court shall approve or disapprove such recommendation. If the approval of the court is given, the superintendent of the hospital may parole the person under such terms and conditions as the superintendent specifies. The parole shall be on the same general terms and conditions as parole of the mentally disordered committed under the provisions of this code. If the court disapproves of such recommendation, no further recommendation for parole shall be made by the superintendent until one year has elapsed from the date of the last preceding recommendation.

A person paroled pursuant to this subdivision shall not be deemed to be "released from confinement" within the meaning of Section 1026 of the Penal Code, but shall be deemed to be still "confined" within the meaning of Sections 1026 and 1026a of the Penal Code.

A convict received into a state hospital under the provisions of Section 2684 of the Penal Code, shall, on recovery, be returned to prison in accordance with the provisions of Section 2685 of the Penal Code.

### Chapter 4. State Hospitals for the Mentally Retarded

7500. There are established in the state the following state hospitals for the care and treatment of the mentally retarded:

1. Sonoma State Hospital, in Sonoma County.
2. Pacific State Hospital, in Los Angeles County.
3. Porterville State Hospital, in Tulare County.
4. Fairview State Hospital, in Orange 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" or "state hospital for the mentally deficient" is used, it shall be construed to refer to and mean "state hospital for the mentally retarded."

7501. The Department of Rehabilitation may establish residential rehabilitation centers for the mentally retarded in such locations in the state as are deemed necessary. Residential rehabilitation centers established under this section will be developed to serve the mentally retarded who do not need intensive medical and psychiatric care but who do require a protected living environment. The goal of the residential rehabilitation centers will be to develop mentally retarded individuals being served to the maximum level of physical, psychological, social, and vocational functioning of which they are capable, and to provide a protected living environment as long as they require it. The resources and services of these centers may also be made available to retarded individuals living in the community who do not require residential care.

This chapter does not authorize the care, treatment, or supervision or any control over any mentally retarded person without the written consent of his parent or guardian.

7502. The state institution, the site for which was provided for by an appropriation made by Chapter 28 of the 55th (Fourth Extraordinary Session) Session of the Legislature, shall be known as Porterville State Hospital and shall be used for epileptics who are mentally retarded and for other mentally retarded patients.

7503. The object of each home is such care, training, and education of the persons committed thereto as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the Department of Mental Hygiene shall furnish them with such agricultural and mechanical education as they are capable of receiving and that the facilities offered by the state allow, including farmwork, shops, and the employment of trade teachers.

7504. Except as otherwise provided in this chapter the provisions on state institutions in Chapter 2 (commencing with Section 4100) of Part 1 of Division 5 of this code shall apply to the state hospitals for the mentally retarded.

7505. The superintendents of the hospitals for the mentally retarded appointed under the provisions of Section 4921 of this code shall be well-educated physicians, of good moral character, who have had not less than three years' experience in the care and treatment of the mentally retarded or of the mentally disordered.

7506. Each hospital for the mentally retarded shall have a department for the clinical diagnosis of patients, and their subsequent classification and observation, with a view to their proper segregation and treatment.

7507. Subject to the provisions of Section 6509 of this code, each state hospital for the mentally retarded shall admit persons duly committed or transferred thereto in accordance with law.

7508. The Department of Mental Hygiene may authorize the superintendent of each state hospital mentioned in Section 7500 to admit persons suspected of being mentally retarded thereto, temporarily, without commitment, under rules and regulations prescribed by the department, for purposes of observation and diagnosis, to ascertain whether or not they are actually mentally retarded and proper cases for care, treatment, and training in a state hospital for the mentally retarded. If any person so admitted is found to be mentally retarded and a proper case for institutional care, treatment, and training, application may be made to the superior court for an order of commitment of the person to a state hospital for the mentally retarded.

7509. The Department of Mental Hygiene shall prescribe and publish instructions and forms, in relation to the commitment and admission of patients, and may include in them such interrogatories as it deems necessary or useful. Such in-

structions and forms shall be furnished to anyone applying therefor, and shall also be sent in sufficient numbers to the county clerks of the several counties of the state.

7510. The county from which each mentally retarded person is committed shall pay the state a portion of the cost of the care of such person, for the time the person committed remains a patient of a state hospital for the mentally retarded or mentally disordered or on leave of absence to a licensed hospital, facility or boarding home for the care of such persons, at the monthly rate therefor fixed as provided in Section 7511.

7511. The portion of the cost of such care payable by the county shall be determined by the Department of Mental Hygiene from time to time, subject to the approval of the Department of Finance, but in no case shall it exceed the rate of forty dollars ($40) per month.

7512. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 7510 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

7513. Each mentally retarded person and his estate shall pay the department for the cost of such person's care and maintenance while in the state hospital and while on leave of absence at state expense, less the sums payable therefor by the county. The provisions of Sections 7276 and 7277 of this code shall govern the assessment, cancellation, collection, and remission of charges for such care and maintenance.

This section shall not be construed to impose any liability on the parents of mentally retarded persons.

7514. The Department of Mental Hygiene may transfer any patient of a state hospital for the mentally retarded to another state hospital for the mentally retarded, at any time and from time to time, upon the application of the parent, guardian, or other person charged with the support of such patient, if the expenses of the transfer are paid by the applicant. The liability of any estate, person, or county for the care, support and maintenance of such patient in the institution to which he is transferred shall be the same as if he had originally been committed to such institution.

7515. The superintendent may, with the approval of the Department of Mental Hygiene, cause the peremptory discharge of any person who has been a patient for the period of one month

7516. Nothing in this division contained interferes with or affects the status of such patients as are now in the Sonoma State Hospital under terms of life tenure.

7517. The superintendent of each state hospital for the mentally retarded shall, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all patients supported, cared for, trained, and educated in the

hospital for the preceding month, whose support, care, training, and education in such hospital are to be paid for by the several counties from which they came. This report shall give the names and counties from which committed of all such patients, and the name of the committing judge. Copies of this report shall be filed in the offices of the Department of Finance, the Controller, the State Treasurer, and the Department of Mental Hygiene, but shall not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent shall also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which shall be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each patient supported, and for which such county is liable to the state for support and maintenance.

### CHAPTER 4.5. THE LANGLEY PORTER CLINIC

7550. There is an acute neuropsychiatric hospital located on the grounds adjacent to the campus of the University of California Medical School Center, San Francisco, which shall be the Langley Porter Neuropsychiatric Institute.

Whenever in any provision of this code, or in any statute heretofore or hereafter enacted the term "the Langley Porter Clinic" is used, it shall be deemed to mean the Langley Porter Neuropsychiatric Institute.

7551. The institute shall be operated and maintained pursuant to a coordinating plan and agreement entered into by the Regents of the University of California and the Department of Mental Hygiene.

7552. The Department of Mental Hygiene may enter into such agreements with the Regents of the University of California as are necessary or appropriate to carry out the provisions of Chapter 5 (commencing with Section 7600) of this part.

The Department of Mental Hygiene may establish rules and regulations for the institute that are not in conflict with Chapter 5 (commencing with Section 7600) of this part or the agreement provided for in this section.

7553. The Langley Porter Neuropsychiatric Institute shall be conducted and maintained for the purpose of treating incipient and acute mental and nervous cases. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by

the medical superintendent; in the cases of transfer from another institution the patients so transferred may be returned upon the completion of the study, diagnosis or treatment to an institution of the type from which they came.

The charges for the care, treatment or services rendered to all persons admitted to the hospital shall not be limited by any provision of this code but shall be based on the average cost per day as determined by the Director of Mental Hygiene. The liability for the charges so determined shall be governed by the provisions of Article 5 of Chapter 1, Part 4 of this division.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic. The charges for service in the outpatient clinic shall be determined by the Director of Mental Hygiene in accordance with schedules for such charges as set forth in the rules and regulations of the department.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

7554. The Regents of the University of California deeded unconditionally to the Department of Mental Hygiene the land upon which the Langley Porter Neuropsychiatric Institute is constructed. The purpose of the deed of gift was to provide for the state a suitable site whereon through the agency of the Department of Mental Hygiene there might be constructed, and thereafter maintained and operated, an acute neuropsychiatric hospital unit There has been constructed upon that land the Langley Porter Neuropsychiatric Institute. It was the further purpose of the regents to enable the state, through the Department of Mental Hygiene, to develop as far as possible preventive work in the field of mental disorders, and to make full provision for the diagnosis of such disorders in their incipient and earliest stages with a view to instituting timely and more effective treatment. It was the further purpose of the regents to insure to the state through the proximity of the Langley Porter Neuropsychiatric Institute to the Medical Center of the University of California, full opportunity for consultation with the university's personnel at the medical center, and to provide opportunities for the state and the University of California to cooperate in prevention, diagnosis, treatment and promotion of research in the field of mental disorder, and advancement of the learning and knowledge of students of the university, and others whose work lies in the fields of surgery and medicine, and, in particular, in those branches of medical science which have to do with mental and nervous diseases and disorders. It is, therefore, the intent of the Legislature that all the facilities and services of the Department of Mental Hygiene at the Langley Porter Neuropsychiatric Institute be made available to the Regents of the University of California at the desire of the Department of Mental Hygiene to make such facilities and services available. It is further the intent

of the Legislature that all the facilities and services of the University of California Medical School be made available to the Department of Mental Hygiene at the Langley Porter Neuropsychiatric Institute upon the desire of the Regents of the University of California to make such facilities and services available to the department.

7555. The Regents of the University of California shall have the exclusive right and privilege of rendering professional and administrative consultant services to the Langley Porter Neuropsychiatric Institute. When the services rendered to the Langley Porter Neuropsychiatric Institute by the Regents of the University of California have been rendered at the request and initiation of the regents, then the regents shall be liable for any expense incurred in rendering such services. If, however, the services are rendered by the regents at the request of the Department of Mental Hygiene, then the regents may refuse to render such services unless the expense be borne by the Department of Mental Hygiene.

7556. The Regents of the University of California shall have the exclusive right and privilege, except as hereinafter mentioned, of providing for the Langley Porter Neuropsychiatric Institute and carrying on and conducting therein such teaching services as it may deem desirable and of determining the scope of such teaching services and supervising and administering the teaching services so provided or conducted by it. The regents shall have the exclusive right and privilege of supervising the clinical care of patients at said Langley Porter Neuropsychiatric Institute for the purpose of rendering such teaching services effective. The Regents of the University of California may make available to students of the University of California and to such other person or persons as the regents in its sole discretion may deem desirable, such teaching services. Nothing in this section shall be construed to prevent the Department of Mental Hygiene from providing for its employees such teaching services as in its sole discretion it shall or may deem desirable.

7557. The regents of the university shall have the right and privilege of making available to the Langley Porter Clinic, and using and employing therein in the exercising of its other privileges and rights, any or all of the professional and scientific services and facilities of the University of California.

7558. The Regents of the University of California shall have the exclusive right and privilege of conducting at the Langley Porter Neuropsychiatric Institute such research or study projects as in its sole discretion it may desire to conduct, and of supervising the conducting thereof, and of publishing the results obtained from such projects, but nothing in this paragraph shall be construed to deny the Department of Mental Hygiene the right to conduct such research projects by its employees as it may deem desirable.

7559. There shall be a superintendent and medical director of the institute. He shall be appointed by the Director of Mental Hygiene with the prior approval of the Regents of the University of California. The superintendent and medical director of the institute shall be a person who has demonstrated by his past experience his qualifications in teaching and research in the fields of psychiatry and neurology, and in addition has the qualifications required for the superintendents of state hospitals under the jurisdiction of the Department of Mental Hygiene. In addition to the usual duties required of superintendents of state hospitals under the jurisdiction of the department, the superintendent and medical director shall be responsible for the integration of the institute's operation with the teaching and research program of the university.

Prospective applicants for the position of superintendent and medical director shall be given an examination prepared by the Personnel Board together with the Director of Mental Hygiene or any medical superintendent that he shall designate, and the Dean of the School of Medicine of the University of California, San Francisco, or such member of the faculty of the school of medicine as the dean shall designate, in consultation with a representative of the State Personnel Board. The questions contained in such examination shall weigh the qualifications and experience of prospective applicants in hospital administration, in the field of teaching, and in the organization and successful prosecution of meritorious research projects

Nothing contained in this chapter shall prevent the making of a temporary appointment of a superintendent and medical director pending the holding of an examination to qualify a list of persons eligible to be appointed to the position.

7560. The secretary to the superintendent of the Langley Porter Clinic shall have power to administer and certify oaths and affirmations, take and certify affidavits and acknowledgments, and exercise any other power of a notary public, but only for official public business and matters incidental to or required for the completion of dealing with public officers or public agencies The secretary shall not charge any fee for any such service.

## CHAPTER 5. THE LANGLEY PORTER NEUROPSYCHIATRIC INSTITUTE

7600. A neuropsychiatric hospital for which an appropriation for planning was provided by Item 354 of the Budget Act of 1965 shall be established on the grounds of, or adjacent to the campus of the University of California Medical School Center, San Francisco, which shall be the Langley Porter Neuropsychiatric Institute.

7601. As used in this chapter, "institute" means the Langley Porter Neuropsychiatric Institute established pursuant to Section 7600.

7602. Whenever in any provision of this code, or in any statute heretofore or hereafter enacted the term "the Langley Porter Clinic" is used, it shall be deemed to mean the Langley Porter Neuropsychiatric Institute.

7603. The institute shall be operated and maintained pursuant to a coordinating plan and agreement entered into by the Regents of the University of California and the Department of Mental Hygiene.

7604. The institute shall be conducted and maintained for diagnosis and treatment and for teaching and research in the field of neuropsychiatry and mental retardation to the end that critical shortages of trained personnel will be relieved and with the expectation that through research more rapid and economical treatment and preventive methods concerning mental disorders and retardation will be developed. The University of California shall utilize the facilities of the institute for teaching, research, and training in the field of neuropsychiatry and mental retardation. The Department of Mental Hygiene shall utilize the facilities of the institute for the care of patients and for such research and training as it may undertake in the field of neuropsychiatry and mental retardation. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution, the patients so transferred may be returned, upon the completion of the study, diagnosis or treatment, to an institution of the type from which they came.

The charges for the care, treatment or services rendered to all persons admitted to the hospital shall not be limited by any provision of this code but shall be based on the average cost per day as determined by the Director of Mental Hygiene. The liability for the charges so determined shall be governed by the provisions of Article 4 of Chapter 3, Division 7.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic. The charges for service in the outpatient clinic shall be determined by the Director of Mental Hygiene in accordance with schedules for such charges as set forth in the rules and regulations of the department.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter

7605. The Department of Mental Hygiene may enter into such agreements with the Regents of the University of California as are necessary or appropriate to carry out the provisions of this chapter.

The Department of Mental Hygiene may establish rules and regulations for the institute that are not in conflict with this chapter or the agreement provided for in this section.

7606. There shall be a superintendent and medical director of the institute. He shall be appointed by the Director of Mental Hygiene with the prior approval of the Regents of the University of California. The superintendent and medical director of the institute shall be a person who has demonstrated by his past experience his qualifications in teaching and research in the fields of psychiatry and related clinical sciences and in addition has the qualifications required for the superintendents of state hospitals under the jurisdiction of the Department of Mental Hygiene. In addition to the usual duties required of superintendents of state hospitals under the jurisdiction of the department, the superintendent and medical director shall be responsible for the integration of the institute's operation with the teaching and research program of the university.

Prospective applicants for the position of superintendent and medical director shall be given an oral examination by (1) the Director of Mental Hygiene or the chief deputy director or other deputy director of the Department of Mental Hygiene designated by the Director of Mental Hygiene, (2) the Chancellor of the University of California, San Francisco, or any member of the medical faculty of that campus he shall designate, and (3) a third examiner chosen by mutual agreement of the director and the chancellor. The three examiners shall formulate the terms, conditions and content of the examination in consultation with a representative of the State Personnel Board.

Nothing contained in this chapter shall prevent the making of a temporary appointment of a superintendent and medical director with concurrence of the Director of Mental Hygiene and the Chancellor of the University of California, San Francisco, in consultation with a representative of the State Personnel Board pending the holding of an examination to qualify a list of persons eligible to be appointed to the position.

7607. The secretary to the superintendent of the Langley Porter Neuropsychiatric Institute shall have power to administer and certify oaths and affirmations, take and certify affidavits and acknowledgements, and exercise any other power of a notary public, but only for official public business and matters incidental to or required for the completion of dealings with public officers or public agencies. The secretary shall not charge any fee for any such service.

## CHAPTER 6. THE NEUROPSYCHIATRIC INSTITUTE, U.C.L.A. MEDICAL CENTER

7700. A neuropsychiatric hospital for which an appropriation for planning was provided by Item 328.1 of the Budget Act of 1954, hereafter referred to as the institute, shall be established on the grounds belonging to the Regents of the University of California at Los Angeles as a part of the Medical Center.

7701. The Regents of the University of California shall grant to the Department of Mental Hygiene the right to occupy the institute, which shall be known as the Neuropsychiatric Institute, U.C.L.A. Medical Center. The period and extent of occupancy shall be determined in the agreement provided for in Section 7702.

7702. The institute shall be operated and maintained pursuant to a coordinating plan and agreement entered into by the Regents of the University of California and the Department of Mental Hygiene.

7703. The Department of Mental Hygiene may enter into such agreements with the Regents of the University of California as are necessary or appropriate to carry out the provisions of this chapter.

7704. The Department of Mental Hygiene may establish rules and regulations for the institute that are not in conflict with this chapter or the agreement provided for in Section 7702.

7705. There shall be a superintendent and medical director of the institute. He shall be appointed by the Director of Mental Hygiene with the prior approval of the Regents of the University of California. The superintendent and medical director of the institute shall be a person who has demonstrated by past experience his qualifications in teaching and research in the fields of psychiatry and neurology, and in addition has the qualifications required for superintendents of state hospitals under the jurisdiction of the Department of Mental Hygiene. In addition to the usual duties required of superintendents of state hospitals under the jurisdiction of the department, the superintendent and medical director shall be responsible for the integration of the institute's operation with the teaching and research program of the university.

Prospective applicants for the position of superintendent and medical director shall be given an examination prepared by the Personnel Board together with the Director of Mental Hygiene or any medical superintendent that he shall designate, and the Dean of the University of California Medical School at Los Angeles, or such member of the faculty of the medical school as the dean shall designate, in consultation with a representative of the State Personnel Board. The questions contained in such examination shall weigh the qualifications and experience of prospective applicants in hospital administra-

tion, in the field of teaching, and in the organization and successful prosecution of meritorious research projects.

Nothing contained in this chapter shall prevent the making of a temporary appointment of a superintendent and medical director pending the holding of an examination to qualify a list of persons eligible to be appointed to the position.

7706. The institute shall be conducted and maintained for the purpose of treating patients with organic and functional disorders of the nervous system, and to further the respective educational, training and research programs of the university and the Department of Mental Hygiene.

All admissions to the institute shall be for observation, teaching, research, diagnosis, and treatment purposes as determined by the superintendent and medical director. No person shall be admitted to the institute or transferred to the institute from any hospital under the jurisdiction of the Department of Mental Hygiene unless the superintendent and medical director of the institute approves such admission or transfer.

The charges for the care, treatment, and services rendered to all persons admitted to the hospital unit at the institute shall not be limited by any provisions of this code but shall be based on the average cost per day as determined by the Director of Mental Hygiene. The liability for the charges so determined shall be governed by the provisions of Article 4 of Chapter 3 of Division 7 of this code.

There shall be conducted and maintained in conjunction with the hospital unit at the institute an outpatient clinic. Charges for services in the outpatient clinic shall be determined by the superintendent and medical director in accordance with schedules for such charges established by the Department of Mental Hygiene.

7707. Nothing contained in this chapter shall impair or be deemed a relinquishment by the Regents of the University of California of any of their rights in the operation, control and government of the University of California as provided in Section 9 of Article IX of the Constitution.

SEC. 41. Division 8 (commencing with Section 9000) of the Welfare and Institutions Code is repealed.

SEC. 42. Division 8 (commencing with Section 8000) is added to the Welfare and Institutions Code, to read:

## DIVISION 8. MISCELLANEOUS

### CHAPTER 1. PUBLIC GUARDIAN

8000. In any county the board of supervisors may by ordinance create the office of public guardian and such subordinate positions as may be necessary and fix compensation therefor. Such board of supervisors may appoint a public guardian to fill such office and provide for the appointment to the subordinate positions.

8001. Such board of supervisors may provide by ordinance that the public administrator shall be ex officio public guardian.

8002. The board of supervisors may by ordinance terminate the office of public guardian.

8003. Whenever the public administrator has been designated ex officio public guardian the board of supervisors may by ordinance terminate such designation and appoint another public guardian and all authority shall vest in the successor.

8004. Whenever the board of supervisors has not designated the public administrator as ex officio public guardian but has appointed another to the office of public guardian it may terminate such appointment and by ordinance may designate that the public administrator shall be ex officio public guardian and all authority shall vest in the successor.

8005. The authority of the public guardian or ex officio public guardian shall cease upon the termination of his office as such public guardian or ex officio public guardian and his authority shall vest in his successor.

8006. In proper cases any such public guardian may apply to a court of competent jurisdiction for appointment as guardian or conservator of the person and estate or person or estate of any person in the county or in a county-owned facility in another county who is a patient under the provisions hereof or who is a recipient of aid under any of the provisions of this code where it appears that such person requires a guardian or conservator. In such proper cases the public guardian may take immediate charge of the property within his county of persons referred to him for guardianship when such property is being wasted, uncared for, or lost.

8007. When the public guardian makes application under Section 8006 of this code for guardianship or conservatorship of the person and estate or person or estate of any person who is under the jurisdiction of the State Department of Mental Hygiene such application may be granted, if sufficient under said Section 8006, with the written consent of said department.

8008. The public guardian shall file an official bond in such amount as may be fixed, from time to time, by the board of supervisors, which bond shall inure to the joint benefit of the several guardianship or conservatorship estates and the county, and such public guardian shall not be required to file bonds in individual estates.

8009. All funds coming into the custody of the public guardian shall be deposited in the county treasury and disbursed by proper warrant, or shall be deposited in one or more banks or invested in one or more insured savings and loan associations authorized to do business within the county and withdrawn only upon an order of the public guardian, countersigned by a judge of the superior court. In counties having a population of over 270,000, such withdrawals need not be countersigned by a judge of the superior court.

8010. If necessary the public guardian in his discretion may employ private attorneys where the cost thereof can be defrayed out of estate funds.

8011. Where the market value of the real and personal property of the estate appears to be less than fifty dollars ($50) it shall not be necessary to have such property appraised and no appraisal shall be required in any estate handled by the public guardian where the estate consists of money only or money and other property of a market value of fifty dollars ($50) or less.

8012. The public guardian upon the death of his ward or upon the death of his conservatee may pay in full or in part from any assets of such ward or conservatee which are under his control the unpaid expenses of his ward's burial and last illness. After the payment of such expenses the public guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of the Probate Code. The value of the property for the purpose of ascertaining the right to transfer under said section shall be determined after deduction of said expenses paid.

8013. The public guardian shall have a claim against the ward's estate for his reasonable expenses incurred in the execution of the guardianship or conservatorship, and such compensation for his services and those of his attorney as the court in which his accounts are settled deems just and reasonable.

8014. No fees shall be charged or received by the county clerk for the filing of any such guardianship or conservatorship petition nor for any official service performed by him in the course of the proceedings.

8015. Necessary expenses of the public guardian in the conduct of any guardianship or any conservatorship estate may be advanced by the county and if so ordered by the board of supervisors such expenses shall be a county charge, but the county shall be reimbursed therefor out of any funds or property of the estate by the public guardian.

## CHAPTER 2. RESEARCH CONCERNING SEXUAL DEVIATION AND SEX CRIMES

8050. The Department of Mental Hygiene, acting through the superintendent of the Langley Porter Clinic, shall plan, conduct, and cause to be conducted scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality, and into methods of identifying potential sex offenders.

8051. Upon the recommendation of the superintendent of the Langley Porter Clinic, the Department of Mental Hygiene may enter into contracts with the Regents of the University of California for the conduct, by either for the other, of all or any portion of the research provided for in this chapter.

8052. Each state agency shall cooperate with the superintendent of the Langley Porter Clinic, or with the University of California, as the case may be, to the fullest extent that its facilities will permit without interfering with the carrying out of its primary purposes and functions.

8053. The Department of Mental Hygiene with the approval of the Director of Finance may accept gifts or grants from any source for the accomplishment of the objects and purposes of this chapter. The provisions of Section 16302 of the Government Code do not apply to such gifts or grants and the money so received shall be expended to carry out the purposes of this chapter, subject to any limitation contained in such gift or grant.

## CHAPTER 3. FIREARMS

8100. No person who is a mental patient in any hospital or institution or on leave of absence from any hospital or institution shall own or have in his possession or under his custody or control any firearms whatsoever.

8101. Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm to any person who is a mental patient in any hospital or institution or on leave of absence from any hospital or institution, shall be punishable by imprisonment in a county jail not exceeding one year or by fine not exceeding five hundred dollars ($500), or by both fine and imprisonment.

8102. Whenever a person who has been detained or apprehended for examination of his mental condition, or who is a mental patient in any hospital or institution or who is on leave of absence from such hospital or institution, is found to own, have in his possession or under his control, any firearm whatsoever, said firearm shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of said firearm until the release without commitment of the person or the restoration to capacity of the person, or until the appointment of a guardian for the person, or shall make such other disposition of the firearm as ordered by the court.

8103. No person who has been involuntarily committed, or who has been placed as a conservatee, after October 1, 1955, in any public or private mental hospital or sanitarium for a period of 30 days or more shall have in his possession or under his custody or control any firearm unless there has been issued to such person a certificate as hereafter described in this section and such person has not, subsequent to the issuance of such certificate, again been involuntarily committed for a period of 30 days or more in any such hospital or sanitarium.

A certificate meeting the requirements of this section must be a written statement that is either part of a broader certificate of competency or a separate document and that is issued, on application of the person who was committed or placed,

either at the time of release or at a later date, by the superintendent of any California state hospital, stating that in the opinion of the person issuing the certificate based either on his own knowledge or on the opinions of members of his staff or on records of the institution, the applicant is a person who may possess a firearm without endangering others. If a person applies to a superintendent of a California state hospital for such a certificate and the applicant has not been committed to that hospital, or if the superintendent believes that a current mental examination is necessary to enable him to determine whether or not such a certificate shall be issued, the superintendent shall cause such person to be examined by a member of the staff of the hospital and may otherwise investigate the case. The superintendent may charge a reasonable fee for such examination and investigation.

Refusal of a superintendent to issue a certificate of competency or separate document as described in the preceding provisions of this section is reviewable by mandamus in the superior court of the county of which the applicant is a resident or the county in which the hospital or sanitarium of which the superintendent is head Upon a showing to the satisfaction of the court of abuse of discretion by the superintendent the court shall issue its writ directing the superintendent to issue its certificate or document.

Every person who possesses or has under his custody or control any firearm in violation of this section is guilty of a misdemeanor.

### CHAPTER 4. COORDINATION OF PROGRAMS FOR THE HANDICAPPED CHILDREN

8150. There is in the state government a Coordinating Council on Programs for Handicapped Children. The council shall be composed of the Director of Education, the Director of Mental Hygiene, the Director of Public Health, the Director of Rehabilitation, the Director of Social Welfare, and the Director of the Youth Authority. The council shall annually elect a chairman from among its membership. The chairmanship shall rotate annually so that each member is chairman for one year in each six years, and so that the order of rotation established in the first six years shall be repeated thereafter for each succeeding six-year period.

8151. The council shall make a continuous review of programs and services being offered to the physically and mentally handicapped persons under age 21 in California, both by state and local agencies, and shall coordinate and evaluate the existing programs.

8152. The council shall prepare and distribute a list describing the services available to handicapped persons under age 21 and the requirements for obtaining such services.

8153. The council shall report annually to the Governor and the Legislature on its activities of the past year, and shall make recommendations regarding any needed or proposed legislation, giving major attention to an orderly and planned growth in the field of programs and services for the handicapped persons under age 21.

8154. The council shall serve as an advisory body to the state departments represented on the council, and to other state and local agencies when necessary.

8155. The State Departments of Education, Mental Hygiene, Public Health, Rehabilitation, Social Welfare, and the Youth Authority shall cooperate with and furnish such information, records and documents, as the council may request, shall make available such facilities as the council needs, and perform such staff services and functions as the council may direct in order to carry out the provisions of this division.

8156. The council may invite other persons to attend its meetings in an advisory capacity.

8157. Any state department or agency, upon request of the council, shall cooperate with and furnish information, records or documents as the council may request in order to carry out the provisions of this chapter.

## CHAPTER 5. INDIANS

### Article 1. Administration of Federal Funds

8200. If provision is made by law of the United States for the administration by public agencies of this state of federal appropriations for the welfare of the Indians in this state, such state agencies may administer the expenditure of such federal appropriations within the scope of their legal powers.

The State Department of Public Health shall administer the expenditure of all such federal appropriations for the care and hospitalization of, and for medical attention to, sick or injured Indians and for the control and prevention of communicable and infectious diseases and general sanitation among the Indians in this state.

The State Department of Education shall administer the expenditure of such federal appropriations for the construction and maintenance of schools and the education of the Indians in this state.

The State Department of Social Welfare shall administer the expenditure of such federal appropriations for the relief of aged, infirm, and indigent Indians in this state.

Subject to such limitations as the law of the United States or the Secretary of the Interior lawfully imposes upon the administration of such funds, the state departments above mentioned may expend the same for the purposes within their respective jurisdictions which the respective heads of the departments deem best to conserve the interests and welfare of all the Indians residing within the state.

8201. If the law of the United States requires the submission of budgets to the Secretary of the Interior or to any other federal agency before federal funds may be expended the state agencies may prepare budgets showing the amounts necessary during each year to carry out the purposes for which such federal appropriations are made, and shall submit such budgets when prepared to the State Department of Finance, who shall coordinate the same so far as possible and approve them before they are forwarded to the federal agency charged with receiving them. Thereafter the state agencies shall account directly to the federal disbursing and auditing officers for the expenditures of federal funds made subject to their administration, and the officers and employees of each department shall be responsible upon their official bonds to the federal disbursing and auditing officers for a proper accounting for all funds so disbursed.

### Article 2. Suits in Behalf of Indians

8225. If the Attorney General of this state is authorized by any law of the United States to institute suits in the court of claims in behalf of the Indians of this state, and if the law of the United States provides for reimbursement of this state for all necessary costs and expenses incurred by this state in the event that the court renders judgment against the United States, the Attorney General may, with the approval of the Governor, cause such suits to be instituted, employ special counsel to assist in the prosecution thereof, and pay all necessary expenses incident thereto from moneys appropriated to the Attorney General. No reimbursement shall be made to this state for the services rendered by its Attorney General in person.

SEC. 44. Section 9034 of the Welfare and Institutions Code is amended to read:

9034. Subject to appropriation therefor, there shall be paid to each city, county or local health district on account of expenditures subject to reimbursement by the state pursuant to Section 9030, 50 percent of the amount expended by the local agency for mental health services, until the amount expended each fiscal year exceeds the amount that such entity actually expended for such mental health services in the fiscal year prior to receipt of state aid for such mental health services.

Where in any fiscal year expenditures for increased mental health services specified in this chapter are made from local funds after the fiscal year prior to receipt of state aid for such mental health services, in excess of the sums spent in the fiscal year prior to receipt of state aid for such mental health services, and equal to or in excess of the sums spent by the local agency from local funds for such mental health services in the year ending June 30, 1963, the total expenditures made

for such increased services shall be shared at the rate of 75 percent state funds and 25 percent local funds. Local funds, as used in this section, shall be considered to include only funds derived from the tax or revenue base of a city, county or local hospital district.

For the purpose of determining the expenditures to be reimbursed as provided in this section, there shall be deducted any fees received from patients or on behalf of a specified patient. If the total of the funds provided by the county, city, or local hospital district and the state reimbursement, in any fiscal year exceeds the total expenditures, the state reimbursement shall be reduced to the amount required to provide the balance of funds necessary to complete funding of the mental health program. Reimbursement shall be made on a quarterly basis, upon submission to the Director of Mental Hygiene such information as he may require.

SEC. 45. Section 14021 is added to the Welfare and Institutions Code, to read:

14021. Notwithstanding any other provision of this chapter and Chapter 8 of this part, after June 30, 1968, basic health care and extended health services shall include the following mental health services:

(a) Mental health services provided by a county as described in Part 1 (commencing with Section 5000) of Division 5 of this code;

(b) Mental health services provided in a Short-Doyle community mental health service or in a community mental health center organized under the Federal Community Mental Health Centers Act of 1963. No amount shall be paid for that portion of the total costs of care and services in a federally funded community mental health center which may be compensated by the United States government under the Community Mental Health Centers Act of 1963. No amount shall be paid to a Short-Doyle community mental health service or a federally funded community mental health center unless the Short-Doyle community mental health service or the federally funded community mental health center participates in a county mental health plan established pursuant to Part 1 of Division 5 of this code;

(c) Inpatient hospital services in an institution for mental diseases to persons of all ages, provided that the institution for mental diseases is certified as a psychiatric hospital under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Notwithstanding Section 14157, no money in the State Health Care Deposit Fund shall be expended for the purposes of this section unless the Legislature specifically appropriates money therefrom for the purposes of this section.

SEC. 46. Section 14150.4 is added to the Welfare and Institutions Code, to read:

14150.4. County costs of health care ceilings provided for in Sections 14150, 14150.1, 14155, and 14156 shall not include county expenditures for services provided under the Short-Doyle Act or under the Lanterman-Petris Act. Expenditure for Short-Doyle Act or Lanterman-Petris Act services by counties are not "county costs of health care" within the meaning of Chapters 7 and 8.

SEC. 47. The Director of Mental Hygiene may require the Office of Planning and the Cohort Program of the Department of Mental Hygiene to perform the administrative and planning activities necessary in the administration of this act.

SEC. 48. Sections 1 to 42, inclusive, of this act, except for Chapters 4.5 and 5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act, shall become operative on the 61st day after the final adjournment of the 1968 Regular Session of the Legislature; Chapter 5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act shall become operative upon the completion and acceptance of the construction of the institute for which an appropriation for planning was provided by Item 354 of the Budget Act of 1965, at which time Chapter 4.5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act shall cease to be operative.

SEC. 49. Section 30 of this act shall become operative on the 61st day after the final adjournment of the 1967 Regular Session of the Legislature if Assembly Bill No. 1836 is enacted at that session. If Assembly Bill No. 1836 of the 1967 Regular Session of the Legislature is enacted, Section 30.5 of this act shall be inoperative.

SEC. 50. Any section of any act, enacted by the Legislature at its 1967 Regular Session prior or subsequent to the enactment of this act, which amends, adds, or repeals a section of Division 6 (commencing with Section 5000), Division 6.5 (commencing with Section 7900), Division 7 (commencing with Section 8000), or Division 8 (commencing with Section 9000) of the Welfare and Institutions Code, shall prevail over this act.

SEC. 52. Sections 44 to 46, inclusive, of this act shall become operative on the 61st day after the final adjournment of the 1967 Regular Session of the Legislature.

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## CHAPTER 1668

***An act to amend Section 69950 of the Government Code, relating to court reporters.***

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 69950 of the Government Code is amended to read:

69950. The fee for transcription for original ribbon copy is forty cents ($0.40) for 100 words, and for each copy for the party buying the original made at the same time, ten cents ($0.10) each for 100 words. The fee for a first copy to any other person shall be twenty cents ($0.20) for each 100 words, and for each additional copy, made at the same time, ten cents ($0.10) for each 100 words.

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## CHAPTER 1669

*An act to amend Section 23095 of the Business and Professions Code, relating to alcoholic beverages.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967 ]

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

SECTION 1. Section 23095 of the Business and Professions Code is amended to read:

23095. (a) Whenever a decision of the department suspending a license for 30 days or less becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of such suspension, petition the department for permission to make an offer in compromise, to be paid into the Alcohol Beverage Control Fund, consisting of a sum of money in lieu of serving such suspension. Upon the receipt of such a petition, the department may stay the proposed suspension and cause such investigation to be made as it deems desirable and may grant such petition if it is satisfied (a) that the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the sum of money will achieve the desired disciplinary purposes; (b) that the books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages which the licensee would have suffered had such suspension gone into effect can be determined with reasonable accuracy therefrom. Such offer in compromise shall be the equivalent of 20 percent of the estimated gross sales of alcoholic beverages for each day of such proposed suspension, and such offer in compromise shall be not less than two hundred fifty dollars ($250) nor more than two thousand dollars ($2,000).

(b) Notwithstanding any other provision of this division, the department may accept an offer in compromise from a retail licensee in the equivalent of 20 percent of the estimated gross sales of alcoholic beverages for each day of a proposed suspension and such offer in compromise shall be not less than one hundred dollars ($100) nor more than five hundred dol-

lars ($500) providing the petitioning retailer has had no other accusation filed against him by the department during the prior three year from the date of such petition which is either pending a final decision or has resulted in a final decision to suspend or revoke the retail license concerned.

This subdivision does not affect the provisions of Section 24755.1.

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## CHAPTER 1670

*An act to add Sections 20024.02, 20750.24, and 21251.65 to the Government Code, relating to the State Employees' Retirement System.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 20024.02 is added to the Government Code, to read:

20024.02. Notwithstanding Section 20024.01, "final compensation," for the purposes of determining any current service pension, prior service pension, disability retirement pension or special death benefit, with respect to a state patrol member who retired prior to July 1, 1965, means the annual compensation which was payable on July 1, 1964, to state patrol members holding the same position as the member entitled to receive such pension or benefits.

Notwithstanding Sections 21208 and 21209, this section shall not apply to warden and forestry members.

The benefits provided by this section shall be in lieu of cost-of-living benefits granted prior to July 1, 1964.

SEC. 2. Section 20750.24 is added to the Government Code, to read:

20750.24. The state's contribution to the retirement fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to 2.32 percent of the compensation paid to state patrol members.

SEC. 3. Section 21251.65 is added to the Government Code, to read:

21251.65. Every current service pension, prior service pension, disability retirement pension, and special death benefit payable on or after the effective date of this section to, or on the account of the death of, any state patrol member who was retired or who died prior to such effective date is hereby increased to the amount it would be if Section 20024.02, as it exists on such effective date, had been in effect on the date of the actual retirement or death of the member. This section does not authorize any decrease in any such pension or benefit, nor does this section give any such retired member, his successors in interest, or his beneficiary, or any payee of any special death

benefit, any claim against the state for any increase in any pension or benefit paid or payable prior to its effective date.

Notwithstanding Sections 21208 and 21209, this section shall not apply to warden and forestry members.

SEC. 4. This act shall become operative on the first day of the month following the month in which this act becomes effective.

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## CHAPTER 1671

*An act to amend Section 13128 of the Education Code and to add Section 291.1 to the Penal Code, relating to teachers.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 13128 of the Education Code is amended to read:

13128. The State Board of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a life diploma or a credential or for the renewal of a credential from any agency or department of the state and for that purpose, any provision of law to the contrary notwithstanding, the State Bureau of Criminal Identification and Investigation shall furnish, upon application of the State Board of Education, all information pertaining to any applicant of whom there is a record in its office.

The State Board of Education, upon written request of any private school authority, shall release to that private school authority information and other data relative to the identification or fitness of any applicant for a teaching position in the private school so long as not otherwise prohibited by any other privileged communication statutes.

SEC. 2. Section 291.1 is added to the Penal Code, to read:

291.1. Every sheriff or chief of police, upon the arrest for any of the offenses enumerated in Section 290 of any person who is employed as a teacher in any private school of this state, shall immediately give written notice of the arrest to the private school authorities employing the teacher. The sheriff or chief of police shall immediately notify by telephone the private school authorities employing such teacher.

## CHAPTER 1672

*An act approving certain cost allocations, and certain specific land cost expenditures, for recreation and fish and wildlife enhancement associated with state water projects.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of six million forty-seven thousand three hundred forty dollars ($6,047,340) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 153-67 of the department entitled "Allocations of Costs Among Purposes of the California State Water Project." dated December 1966, in accordance with the following schedule:

Schedule:

| | |
|---|---|
| (a) For Frenchman Dam and Lake | $1,537,395 |
| (b) For Antelope Dam and Lake | 4,509,945 |
| Total of schedule | $6,047,340 |

SEC. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditure of two million two hundred thirteen thousand five hundred one dollars ($2,213,501) for separate specific recreation land costs of the State Water Project reported by the Department of Water Resources in said Bulletin No. 153-67, in association with the following facilities and in accordance with the following schedule:

Schedule:

| | |
|---|---|
| (a) Frenchman Dam and Lake | $45,694 |
| (b) Grizzly Valley Dam and Lake Davis | 40,674 |
| (c) Oroville Dam and Reservoir | 1,460,676 |
| (d) Thermalito Facilities | 175,605 |
| (e) California Aqueduct | 468,818 |
| (f) San Luis Dam and Reservoir | 22,034 |
| Total of schedule | $2,213,501 |

SEC. 3. The Legislature hereby declares that the granting of legislative approval to the cost allocations and specific recreation land costs specified in Sections 1 and 2 of this act shall not constitute a precedent for legislative approval of future departmental cost allocations and recreation land costs among the purposes of any state water project.

The provisions of this act are effective and the Department of Water Resources may expend the eight million two hundred sixty thousand eight hundred forty-one dollars ($8,260,841)

approved herein, but this act shall have no other effect beyond the 61st day following the final adjournment of the 1968 Regular Session of the Legislature.

## CHAPTER 1673

*An act to amend Section 25458.5 of the Education Code, relating to junior college districts.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967 ]

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

SECTION 1. Section 25458.5 of the Education Code is amended to read:

25458.5. The plans and recommendations for the formation of a junior college district prepared by a county committee on school district organization pursuant to this article may propose the formation of a junior college district or the annexation of territory to a junior college district to include either all or a part of a union or joint union high school district or unified district

The portion of a union or joint union high school district or unified district excluded from a proposed junior college district may be excluded only for the purpose of becoming a part of another junior college district. If the excluded portion fails to become a part of a junior college district within a period of five years after its exclusion it shall become a part of the junior college district of which the union or joint union high school district or unified district is a component. Any portion of a union or joint union high school district or unified district excluded from a newly formed junior college district under provisions of this section may be included in a proposal to form a new junior college district or annexed to a junior college district under provisions of Chapter 2 (commencing with Section 25435) of Division 18.5 or Chapter 10 (commencing with Section 3100) of Division 5 of this code.

## CHAPTER 1674

*An act to add Section 373 to, and to amend Section 13182 of, the Education Code, relating to certification of teachers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967 ]

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

SECTION 1. Section 373 is added to the Education Code, to read:

373. The Department of Education shall establish branch offices to provide complete teacher credential counseling services at the following locations: San Francisco Bay area, Los Angeles, Fresno, San Diego, and at one other city in northern California as the department shall deem most suitable. Complete credential counseling services shall include the providing of information to each applicant for a credential on his personal scholastic qualifications to be granted the appropriate credential, and all information needed relative to the steps necessary if he does not meet the requirements, but shall not include evaluation of transcripts for which a fee may be imposed pursuant to Section 13182. In addition, the offices shall provide advisory placement service to all applicants and information on teacher education programs in California colleges and universities.

SEC. 2. Section 13182 of the Education Code is amended to read:

13182. The fee for each credential or life diploma or for the renewal of a credential shall be fixed by the State Board of Education at an amount no less than the cost of its issuance or renewal, except that no such fee shall exceed fifteen dollars ($15).

The State Board of Education may require a fee, in an amount fixed by the board, for evaluation of transcripts of applicants for certification documents, which fee may be applied toward the fee for any credential or life diploma issued within such time as may be determined by the board.

SEC. 3. The Department of Education is authorized to begin the implementation of the conversion of the teacher certification procedure to an automatic data-processing system and to continue and complete the conversion of its teacher certification records to a microfilm storage and record retrieval system compatible with the automatic data-processing system recommended by the aerospace study team in the recent study authorized by the Legislature and supported by state funds; such microfilm storage and records retrieval system being fully known to and clearly understood by the study team in its recommendations for data processing. If the State Board of Education increases the fees described in Section 13182 of the Education Code to more than ten dollars ($10), the revenue derived as a result of such an increase of fees is appropriated without regard to fiscal year to the Department of Education to be used by the Department of Education for the following purposes in accordance with the following priority schedule: (1) establishment of the branch offices pursuant to Section 373 of the Education Code; (2) commencement of the initial conversion of the teacher certification procedure to an automatic data-processing system; and (3) completion of the conversion of the department's teacher certification records to a microfilm storage and records retrieval system.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

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

Under this act any increase in fees must be made by the State Board of Education; therefore, the State Board of Education would need to meet and consider the fixing of an increase of fees authorized by this act so that the increase may be effective as soon as possible to make the necessary funds available to eliminate the possible deficit of the fee-supported operation of the State Department of Education and to implement the other provisions of this act prior to the start of the 1968 teacher employment season in order to facilitate recruitment of teachers by California school districts. It is therefore necessary that this act go into immediate effect.

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## CHAPTER 1675

*An act to add Section 13191.1 to the Education Code, relating to credentials for school employees, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 13191.1 is added to the Education Code, to read:

13191.1. The standard teaching credential with a specialization in secondary teaching may be granted on a partial fulfillment of requirements basis and the entire fifth year of preparation may be postponed subject to completion within a minimum of five years on an orderly year-by-year basis from the date the credential is granted if all of the following circumstances are met:

(1) The applicant states in writing that he intends to complete all of the requirements for the credential within the five-year period.

(2) An official of a school district states in writing that the applicant will be employed in that district to serve under the partial credential if it is granted, or a comparable statement made by a county superintendent of schools or an official of a state agency.

(3) The county board of education in which the employing school district is located has found and declares that a shortage of teachers exists in that district in the teaching field or in the teaching fields of the applicant's major or minor. The credential may be changed for service in another school district of the same county when the applicant has fulfilled his contract or is released from it, or to a school district in another county when he has fulfilled his contract or is released from it.

However, the county board in the new county must have found that a shortage in the appropriate teaching field or fields exists.

The State Board of Education shall establish guidelines by which county boards of education can determine the teacher shortages.

This section shall be operative only until September 30, 1969, and shall thereafter have no further force and effect.

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

In order to facilitate teacher recruitment and staffing of necessary personnel for the 1967–1968 school year it is necessary that this act take immediate effect.

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## CHAPTER 1676

*An act to amend Sections 20751 and 20802.8 of the Education Code, relating to adult education.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 20751 of the Education Code is amended to read:

20751. (1) Except as otherwise provided in this code, the maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each one hundred dollars ($100) of assessed valuation within the district shall be as follows:

(a) Except as provided in subdivision (b) of this section, in any separate elementary school district the boundaries of which are not coterminous with those of a high school district, eighty cents ($0.80) for elementary school purposes, or ninety cents ($0.90) for combined kindergarten and elementary school purposes.

(b) In any separate elementary school district the boundaries of which are not coterminous with those of a high school district and whose current expenses of education for the 1963–1964 or 1964–1965 fiscal year were less than twice the amount of the foundation program applicable to the district, one dollar and twenty-five cents ($1.25) for elementary school purposes, or one dollar and thirty-five cents ($1.35) for combined kindergarten and elementary school purposes.

(c) Except as provided in subdivision (d) of this section, in any separate high school district, the boundaries of which are not coterminous with those of an elementary school district

or with those of a junior college district, seventy-five cents ($0.75) for high school purposes, ten cents ($0.10) for adult education purposes.

(d) In any separate high school district, the boundaries of which are not coterminous with those of an elementary school district or with those of a junior college district, and whose current expenses of education for the high school purposes for the 1963–64 fiscal year were less than twice the amount of the foundation program computed for high school purposes, eighty-five cents ($0.85) for high school purposes, and ten cents ($0.10) for adult education purposes.

(e) In any separate junior college district, the boundaries of which are not coterminous with those of a high school district, thirty-five cents ($0.35) for junior college purposes, and ten cents ($0.10) for adult education purposes, or forty-five cents ($0.45) for combined junior college and adult education purposes.

(f) In any unified school district one dollar and fifty-five cents ($1.55) for combined elementary school and high school purposes; or one dollar and sixty-five cents ($1.65) for combined kindergarten, elementary school, and high school purposes; or one dollar and seventy-five cents ($1.75) for combined kindergarten, elementary school, high school, and adult education purposes.

(g) Any unified school district whose current expenses of education per unit of average daily attendance for the 1963–64 fiscal year were less than six hundred dollars ($600), two dollars and ten cents ($2.10) for combined elementary school and high school purposes; two dollars and twenty cents ($2.20) for combined kindergarten, elementary school, and high school purposes; or two dollars and thirty cents ($2.30) for combined kindergarten, elementary school, high school, and adult education purposes.

(h) As used in this section "adult education purposes" means all current expenses of the district for which district taxes may be levied, excluding the expenses for which district taxes may be levied under Sections 14214, 14657, 20801.5, 20802.6 and 20806 of this code and Section 20532 of the Government Code, for adult classes as provided for in Chapter 5.5 (commencing with Section 5701), Division 6 of this code. "Adult education purposes" includes classes for adults authorized under Articles 4, 5 and 6, inclusive of Chapter 5.5 (commencing with Section 5701) of Division 6 of this code.

(2) If the maximum tax rate of a school district in effect on the effective date of the amendment to this section adopted at the 1964 First Extraordinary Session of the Legislature is, because of an increase adopted by the district electors pursuant to Section 20803, more than the applicable rate prescribed in subdivision (1) of this section, the maximum tax rate of such district shall continue to be the maximum rate prescribed by this section prior to such 1964 amendment plus

the amount of the increase over such rate adopted by the district electors pursuant to Section 20803 prior to the 1964 amendment to this section, for the period for which such increase was adopted by the voters. If any such voted increase in effect on such effective date results in a maximum rate which is less than that prescribed in subdivision (1) of this section as so amended in 1964, the maximum rate of such district shall be that prescribed in subdivision (1) of this section as so amended. Nothing in this section shall be construed to prevent a change in the maximum tax rate of a school district subject to and in the manner prescribed by Section 20803.

SEC. 2. Section 20802.8 of the Education Code is amended to read:

20802.8. The rate of school district tax for adult education purposes in any school year is hereby established as authorized in Section 20751, paragraphs (e) to (g), inclusive, by such amount as will produce the amount of the proposed expenditures of the school district for adult education purposes as shown by the budget of the district for such school year less state apportionment, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the rate of tax provided by Section 20751.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the tax rate hereby provided for adult education purposes, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year for adult education purposes.

SEC. 3 There shall be an increase in the maximum rate of school district tax for any school district authorized to provide adult education, which district, on the effective date of this act, is subject to a maximum rate of school district tax fixed by the electors of the district pursuant to Section 20803 of the Education Code. Such maximum rate of school district tax fixed by the electors shall be increased in each school year by ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation of property of the district for adult education purposes, but subject to the provisions of Section 20802.8 of the Education Code.

# CHAPTER 1677

*An act to amend Section 1010 of the Evidence Code, to add Chapter 6.6 (commencing with Section 2900) to Division 2 of, and to repeal Chapter 6.6 (commencing with Section 2900) of Division 2, of the Business and Professions Code, relating to psychologists.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code is repealed.

SEC. 2. Chapter 6.6 (commencing with Section 2900) is added to Division 2 of the Business and Professions Code, to read:

## CHAPTER 6.6. PSYCHOLOGISTS

### Article 1. General Provisions

2900. The Legislature finds and declares that practice of psychology in California affects the public health, safety, and welfare and is to be subject to regulation and control in the public interest to protect the public from the unauthorized and unqualified practice of psychology and from unprofessional conduct by persons licensed to practice psychology.

2901. This chapter shall be known and may be cited as the "Psychology Licensing Law."

2902. As used in this chapter, unless the context clearly requires otherwise and except as in this act expressly otherwise provided:

(a) "Licensed psychologist" means an individual to whom a license has been issued pursuant to the provisions of this chapter, and which license is in force and has not been suspended or revoked.

(b) "Board" means the Board of Medical Examiners. "Committee" means the Psychology Examining Committee.

(c) A person represents himself to be a psychologist when he holds himself out to the public by any title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychometrics" or "psychometrist," "psychotherapy," "psychotherapist," "psychoanalysis," "psychoanalyst" or when he holds himself out to be trained, experienced or an expert in the field of psychology.

(d) "Accredited," as used herein with reference to academic institutions, means accredited under the provisions of paragraph (1) of subdivision (a) of Section 29007 of the Education Code.

(e) "Approved," as used herein with reference to academic institutions, means approved under the provisions of paragraph (2) of subdivision (a) of Section 29007 of the Education Code.

2903. No person may engage in the practice of psychology without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is defined as rendering or offering to render to individuals, groups, organizations or the public any psychological service, while representing himself to be a psychologist as defined in subdivision (c) of Section 2902, involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationship; and the methods and procedures of interviewing, counseling, psychotherapy, and hypnosis; of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivation.

The application of such principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of psychological problems and emotional and mental disorders of individuals and groups.

Psychotherapy within the meaning of this chapter means the use of psychological methods in a professional relationship to assist a person or persons to acquire greater human effectiveness or to modify feelings, conditions, attitudes and behavior which are emotionally, intellectually, or socially ineffectual or maladjustive.

2904. The practice of psychology shall not include prescribing drugs, performing surgery or administering electroconvulsive therapy.

2905. The practice of psychology shall be as defined as in Section 2903, any existing statute in the State of California to the contrary notwithstanding.

2906. The committee shall waive the examination and the board shall grant a license to any of the following persons:

(a) All persons holding a valid certificate issued by the Psychology Examining Committee in the Board of Medical Examiners of the State of California. These licenses shall be issued automatically.

(b) All persons who shall have applied in writing to the committee within 30 days after the effective date of this chapter and who shall have met the following qualifications:

(1) Is a resident of this state at the time of application and has been a resident for at least two years prior to the date of application.

(2) Has met the requirements of subdivisions (a), (b) and (c) of Section 2914.

(3) Meets at least one of the following additional qualifications:

(i) Would, prior to the date of application, have qualified for the written junior examination given under the provisions of Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code, and is a graduate of an accredited university or college or a state-chartered school or college, has engaged for at least one year in supervised professional training under a certified psychologist, is not found by the committee to be engaged in unethical practices as set forth in Section 2960, provided that the academic program of the institution at which the training was taken consisted of not less than 3,200 classroom hours with at least 1,200 such classroom hours in psychological subjects, and is now engaged in active practice in the field of psychology or psychotherapy.

(ii) Has, prior to the date of application, received a bachelor's degree from an accredited university or college, has not less than 1,000 classroom hours of postgraduate credit in psychology and its prerequisite courses in an accredited university or college, has in addition not less than 1,200 classroom hours of specialized study in psychology and its prerequisite courses, and has been in active practice in the field of psychology or psychotherapy for at least 10 consecutive years immediately preceding the date of his application.

2907. Corporations shall have no professional rights, privileges, or powers, and shall not be permitted to practice psychology, nor shall the liability of any licensed psychologist be limited by a corporation.

2908. Nothing in this chapter shall be construed to prevent qualified members of other recognized professional groups such as, but not limited to, physicians licensed to practice medicine in the State of California, psychiatric nurses who are registered nurses in the State of California and who work under the supervision of a licensed physician or licensed psychologist, attorneys admitted to the California State Bar, social workers, marriage, child and family counselors licensed in the State of California, persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders, duly ordained members of the recognized clergy or duly ordained religious practitioners, anthropologists, political scientists, or sociologists from doing work of a psychological nature consistent with the standards and ethics of their respective professions provided they do not hold themselves out to the public by any title or description of services incorporating the words "psychological," "psychologist," psychology," "psychometrist," "psychometrics" or "psychometry," or that they do not state or imply that they are licensed to practice psychology.

However, any person who claims to be exempted from this section by reason of his status as a duly ordained member of the recognized clergy or a duly ordained religious practitioner

of a recognized sect and who offers proof that he has submitted information to the Secretary of Health, Education, and Welfare of the United States that, for the purposes of Chapter 7 of Title 42 of the United States Code, he is a duly ordained, commissioned, or licensed minister of a church in the exercise of duties required by such order, and that said secretary's records reflect the same, shall be deemed to have offered prima facie proof of his claimed status to the Psychology Examining Committee.

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 by accredited or approved colleges, junior colleges or universities; federal, state, county or municipal governmental organizations. 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.

2910. Nothing in this chapter shall be construed to restrict or prevent activities of a psychological nature on the part of persons who are salaried employees of accredited or approved academic institutions, public schools or governmental agencies, provided:

(a) Such employees are performing such psychological activities as part of the duties for which they were hired;

(b) Such employees are performing those activities solely within the jurisdiction or confines of such organizations;

(c) Such persons do not hold themselves out to the public by any title or description of activities incorporating the words "psychology" "psychological," "psychologist," "psychometry," "psychometrics" or "psychometrist";

(d) Such persons do not offer their services to the public for a fee, monetary or otherwise.

2911. Nothing in this chapter shall be construed as restricting the activities and services of a graduate student or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited or approved college or university and working in a training program, provided that these activities and services constitute a part of his supervised course of study and that such persons are designated by such title as "psychological intern," "psychological trainee" or other such title clearly indicating the training status appropriate to his level of training. The term "psychological intern," however, shall be reserved for persons enrolled in the doctoral program in psychology or social psychology at an accredited or approved college or university.

2912. Nothing in this chapter shall be construed as restricting a person from another state offering his psychological services in this state provided such services are performed for no more than five days in any calendar year and provided that person meets the qualifications and requirements stated in Sections 2908, 2909, 2910, and 2911.

However, a person from another state who is licensed or certified as a psychologist by a similar board of another state, or territory of the United States, or of a foreign country or province whose standards are equivalent to or higher than, at the date of his certification or licensure, the requirements of this chapter, and regulations duly adopted hereunder, or a person who meets the qualifications and requirements stated in Sections 2908, 2909, 2910, 2911, and 2912, and resides in a state or territory of the United States, or a foreign country or province which does not grant a certification or license to psychologists, may offer psychological services in this state for a total of not more than 30 days in any calendar year without being licensed under this chapter.

2913. A person other than a licensed psychologist may be employed by a licensed psychologist, or a licensed physician and surgeon who is board certified in psychiatry by the board of psychiatry and neurology of the American Medical Association, to perform limited psychological functions provided that:

(a) Such person is termed a "psychological assistant."

(b) Such person has completed at least one fully matriculated year of graduate training in psychology from an accredited or approved university or college.

(c) Such person is at all times under the supervision 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 performs are consistent with his training and experience and be responsible for his obedience to the provisions of this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, or board certified psychiatrist, has submitted to the committee the name of, the professional qualifications of, and the psychological functions to be performed by, such psychological assistant.

No licensed psychologist may register, employ or supervise more than three such 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 such psychological assistant at any given time. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise except as an employee of a licensed psychologist or licensed physician who specializes in psychiatry.

(e) Such 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.

2914. Each applicant shall comply with all of the following requirements:

(a) Be at least 21 years of age.

(b) Be of good moral character.

(c) Be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with this subdivision.

(d) Possess an earned doctorate degree in psychology or in educational psychology or a doctorate degree deemed equivalent by the committee in regulations duly adopted under this chapter. Such degree or training shall be obtained from the University of California, Stanford University, the University of Southern California, or from an accredited or approved college or university or any other educational institution approved by the committee as offering a comparable program in regulations duly adopted under this chapter.

No educational institution shall be denied recognition as an accredited or approved academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this act or in the administration of this act shall require the registration with the committee by educational institutions of their departments of psychology or their doctoral programs in psychology.

(e) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist or such suitable alternative supervision as determined by the committee in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology.

(f) Have not, within the preceding six months, failed an examination given by the committee.

2915. Any person, who at the time of the effective date of this chapter has applied for and successfully qualified to take the examination given under the Psychology Certification Act added by Chapter 6.6 of the 1957 Regular Session of the Legislature shall be considered to have met the requirements of Section 2914.

2916. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any of the provisions or applications of this chapter which can be given effect without such invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

## Article 2. Administration

2920. The present Psychology Examining Committee of the Board of Medical Examiners of the Department of Professional and Vocational Standards shall administer the provisions of this chapter. The committee shall consist of eight members appointed by the Governor, one of whom shall be a public member.

2921. Each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

The members of the present Psychology Examining Committee as constituted on the date of the enactment of this chapter shall continue to serve as members until the expiration of the terms to which they were appointed, and shall be eligible for reappointment to one more consecutive term.

2922. In appointing the members of the committee, except the public member, the Governor shall use his judgment to select psychologists who represent, as widely as possible, the varied professional interests of psychologists in California.

2923. Each member of the committee shall have all of the following qualifications:

(a) He shall be a resident of this state.

(b) Each member appointed, except the public member shall be a licensed psychologist.

The public member shall not be a licentiate of the committee or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

2924. The Governor has power to remove from office any member of the committee for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.

2925. The committee shall elect annually a chairman and vice chairman from among its members.

2926. The committee shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two members of the committee.

2927. All meetings of the committee shall be open and public, except that the committee may hold executive sessions to:

(a) Deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

(b) Prepare, approve, grade or administer examinations.

(c) Upon the request of an applicant who fails an examination, prepare a response indicating the cause of his failure.

2928. The committee shall administer and enforce the provisions of this chapter except as to those acts and functions specifically vested in the board by this chapter and such acts and functions of the board shall in no way be enlarged by the provisions of the other chapters of this division.

2929. The committee shall adopt a seal, which shall be affixed to all licenses issued by the board.

2930. The committee shall from time to time adopt such rules and regulations as may be necessary to effectuate the provisions of this chapter. In adopting rules and regulations the committee shall comply with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

2931. The committee shall examine and pass upon the qualifications of the applicants for a license as provided by this chapter.

2932. Five members of the committee shall at all times constitute a quorum.

2933. The board shall employ and shall make available to the committee within the limits of the funds received by the board all personnel necessary to carry out the provisions of this chapter. The board shall make all expenditures to carry out the provisions of this chapter. The board may accept contributions to effectuate the purposes of this chapter.

2934. Each year the board and committee shall transmit to the Governor full reports of all their respective activities under this chapter, together with a report of all the receipts and disbursements under this chapter.

2935. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

2936. The committee may by rule or regulation adopt, amend, or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession.

The adoption, amendment, or repeal of such rules or regulations shall be made in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

Every person who holds a license to practice psychology in this state shall be governed and controlled by the rules of professional conduct adopted by the committee.

## Article 3. License

2940. Each person desiring to obtain a license from the board shall make application to the committee. The application shall be made upon a form and shall be made in such a manner as the committee prescribes in regulations duly adopted under this chapter.

The application shall be accompanied by the application fee prescribed by Section 2949. This fee shall not be refunded by the board.

2941. Each applicant for a psychology license shall be examined by the committee, and shall pay to the board, at least 30 days prior to the date of examination, the examination fee prescribed by Section 2949, which fee shall not be refunded by the board.

2942. The committee may examine by written or oral examination or by both. The examination shall be given at least twice a year at the time and place and under such supervision as the committee may determine. A grade of 75 percent shall be a passing grade.

2943. The committee may examine for knowledge in whatever theoretical or applied fields in psychology as it deems appropriate. It may examine the candidate with regard to his professional skills and his judgment in the utilization of psychological techniques and methods.

2944. The committee shall grade the written examination and keep the written examination papers for at least one year.

2945. The committee shall keep an accurate transcript of the oral examinations and keep such transcript as a part of its records for at least one year following the date of examination.

2946. The committee shall direct the board to grant a license without examination by the committee to any person who, at the time of application is licensed or certified by the board of examiners in another state if the requirements for obtaining a certificate or license in such state were substantially equivalent to the requirements of this chapter.

A psychologist certified or licensed in another state and who has made application to the committee for a license in this state may perform activities and services of a psychological nature without a valid license for a period not to exceed 90 days from the time of submitting his application.

The committee at its discretion may waive those parts of the examination, including either the whole of the written or the oral examinations, when in the judgment of the committee the applicant has already demonstrated competence in areas covered by those parts of the examination. The committee at its discretion may waive the examination for diplomates of the

American Board of Examiners in Professional Psychology or psychologists who have made a significant contribution to psychology and have had at least 10 years of experience.

2948. The board shall issue, upon the recommendation and at the direction of the committee, a license to all applicants who meet the requirements of this chapter and who pay to the board the initial license fee provided in Section 2949.

2949. The amount of the fees prescribed in connection with a license as a psychologist is as follows:

(a) The examination fee for a license is twenty-five dollars ($25).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be not less than twenty dollars ($20), nor more than eighty dollars ($80), as determined by the committee.

(d) The delinquency fee shall be not less than ten dollars ($10), nor more than forty dollars ($40), as determined by the committee.

(e) The application fee is ten dollars ($10).

2950. The fees in this article shall be fixed by the committee and shall be set forth with the regulations which are duly adopted under this chapter.

### Article 4. Denial, Suspension and Revocation

2960. The committee may order the denial of an application for, or the suspension for a period not exceeding one year, or the revocation of, or the imposition of probationary conditions upon, a license for any of the following causes:

(a) Conviction of a felony, or of any offense involving moral turpitude.

(b) Use of any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public.

(c) Impersonating another person holding a psychology license or allowing another person to use his license.

(d) Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.

(e) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals.

(f) Violating Section 17500.

(g) Willful, unauthorized communication of information received in professional confidence.

(h) Violating any rule of professional conduct promulgated by the committee and set forth in regulations duly adopted under this chapter.

(i) Being grossly negligent in the practice of his profession.

(j) Willfully violating any of the provisions of this chapter or regulations duly adopted thereunder.

2961. The board shall deny an application for, or suspend or revoke, or impose probationary conditions upon, a license as ordered by the committee in any decision made after hearing as provided in Section 2965.

2962. One year from the date of a revocation of a license under this article, application may be made to the committee for reinstatement. The committee shall have discretion to accept or reject an application for reinstatement and may require an examination for such reinstatement.

2963. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. At the direction of the committee, the board shall order the license suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

2964. The adjudication of insanity or mental illness of any license holder under this chapter for a mental illness shall operate a suspension of the right to practice of such license holder, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication or judgment is conclusive evidence of such insanity or mental illness and upon receipt of a certified copy of any such adjudication, judgment, or order by the committee, it shall immediately direct the board to suspend the license of the person adjudicated or committed. The board shall not restore such license to good standing until directed to do so by the committee. The committee shall not direct the board to restore such license until it receives competent evidence of restoration to or declaration of sanity and until the committee is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated. Before the reinstatement of such person, the committee may require the person to pass an oral examination to determine his present fitness to resume his practice.

2965. The proceedings under this article shall be conducted by the committee in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

## Article 5. Penalties

2970. Any person who violates any of the provisions of this chapter shall be guilty of 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.

2971. Whenever any person other than a licensed psychologist has engaged in any act or practice which constitutes an offense against this chapter, the superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7, Part 2 of the Code of Civil Procedure provided that no undertaking shall be required in any action commenced by the board. The board may commence action in the superior court under the provisions of this section on its own motion, or on the written request of the committee.

## Article 7. Revenue

2980. The board shall report to the State Controller at the beginning of each month for the month preceding the amount and source of all revenue received by it pursuant to this chapter, and at the time shall pay the entire amount thereof into the Contingent Fund of the Board of Medical Examiners of the State of California.

2981. The money in the Contingent Fund of the Board of Medical Examiners of the State of California necessary for the administration of this chapter is hereby continuously appropriated for such purposes.

2982. Licenses issued before January 1, 1968, expire and become invalid at 12 p m on December 31, 1968, if not renewed. Licenses renewed on or after December 31, 1968, and before March 1, 1970, and licenses issued after December 31, 1968, and before March 1, 1970, expire and become invalid at 12 p.m. on February 29, 1970, if not renewed. Thereafter, all licenses expire and become invalid at 12 p.m. on the last day of February of each even-numbered year if not renewed.

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 prescribed renewal fee, if any.

2983. Every person to whom a license is issued after December 31, 1968, shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee, if any. The board may, by regulation provide for the waiver or refund of the initial licensee fee, however, where the license is issued less than 45 days before the date on which it will expire.

2984. Except as provided in Section 2985, a license which has expired may be renewed at any time within five years

after its expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is not renewed within 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the prescribed delinquency fee, if any. 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, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 2982 which next occurs after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

The provisions of this section govern the renewal, and the fees payable therefor, of licenses which expired under the law in effect before October 1, 1967, as well as licenses which expire on October 1, 1967, or thereafter. A license which was forfeited or suspended for failure to renew under the law in effect before October 1, 1967, shall be considered to have expired on the date that it became forfeited or suspended.

2985. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

A license revoked on disciplinary grounds is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

2986. A person who fails to renew his license within the five years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new license if he meets the requirements of this chapter.

SEC. 3. Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, "psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry; or

(b) A person licensed as a psychologist under Chapter 6 6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

# CHAPTER 1678

*An act to add Section 1425 to the Health and Safety Code, and to amend Section 6201 of the Welfare and Institutions Code, relating to public health.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 1425 is added to the Health and Safety Code, to read:

1425. Any person, association or corporation licensed to operate a private institution under the provisions of Part 2 (commencing with Section 6200) of Division 6 of Welfare and Institutions Code may apply for relicensure under the provisions of this chapter. The applicant for relicensure shall comply with the provisions of this chapter and the rules and regulations promulgated under this chapter by the state department as these rules and regulations apply to facilities in operation.

SEC. 2. Section 6201 of the Welfare and Institutions Code is amended to read:

6201. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the mentally ill or other incompetent persons referred to in this division without first having obtained a license therefor from the Department of Mental Hygiene, and having paid the license fee provided in this chapter.

Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment of the mentally ill or incompetents without first having obtained a license from the Department of Mental Hygiene, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

The provisions of this chapter do not apply to any hospital which maintains and operates organized medical, surgical or nursing and convalescent facilities primarily for the diagnosis, care, and treatment of physical human illness, including care during and after pregnancy, and to which persons may be admitted for overnight stay or longer, and holds a license in good standing issued under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code.

# CHAPTER 1679

*An act to amend and renumber Section 12.4 of, and to add Section 12.4 to, Chapter 138, Statutes of 1964, First Extraordinary Session, and making an appropriation for a loan to aid in prevention and control of Lake Tahoe water pollution, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 12.4 is added to Chapter 138, Statutes of 1964, First Extraordinary Session, to read:

Sec. 12.4. During the fiscal year 1967–1968, one million eight hundred thousand dollars ($1,800,000) of the oil revenue and dry gas revenue payable to the State of California under this act that year, after the amount provided for in Section 12 is deposited in the California Water Fund, the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, the amount provided for in Section 12.2 is deposited in the State Water Quality Control Fund, and the amount provided for in Section 12.3 is paid to the Southern California Rapid Transit District, shall be deposited in the State Water Quality Control Fund, and shall be available for expenditure, when appropriated by the Legislature, in connection with the financing of the extension of facilities for the transportation of treated effluent of the South Lake Tahoe Basin from the summit of Luther Pass to Diamond Valley in Alpine County.

SEC. 2. Section 12.4 of Chapter 138, Statutes of 1964, First Extraordinary Session, is amended and renumbered to read:

Sec. 12.5. All of the oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the Capital Outlay Fund for Public Higher Education, after the amount provided for in Section 12 is deposited in the California Water Fund, the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, the amounts provided for in Sections 12.2 and 12.4 are deposited in the State Water Quality Control Fund, and the amount provided for in Section 12.3 is paid to the Southern California Rapid Transit District.

SEC. 3. The sum of one million eight hundred thousand dollars ($1,800,000) deposited in the State Water Quality Control Fund during the 1967–1968 fiscal year pursuant to Section 12.4 of Chapter 138, Statutes of 1964, First Extraordinary Session, is hereby appropriated and shall be paid by the State Controller to the State Water Resources Control Board for expenditure in making the loan to the South Tahoe Public

Utility District pursuant to the provisions of Chapter 47, Statutes of 1966, First Extraordinary Session, in lieu of the expenditure of the money appropriated from the General Fund by Chapter 47, or to reimburse the General Fund for expenditures made therefrom in making such loan, or both. The State Water Resources Control Board succeeds to all powers and duties of the State Allocation Board under Chapter 47, Statutes of 1966, First Extraordinary Session, in relation to such loan.

In no event shall more than one million eight hundred thousand dollars ($1,800,000) be available for loan to the South Tahoe Public Utility District for the purpose authorized by Chapter 47, Statutes of 1966, First Extraordinary Session, and all money received by the state in repayment of the loan by the district shall be deposited in the State Water Quality Control Fund rather than in the General Fund.

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

Increasing population and urbanization in the Lake Tahoe Basin has created a serious sewage disposal problem which requires immediate action. The provisions of this act are necessary to solve this problem and will assure the maintenance of the quality of the water of Lake Tahoe and its tributaries. It is therefore essential that this act go into immediate effect.

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## CHAPTER 1680

*An act to add Section 11009.1 to the Welfare and Institutions Code, relating to public assistance.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 11009.1 is added to the Welfare and Institutions Code, to read:

11009.1. The value of free board and lodging supplied to a recipient during a temporary absence from his home of not more than one month, shall be considered an inconsequential resource and shall not be deducted from the amount of aid to which the recipient is otherwise entitled.

After an absence of one month, free board and lodging shall be considered income to the extent the value exceeds the continuing cost to the recipient of maintaining the home to which he expects to return.

## CHAPTER 1681

*An act to amend Section 250 of the Health and Safety Code, relating to handicapped children, and making an appropriation therefor.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 250 of the Health and Safety Code is amended to read:

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. "Handicapped child" includes, but is not limited to, children suffering from phenylketonuria, cystic fibrosis, or hemophilia.

SEC. 2. The sum of fifty-six thousand two hundred dollars ($56,200) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure during the 1967–68 fiscal year for services to children suffering from hemophilia pursuant to Article 2 (commencing with Section 249), Chapter 2, Part 1, Division 1 of the Health and Safety Code.

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## CHAPTER 1682

*An act to add Section 592 to the Vehicle Code; and to add Sections 8101.1, 8653.1, 9606.1 and 9653.7 to, the Revenue and Taxation Code, relating to exemptions from motor vehicle fuel and transportation taxes and registration fees.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 592 is added to the Vehicle Code, to read:

592. "Highway" does not include a way or place under the jurisdiction of a federal governmental agency, which lies on national forest or private lands, is open to public use, and for which the cost of maintenance of such way or place is borne or contributed to directly by any users thereof.

SEC. 2. Section 8101.1 is added to the Revenue and Taxation Code, to read:

8101.1. For the purposes of subdivision (a) of Section 8101, the tax shall be refunded to any person with respect to fuel used in the operation of a motor vehicle on any highway which is under the jurisdiction of the United States Department of Agriculture and with respect to the use of such highway such person pays, or contributes to, the cost of construction or main-

tenance thereof pursuant to an agreement with or permission of, the United States Department of Agriculture.

SEC. 3. Section 8653.1 is added to the Revenue and Taxation Code, to read:

8653.1. No tax shall be imposed on any user with respect to fuel used in the operation of a motor vehicle on any highway which is under the jurisdiction of the United States Department of Agriculture and with respect to the use of such highway the user pays, or contributes to, the cost of construction or maintenance thereof pursuant to an agreement with, or permission of, the United States Department of Agriculture.

SEC. 4. Section 9606.1 is added to the Revenue and Taxation Code, to read:

9606.1. "Gross receipts" do not include that portion of receipts derived by an operator from transporting logs or forest products over any private road, or over any highway under the jurisdiction of the United States, open to public use, and as to such highway the operator pays, or contributes to, the cost of construction or maintenance thereof pursuant to an agreement with, or permission from, the United States or any agency thereof.

SEC. 5. Section 9653.7 is added to the Revenue and Taxation Code, to read:

9653.7. The tax imposed by this part does not apply to transportation operations conducted exclusively over any highway which is under the jurisdiction of the United States and the operator pays, or contributes to, the cost of construction or maintenance of the highway pursuant to an agreement with, or permission of, the United States or any agency thereof.

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## CHAPTER 1683

*An act to amend Section 976.5 of the Unemployment Insurance Code, relating to unemployment insurance.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 976.5 of the Unemployment Insurance Code is amended to read:

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Section 676 or 677, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of one percent (1%).

(2) For each calendar year after 1968, contributions shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

| Line | Column 1 | Column 2 | Column 3 |
|---|---|---|---|
| 1 | 80% | No limitation | 1 % |
| 2 | 60% | 80% | 0.8% |
| 3 | 40% | 60% | 0.6% |
| 4 | 20% | 40% | 0.4% |
| 5 | 0% | 20% | 0.2% |

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Section 676 or 677, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of eight-tenths of one percent (0.08%).

(2) For each calendar year after 1968 with respect to wages paid for employment at the rate of two-tenths of one percent (0.2%) less than the rate applicable to other employers for the calendar year under subdivision (a) of this section but not less than two-tenths of one percent (0.2%).

(c) Subdivision (b) of this section shall not apply:

(1) Prior to the rating period of the calendar year 1971 to any employer whose reserve account has been canceled pursuant to Section 1027.1.

(2) To wages paid for agricultural labor as defined in Article 2 (commencing with Section 625) of this chapter.

SEC. 2. The provisions of Section 976.5, as amended by this act, shall be effective January 1, 1968, and shall apply to contributions paid beginning with the rating period of the calendar year 1968 and shall not be applicable to contributions paid for any prior rating period.

# CHAPTER 1684

*An act to add Sections 107.2 and 107.3 to the Revenue and Taxation Code, relating to the taxation of oil and gas interests.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 107.2 is added to the Revenue and Taxation Code, to read:

107.2. The full cash value of leasehold estates in exempt property for the production of gas, petroleum and other hydrocarbon substances from beneath the surface of the earth, and all other taxable rights to produce gas, petroleum and other hydrocarbon substances from exempt property (all of which rights are hereinafter in this section referred to as "such oil and gas interests"), is the value of such oil and gas interests exclusive of the value of any royalties or other rights to share in production from exempt property owned by any tax-exempt entity, whether receivable in money or property and whether measured by or based upon production or income or both.

This section applies to such oil and gas interests created prior to the date on which the decision in De Luz Homes, Inc. v. County of San Diego (1955) 45 Cal.2d 546, became final. This section does not, however, apply to any of such oil and gas interests created prior to such date which have been after such date or are hereafter extended or renewed, unless such extension or renewal is pursuant to authority in a contract, lease, statute, regulation, city charter, ordinance, or other source, which authority permits no reduction of the rate of royalty or other right to share in production on grounds of an increase in the assessed valuation of such oil and gas interest. Moreover, this section does not apply to any of such oil and gas interests if the rate of royalties or other right to share in production has, prior to the effective date of this section, been reduced to adjust for the fact that certain assessors have valued such oil and gas interests without excluding the value of said royalties or other rights to share in production.

SEC. 2. Section 107.3 is added to the Revenue and Taxation Code, to read:

107.3. The full cash value of leasehold estates in exempt property for the production of gas, petroleum and other hydrocarbon substances from beneath the surface of the earth and all other taxable rights to produce gas, petroleum and other hydrocarbon substances from exempt property (all of which rights are hereinafter in this section referred to as "such oil and gas interests"), is the value of such oil and gas interests, exclusive of the value of any royalties or other rights to share in production from exempt property owned by any tax-exempt

entity, whether receivable in money or property and whether measured by or based upon production or income or both.

This section applies to:

(a) Such oil and gas interests created prior to the date on which the decision in De Luz Homes, Inc. v. County of San Diego (1955) 45 Cal.2d 546, became final to which Section 107.2 of this code does not apply because said interests were extended or renewed on or before July 26, 1963.

(b) Such oil and gas interests created on or after the date on which said decision became final and on or before July 26, 1963.

This section does not, however, apply to any of such oil and gas interests extended or renewed after July 26, 1963, unless such extension or renewal is pursuant to authority in a contract, lease, statute, regulation, city charter, ordinance or other source which authority permits no reduction of the rate of royalty or other right to share in production upon the ground of an increase in the assessed valuation of such oil and gas interest. Moreover, this section does not apply to any of such oil and gas interests if the rate of royalties or other right to share in production has, prior to the effective date of this section, been reduced to adjust for the fact that certain assessors have valued such oil and gas interests without excluding the value of said royalties or other rights to share in production.

SEC. 3. It is not the intent of the Legislature in adopting this act to declare the law with respect to assessment years prior to the assessment year commencing March 6, 1967, or to declare the law with respect to oil and gas interests not expressly covered by Section 1 or Section 2 of this act. Accordingly, neither the adoption of this act nor anything in this act shall be construed to declare or affect in any way the law with respect to oil and gas interests or assessment years not expressly covered by this act; and, without limiting the generality of the foregoing, nothing in this act shall be construed to affect the litigation now pending in several counties concerning the valuation, assessment and taxation of oil and gas interests in exempt property for assessment years prior to the 1967–1968 assessment year or the rules of law applicable to such litigation.

SEC. 4. The Legislature finds and declares that prior to 1963 all assessors in California uniformly excluded or deducted the value of government-owned royalty or similar interests when assessing privately owned oil and gas interests in government lands. In 1963 certain assessors reversed this long-standing uniform method of assessment and such oil and gas interests are now generally assessed without such exclusion or deduction. This unexpected change has resulted in severe hardship similar to the hardship suffered by lessees of the surface of government land as a result of the decision in De Luz Homes, Inc. v. County of San Diego (1955) 45 Cal.2d 546. In 1957 the Legislature relieved the surface lessees from such

hardship by the enactment of Section 107.1 of the Revenue and Taxation Code, but excluded oil and gas interests from such relief because the Legislature, consistent with the understanding of the oil industry, the state and the assessors, believed that the rule of the De Luz Homes case was not applicable to oil and gas interests. Now that assessors have changed their prior method of assessment, the Legislature finds, declares and intends that similar relief should be extended to oil and gas interests by this act.

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

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## CHAPTER 1685

*An act to amend Sections 194, 194.2, and 10204 of, and to amend and renumber Sections 194 and 194.2 of, the Streets and Highways Code, relating to streets and highways.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 194 of the Streets and Highways Code is amended to read:

194. The commission shall allocate annually, and the department shall expend or cause to be expended within the cities and cities and counties of this state, from the State Highway Fund, the amount transferred to the State Highway Fund from the Highway Users Tax Fund for expenditure in cities, as provided in Section 2107.

Such expenditures shall be made within each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this state. For the purpose of this section the population in each city is that determined by the last preceding federal census. 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 department 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 194.2. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or an estimate pursuant to Section 194.2 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.

SEC. 2. Section 194.2 of the Streets and Highways Code is amended to read:

194.2. On and after July 1, 1958, any city or city and county may apply to the Department of Finance to estimate its population or the population of any inhabited territory annexed to the city subsequent to the last federal census. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate; provided, however, the department may develop or contract for the development of additional information if, in the opinion of the department, such additional information may make an estimate feasible. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

All allocations under Section 194 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

Population estimates conducted pursuant to this section shall not be applied for more frequently than once in every calendar year.

This section does not apply to counties.

SEC. 3. Section 194 of the Streets and Highways Code is amended and renumbered 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 shall be apportioned monthly to the cities and cities and counties of this state from the Highway Users Tax Fund as provided in this section.

Such apportionments shall be made to each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this state. For the purpose of this section the population in each city is that determined by the last preceding federal census. 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.

SEC. 4. Section 194.2 of the Streets and Highways Code is amended and renumbered to read:

2107.2. Any city or city and county may apply to the Department of Finance to estimate its population or the population of any inhabited territory annexed to the city subsequent to the last federal census. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate; provided, however, the department may develop or contract for the development of additional information if, in the opinion of the department, such additional information may make an estimate feasible. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the Controller.

All apportionments under Section 2107 and all payments under Section 11005 of the Revenue and Taxation Code for any apportionment subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

Population estimates conducted pursuant to this section shall not be applied for more frequently than once in every calendar year.

This section does not apply to counties.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Assembly Bill No. 2454 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 2454 takes effect; at which

time Sections 194 and 194.2 of the Streets and Highways Code as amended by Sections 1 and 2 of this act are repealed.

SEC. 6. Section 10204 of the Streets and Highways Code is amended to read:

10204. The report of the person or board to whom the improvement is referred by the legislative body shall contain:

(a) Plans and specifications of the proposed improvement if the improvement is not already installed.

(b) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvement, if the works, appliances, or property are to be acquired as part of the improvement.

(c) An estimate of the cost of the improvement and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the improvement. If the legislative body in the resolution of intention ordered that private utility damages be included in the assessment, the report shall contain an estimate of private utility damages.

(d) A diagram showing the assessment district and the boundaries and dimensions of the subdivisions of land within the district as they existed at the time of the passage of the resolution of intention. Each subdivision, including each separate condominium interest as defined in Section 783 of the Civil Code, shall be given a separate number upon the diagram.

(e) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by such subdivisions, respectively, from the improvement. When any portion or percentage of the cost and expenses of the improvement is ordered to be paid out of the treasury of the municipality, pursuant to Section 10200, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the improvement, and the assessment upon property proposed in the report shall include only the remainder of the estimated cost and expenses. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this section.

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## CHAPTER 1686

*An act to add Section 19584.3 to the Education Code, relating to school buildings.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 19584.3 is added to the Education Code, to read:

19584.3. The area of any building which has not been constructed or reconstructed under the provisions of Sections 15451 to 15465, inclusive, of this code shall not be included in any computation of the area of adequate school construction under this chapter, provided that such area is being used exclusively for adult education classes during the regular school-day and that the operation of such classes has been approved by the Department of Education.

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## CHAPTER 1687

*An act to amend Section 779.9 of the Insurance Code, relating to insurance.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 779.9 of the Insurance Code is amended to read:

779.9. The commissioner shall within 30 days after the filing of any such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders, disapprove any such form if the benefits provided therein are not reasonable in relation to the premium charge, or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the coverage, or are contrary to any provision of the Insurance Code or of any rule or regulation promulgated thereunder.

The benefits provided by any such policy form shall be deemed reasonable in relation to the premium charged or to be charged if the ratio of losses incurred to premiums earned is 50 percent or may reasonably be expected to be 50 percent. If the ratio of losses incurred to premiums earned is less, or may reasonably be expected to be less, than 50 percent, the benefits provided shall be deemed unreasonable in relation to the premium charged. Determination of a reasonable relation of benefits to premiums shall be made by the commissioner for each policy form filed for approval. The commissioner may limit the use of any such form to those creditors or debtors whose experience was the basis for approval and such other creditors or debtors likely to experience similar mortality or morbidity.

Notwithstanding any provisions of Sections 18661, 18661.1, and 22458.1 of the Financial Code to the contrary, the method of rate supervision set forth in this section shall be the method applied to all credit life or credit disability insurance within the scope of this article, to the end that a uniform method of

rate supervision may be adopted for credit life and credit disability insurance in this state.

SEC. 2. The provisions of this act shall become operative on January 1, 1968.

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## CHAPTER 1688

*An act to add Chapter 10 (commencing with Section 24351) to Division 18 of the Education Code, relating to laboratory classes for exceptional children, and making an appropriation.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Chapter 10 (commencing with Section 24351) is added to Division 18 of the Education Code, to read:

### CHAPTER 10. STATE COLLEGE LABORATORY CLASSES FOR EXCEPTIONAL CHILDREN

### Article 1. General Provisions

24351. It is the intent and purpose of the Legislature in providing for the establishment at or in conjunction with individual state colleges, under this chapter, of laboratory classes for exceptional children, to accomplish the following general aims:

(a) Improve programs presently offered within the state college system for the training of teachers in the education of exceptional children, and afford prospective teachers with direct experience with typical exceptional children.

(b) Provide facilities and workshops where needed systematic continuing research in the development of methods, means, and techniques in teaching of exceptional children shall be conducted.

(c) Accelerate the recruitment and training of prospective teachers of exceptional children and provide in-service training for credentialed teachers to improve their skills.

(d) Provide a combined and comprehensive college level program of research and teacher training to meet the needs of exceptional children such as will serve to attract and effectively utilize available public and private funds and grants.

(e) Provide for increased and improved special educational services for exceptional children through cooperation and coordination with local school districts and county offices.

24352. For purposes of state financial support, the laboratory classes for exceptional children established at or in

conjunction with state colleges under this chapter shall be separately budgeted for in each budgeting request submitted by the California State Colleges, and in the Budget Act.

24353. The Trustees of the California State Colleges are authorized to accept and devote to the financial support of any of the laboratory classes for exceptional children maintained in conjunction with any state college, any federal funds and any other public or private funds which may be allotted or granted for such purposes, and shall have the power to take all measures necessary to effect compliance with the terms and conditions under which such an allotment or grant may be made.

SEC. 2. There is hereby appropriated to the Trustees of the California State Colleges from the General Fund in the State Treasury the sum of twenty-five thousand dollars ($25,000) to be expended during the 1967–1968 fiscal year for the initial planning, development, and staffing necessary for the establishment of laboratory classes for exceptional children in conjunction with two state colleges.

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## CHAPTER 1689

*An act authorizing a grant pursuant to the Davis-Grunsky Act to the Napa County Flood Control and Water Conservation District in connection with the Redwood Creek Dam Project.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Napa County Flood Control and Water Conservation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of one million dollars ($1,000,000), for recreation in connection with the construction of the Redwood Creek Dam Project.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act, but the district shall comply with all other requirements of the Davis-Grunsky Act in effect on the date of such grant.

SEC. 2. The maximum amount authorized under Section 1 of this act shall be in addition to any grant made to the district by the department pursuant to paragraph (c) of Section 12884.2 of the Water Code for initial water supply and sanitary facilities.

## CHAPTER 1690

*An act to add Section 23.8 to the Business and Professions Code, relating to state licensing of occupations and professions.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 23.8 is added to the Business and Professions Code, to read:

23.8. Notwithstanding any other provision of this code, any individual who, while imprisoned in a state prison or other correctional institution, is trained, in the course of a rehabilitation program provided by the prison or other correctional institution, in a particular skill, occupation, or profession for which a state license, certificate, or other evidence of proficiency is required by this code shall not, when released from the prison or institution, be denied the right to take the state examination required to obtain the license, certificate, or other evidence of proficiency, and shall not be denied such license, certificate, or other evidence of proficiency, because of his imprisonment or the conviction from which the imprisonment resulted, or because he obtained his training in prison or in the correctional institution, if the licensing agency, upon recommendation of the Adult Authority or the Department of the Youth Authority, as the case may be, finds that he is a fit person to be licensed.

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## CHAPTER 1691

*An act to amend Sections 20607.8, 20952.8, and 21252.8 of the Government Code, relating to retirement of local and county police officers under the State Employees' Retirement System.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 20607.8 of the Government Code is amended to read:

20607.8. For each local safety member who is a police officer or a deputy sheriff, and who became such a member of this system, or, if entitled to credit for prior service, who entered police service at or below age 35, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 50, or upon completion of 20 years of service at an age higher than 50 years, equal to

one-fourth of his final compensation less one-half of his prior service pension (assumed for this purpose to be based on the full prior service formula applicable to his classification), it being the intention that the retirement allowances of such members, upon retirement at age 50 or such higher age, shall be, on the average, one-half of their final compensations, respectively.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20952.8 and 21252.8 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 such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20607.

SEC. 2. Section 20952.8 of the Government Code is amended to read:

20952.8. A local safety member who is a police officer or a deputy sheriff shall be retired for service upon his written application to the board if he has attained age 50, and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.8 and 21252.8 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 such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20952.

SEC. 3. Section 21252.8 of the Government Code is amended to read:

21252.8. The current service pension for local safety members who are police officers or deputy sheriffs is a pension derived from the contributions of the employer, which, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal the same percentage of his final compensation, regardless of his age at retirement, for each year of service, as the contributions of the member and the employer are calculated to provide upon retirement for service at age 50, or upon completion of 20 years of service at an age higher than 50, or upon retirement with less than 20 years service at age 65, for

each year of service after the effective date of the contract under which he became a member.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.8 and 20952.8 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 such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 21252.4.

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## CHAPTER 1692

*An act to amend Section 2767 of the Unemployment Insurance Code, relating to disability compensation.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 2767 of the Unemployment Insurance Code is amended to read:

2767. "Trainee" as used in this article means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days.

SEC. 2. The provisions of Section 2767 of the Unemployment Insurance Code as amended by this act shall be operative with respect to periods of disability commencing on and after the effective date of this act. The provisions of Section 2767 as in effect prior to the amendment made by this act shall continue to be applicable with respect to periods of disability commencing prior to the effective date of this act.

SEC. 3. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

## CHAPTER 1693

*An act to amend the heading of Chapter 8.5 (commencing with Section 6875) of Division 6 of, and Sections 6875, 6876, and 6877 of, the Education Code, relating to teachers of physically handicapped or mentally retarded minors.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. The heading of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code is amended to read:

CHAPTER 8.5. GRANTS TO TEACHERS OF PHYSICALLY HANDICAPPED OR MENTALLY RETARDED MINORS

SEC. 2. Section 6875 of the Education Code is amended to read:

6875. The governing board of a school district or a county superintendent of schools, in order to assure having teachers qualified to teach physically handicapped and mentally retarded pupils enrolled in programs of special education maintained by such district or the county superintendent of schools, and any employee of the district or the county superintendent of schools holding a position requiring certification qualifications, or any certificated person under contract to the district or the county superintendent of schools to teach physically handicapped or mentally retarded pupils, may enter into an agreement whereby the district or the county superintendent of schools may make a grant of financial assistance, in such amount not in excess of that specified in Section 6877, as they may in writing agree upon, for the said employee or certificated person under contract to undertake during the summers between academic school years specialized preparation to teach physically handicapped or mentally retarded minors as required by law and State Board of Education regulations.

SEC. 3. Section 6876 of the Education Code is amended to read:

6876. Not later than October 31 of each year the Superintendent of Public Instruction shall allow to each school district or county superintendent of schools making grants to employees or certificated persons under contract pursuant to the provisions of this chapter an amount sufficient to reimburse each such district or county superintendent of schools for the total of such grants made during the summer immediately preceding pursuant to the provisions of Section 6877.

SEC. 4. Section 6877 of the Education Code is amended to read:

6877. The amount of reimbursement allowed a school district or county superintendent of schools pursuant to Section 6876 for each such grant for specialized preparation undertaken during any given summer by any given employee or certificated person under contract shall not exceed the product of the number of semester hours taken in any given summer and fifty dollars ($50). The total amount of reimbursement allowed for all such grants to any given employee or certificated person under contract undertaking such specialized preparation shall not exceed the product of the number of semester hours of specialized preparation required by law and State Board of Education regulations for the credential to teach the category of physically handicapped or mentally retarded pupils being sought and fifty dollars ($50). No more than five years shall elapse between the first and final allowance in reimbursement of such grants for any given employee or certificated person under contract except by approval of the Superintendent of Public Instruction upon the recommendation of the governing board of the school district or the county superintendent of schools of such employee or certificated person under contract.

SEC. 5. The Superintendent of Public Instruction shall submit a report to the Legislature at its 1971 Regular Session describing the results of the program established by Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code for the preparation of teachers to teach physically handicapped and mentally retarded minors and shall include in his report his recommendation concerning the financing and costs of the program.

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## CHAPTER 1694

*An act to amend Sections 13102 and 13103 of, and to add Sections 13104, 13104.1, 13104.2, and 13105 to, the Education Code, relating to school employee credentials, and making an appropriation therefor.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. This act shall be known as the Professional Practices Act.

SEC. 1.5. Section 13102 of the Education Code is amended to read:

13102. There shall be within the Department of Education a Committee of Credentials, consisting of the Superintendent of Public Instruction and eight persons appointed for a term of two years by the State Board of Education.

Two members shall be full-time certificated classroom teachers in the public elementary schools, each with 10 years' classroom experience.

Two members shall be full-time certificated classroom teachers in the public secondary schools, each with 10 years' classroom experience.

One member shall be a certificated administrative employee in the public schools.

One member shall be a past or present member of the governing board of any school district.

One member shall be appointed from the Department of Education.

One member shall be a representative of the public, to be a person with no previous experience as a certificated employee in the public schools or as a member of any governing board of a school district or county board of education.

No business conducted at any meeting or hearing of the committee shall be valid unless five members are present. Each member appointed or designated herein shall serve personally and no alternates shall be permitted in his place except that the Superintendent of Public Instruction may authorize the chief deputy superintendent to serve as his alternate. Members of this committee shall be granted leaves of absence from their school duties with compensation for necessary attendance of committee meetings or hearings and shall be allowed actual and necessary travel expenses in attending such meetings or hearings. Each school district which employs a member of this committee and which is required to employ a person to replace such member during his attendance at committee meetings, shall be reimbursed for the cost incurred by employing a replacement, to be included in the apportionments made to such districts from the State School Fund.

SEC. 2. Section 13103 of the Education Code is amended to read:

13103. The State Board of Education may assign to the Committee of Credentials within the Department of Education such administrative duties as it may see fit relating to the granting, issuance, suspension, and revocation of credentials and life diplomas, and it shall supervise the work of the committee and shall provide statements of policy relative to committee operation and procedures as it deems appropriate to do so.

SEC. 3. Section 13104 is added to the Education Code, to read:

13104. All meetings and hearings of the Committee of Credentials to consider the granting, issuance, suspension, and revocation of credentials and life diplomas shall be executive and closed sessions with only committee members, committee staff members, the certificated employee whose application, credential, or life diploma is in issue, counsel of such teacher, and any material witnesses in attendance.

SEC. 4. Section 13104.1 is added to the Education Code, to read:

13104.1. Any member of the committee, committee staff member, or Department of Education employee who releases or gives out information received at a committee meeting or hearing or through the investigation of a certificated employee without authorization of the Committee of Credentials is guilty of a misdemeanor.

SEC. 5. Section 13104.2 is added to the Education Code, to read:

13104.2. The committee shall appoint, subject to the provisions of the State Civil Service Act, an executive secretary to perform the duties required by this section and such other duties as the committee may assign. The executive secretary shall appoint one person to his clerical staff and appoint other persons to staff positions as the committee may authorize. Such positions shall be subject to the provisions of the State Civil Service Act.

The secretary shall prepare accurate minutes of all committee actions and decisions. The secretary shall mail to each certificated employee whose application, credential, or life diploma is affected by an action or decision of the committee, within 30 days following the committee meeting, a copy of only that portion of the minutes affecting the application, credential, or life diploma of such certificated employee.

SEC. 6. Section 13105 is added to the Education Code, to read:

13105. At least 30 days prior to any committee meeting or hearing at which the application, credential, or life diploma of a certificated employee is to be considered, the committee shall notify the certificated employee of the specific allegations of misconduct for which the application, credential, or life diploma may be denied, suspended, or revoked in ordinary and concise language setting forth the acts or omissions charged and the statutes or rules violated. Supplemental allegations of misconduct shall be sent to the certificated employee 30 days prior to such meeting or hearing. The portions of the investigation of the original or supplemental allegations which constitute the basis for such allegations shall be open to inspection by such employee. The statement of the allegations shall inform such employee that such allegations, if they are true, are sufficient to cause his application, credential or life diploma to be denied, suspended, or revoked.

The committee shall order the investigation of allegations of misconduct to be discontinued if a meeting or hearing on such allegations is not commenced within one year of the date of notification of the original allegations to such employee. An extension for one six-month period may be made by the Superintendent of Public Instruction upon the submission to the committee of a statement of the cause or causes for such extension.

The decision of the committee shall be in writing and a copy of such decision shall be delivered to the certificated employee personally or sent to him by registered mail within 30 days after the meeting or hearing together with specific information relative to any administrative hearing to which such employee is entitled.

SEC. 7. Of the funds appropriated by Section 13183 of the Education Code for the issuance of teachers' credentials in augmentation of the support appropriations of the Department of Education, an amount not to exceed thirty-six thousand dollars ($36,000) shall be allocated and expended during the 1967–1968 fiscal year for the operations of the Committee on Credentials.

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## CHAPTER 1695

*An act to amend Sections 18751 and 18903 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to meat inspection, and making an appropriation therefor.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 18751 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

18751. An establishment may not be operated in the state for the purpose of slaughtering animals, or for the manufacture of meat food products, unless it is operated pursuant to federal inspection, state inspection or approved municipal inspection.

SEC. 2. Section 18903 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

18903. A person shall not sell any dressed carcass of any animal which is intended for food purposes, or any prepared meat or meat food product within the state unless it bears the "inspected and passed" stamp of federal inspection, state inspection, or approved municipal inspection, applied at the establishment where the animal was slaughtered and at the establishment where the meat or meat food product was prepared or manufactured.

SEC. 3. The sum of thirty thousand dollars ($30,000) is hereby appropriated from the General Fund to the Department of Agriculture for such costs as may be incurred by reason of the additional inspection activities required by this act.

# CHAPTER 1696

*An act to amend Section 13143 of the Health and Safety Code, relating to fire safety regulations.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 13143 of the Health and Safety Code is amended to read:

13143. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where fifty (50) or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education. Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that present a fire, explosion or panic hazard, and such minimum standards shall be predicated on the height and fire resistive qualities of the building or structure and the type of occupancy for which it is to be used. The regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this section. Violation of any regulation shall be deemed to be in violation of this chapter.

In preparing and adopting regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Department of General Services under Article 4 (commencing with Section 15451 of Chapter 2 of Division 11 of the Education Code.

Any building, room, or structure which is used for the purpose of deliberation, worship, drinking or dining, or awaiting transportation, and is in existence on the effective date of the amendments to this section enacted at the 1967 Regular Session

of the Legislature, shall be exempt from compliance with the rules and regulations of the State Fire Marshal adopted pursuant to this section until five years after the effective date of such amendments.

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## CHAPTER 1697

*An act to amend Sections 1030 and 3701 of the Unemployment Insurance Code, relating to unemployment insurance.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work. The period during which the employer may submit such facts may be extended by the director for good cause.

(b) Any base period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work. The period during which the employer may submit such facts may be extended by the director for good cause.

(c) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment. Any ruling issued by the department may for good cause be reconsidered within 15 days of the issuance of the ruling. For purposes of this section only, if the claimant voluntarily leaves such employer's employ without notification to the employer of the reasons therefor, and if the employer submits all of the facts within its possession concerning such leaving within the applicable time period referred to in this section, such leaving shall be presumed to be without good cause. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall

not be deemed to have voluntarily left his employment without good cause. Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims.

SEC. 2. Section 3701 of the Unemployment Insurance Code is amended to read:

3701. (a) Any employer who is entitled under Section 3654 to notice of the filing of a primary claim or additional claim and who, within 10 days after mailing of such notice, submits to the department any facts within its possession disclosing whether the exhaustee left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with his work shall be entitled to a ruling as prescribed by this section. The period during which the employer may submit such facts may be extended by the director for good cause.

(b) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the exhaustee's most recent employment. Appeals may be taken from said rulings in the manner provided in Section 3655.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

SEC. 3. The provisions of Sections 1030 and 3701 of the Unemployment Insurance Code as amended by this act shall apply to new, primary, and additional claims filed with an effective date beginning on or after the effective date of this act. The provisions of Sections 1030 and 3701 of said code as in effect prior to the amendments made by this act shall remain applicable to new, primary, and additional claims filed with an effective date beginning prior to the effective date of this act.

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## CHAPTER 1698

*An act to amend Section 124 of the Labor Code, relating to workmen's compensation.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 124 of the Labor Code is amended to read:

124. The administrative director may appoint a qualified permanent disability rating specialist as permanent disability rating chief, together with such assistant permanent disability rating specialists as the work of the division may require. Those persons holding the positions on the staff of the Industrial Accident Commission at the time that this amendment

takes effect shall be appointed and continue respectively as chief and as assistant permanent disability rating specialists under this amendment. The chief and his assistant permanent disability rating specialists under his control and supervision shall:

(a) With the aid and advice of the medical director prepare such forms for approval by the administrative director as may be necessary or convenient for use of the division and of employees and employers, and those acting on their behalf, to facilitate and expedite the determination of the proper percentage of permanent disability, if any, for injuries under Division 4 (commencing with Section 3201) and Division 4.5 (commencing with Section 6100) of this code.

(b) Furnish to the administrative director, the appeals board, referees, and to employers and employees and those acting on their behalf, under such conditions as the administrative director may in rules and regulations prescribe, estimates of the percentages of permanent disability, if any, due under Article 3 (commencing with Section 4650), Chapter 2, Part 2, Division 4 of this code, either before or after the filing of an application under Chapter 3 (commencing with Section 5500), Part 4, Division 4 of this code.

(c) Include the formula used in computing the rating in every rating report, estimate, or recommendation prepared in writing.

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## CHAPTER 1699

*An act to amend Sections 21360, 21364, and 21382 of the Government Code, relating to the State Employees' Retirement System.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 21360 of the Government Code is amended to read:

21360. This system is liable for either the basic or special death benefit upon the death of a member (a) before the effective date of retirement, and (1) while in state service, or (2) while absent on military service and who makes contributions under Section 20891 or 20891.1 or for whom contributions will be made under Section 20894.5, or (3) within four months after discontinuance of state service, or while on an approved leave of absence, or (4) while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of state service, or (5) while employed as a member of a retirement system established under the County Employees' Retirement Law of 1937 (commencing with Section 31450); provided,

such employment as a member was begun on or after October 1, 1957, and within 90 days of discontinuance of state service, or (b) after the effective date and before approval of retirement and either within four months of discontinuance of state service or while physically or mentally incapacitated for the performance of duty if such incapacity has been continuous from discontinuance of state service and providing all of the following conditions exist: (1) the retirement of the member was not compulsory under Article 2 of Chapter 8, and (2) he has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, and (3) an allowance under Section 21263, 21263.1 or 21264 is not payable. Upon the death of a member before the effective date of his retirement or, with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, after such effective date and before his retirement is approved, under circumstances in which this system is not so liable for either the basic or special death benefit and an allowance under Section 21263, 21263.1 or 21264 is not payable, this system is liable for a limited death benefit which consists only of the accumulated contributions of the member payable to his beneficiary or to his estate.

Liability imposed on the system with respect to the death of a member while on approved leave of absence by amendment to this section in the 1965 General Session shall extend to death of members occurring on or after July 1, 1964, and to any benefit for which there would have been liability with respect to such death had such amendment been effective on that date.

SEC. 2. Section 21364 of the Government Code is amended to read:

21364. The special death benefit consists of:

(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) of this section is paid; and

(b) An amount sufficient, when added to the amount provided under subdivision (a) of this section, to provide, when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of his final compensation in the membership category applicable to him at the time of the injury or the onset of the disease causing death, payable to the surviving spouse to whom he was married prior to sustaining the injury or disease resulting in death, as long as such spouse lives or until her remarriage; or if there is no surviving spouse or if such spouse dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child shall have died, married, or at-

tained age 18; provided, that no child shall receive any part of the allowance after marrying or attaining age 18. During the lifetime of the surviving spouse or until such spouse remarries, an additional percentage of the death benefit allowed by this section, exclusive of the annuity under subdivision (c), shall be paid to such spouse of a member who is killed in the performance of his 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 duty, for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18, as follows: for one child, twenty-five percent (25%); for two children, forty percent (40%); and for three or more children, fifty percent (50%); and

(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 death, plus his accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him at the time of the injury or the onset of the disease causing death.

In the event 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 in the position first held by him in that category.

"Spouse" for purposes of this section means a wife or dependent husband.

(d) On and after October 1, 1965, the provisions of this section shall apply to all contracting agencies and to the employees of all contracting agencies whether or not such agencies have previously elected to be subject to the provisions of 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. 3. Section 21382 of the Government Code is amended to read:

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs under circumstances other than those described in subdivision (a)(5) of Section 21360, or if an allowance under Section 21365.5 is payable, (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption

after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years, and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance

under subdivision (1) of this section, or while an allowance is being paid under subdivision (2)(c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while an allowance is being paid under subdivision (2)(b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

"Stepchildren", for purposes of this section, shall include only stepchildren of the member living with him in a regular parent-child relationship at the time of his death.

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## CHAPTER 1700

*An act relating to the tidelands and submerged lands granted to the City of Santa Monica by Chapter 78, Statutes 1917 and granting to the City of Los Angeles and to the County of Los Angeles certain tidelands and submerged lands contiguous therewith upon certain trusts and conditions, and authorizing agreements and conferring powers for the joint development of such tidelands and submerged lands.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. (a) There is hereby confirmed to the City of Santa Monica, a municipal corporation, and to its successors, all of the right, title and interest of the State of California in and to the tidelands and submerged lands, filled or unfilled, granted to the city by Chapter 78, Statutes 1917, as amended by Chapter 616, Statutes 1949, subject to all the terms and provisions of such statute and of this act; excepting therefrom and reserving to the state all that real property in the City of Santa Monica, County of Los Angeles, described in that certain deed from the City of Santa Monica to the State of California, dated June 21, 1949, and recorded January 10, 1950, as Instrument No. 1040 in Book 31924, page 250, Official Records of the County of Los Angeles; also excepting therefrom and reserving to the State of California any other real property owned by the state in a proprietary capacity within the areas of the above tide and submerged land grants.

(b) In addition to the purposes expressed in Chapter 78, Statutes 1917, the tidelands and submerged lands granted to the City of Santa Monica thereby may be used by the city and

its successors for the following purposes in which there is a general statewide interest, to wit:

(1) For the construction, reconstruction, repair and maintenance of freeways, highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(2) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings; parking areas, roadways, pedestrian ways and landscaped areas.

(c) Except as hereinafter provided in this section, the city or its successors shall not, at any time convey, give or alienate the such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city or its successors, may, notwithstanding any provision of Chapter 78, Statutes 1917, or of this act, to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 99 years, for any of the purposes specified in subdivision (b) of this section or for other purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce, navigation, and fishery, and collect and retain rents and other revenues from such leases, franchises and privileges, subject, however, to the provisions of Section 8 of this act. Revenues earned from the operation or development of projects on the subject lands shall be deposited in a special trust fund and shall be expended for the public uses and purposes set forth in subdivision (b) of this section and for other public uses and purposes consistent with the trusts on which the lands are held

by the state. Such lease or leases, franchises and privileges may be for any and all purposes as specified in the master plan and shall not interfere with commerce and navigation.

(d) Except as expressly provided for in subdivisions (i) and (j) of this section, the lands shall be improved without expense to the state; provided, that nothing contained in this section shall preclude the city from applying for and obtaining any grants, loans, or other forms of financial assistance from the state or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for any purposes consistent with this act.

(e) In the management, conduct, operation and control of the lands or any public improvements, betterments, or structures thereon, the city or its successors shall not discriminate in rates, tolls or charges for any use or service in connection therewith. Rents and other revenues from leases, franchises and privileges granted pursuant to paragraph (c) of this section shall not be deemed to be rates, tolls or charges within the meaning of this section.

(f) The state shall have the right to use without charge any public transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose as specified in the master plan.

(h) The lands are granted subject to the express reservation and condition that the state may at any time in the future use any unreclaimed portions of the lands for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The city may contract with the Department of Public Works to reclaim or cause to be reclaimed agreed-upon portions of the lands for use by the Department of Public Works for freeway purposes, and to convey to the Department of Public Works all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Public Works.

Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which the lands are held by the state.

(j) The city may contract with the Department of Parks and Recreation to reclaim or cause to be reclaimed agreed upon portions of the lands for use as public beaches, parks, and ancillary facilities, and to convey to the Department of Parks and Recreation all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Parks and Recreation. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which such lands are held by the state.

(k) No work of reclamation shall be undertaken pursuant to this section, nor shall any lease or franchise be granted, except in accordance with a master plan approved by an act of the Legislature. The city shall submit its master plan, together with formal written recommendations thereon by the State Lands Commission to the Legislature not later than the fifth day of the 1970 Regular Session. Should the city fail to submit its master plan to the Legislature as herein required, or should the Legislature fail to approve the master plan during the 1970 Regular Session, this section shall become inoperative, and the city's right, title and interest in the lands shall be such as it would otherwise be had this act never been enacted by the Legislature. The State Lands Commission shall, at the expense of the city, act with reasonable promptness to review any master plan submitted to it by the city to insure that:

(1) The plan conforms with or complements existing state, regional, county or municipal development plans within the geographic region.

(2) There is sufficient evidence that the plan will be of statewide benefit and that the plan shall not cause undue injury to private property owners or local jurisdictions in the geographic region.

(3) The plan does not conflict with any Resources Agency programs.

(4) The plan represents the highest and best use of the lands.

(5) The plan is financially sound and that the projected costs and revenues are realistic.

(6) The plan includes provision for a public recreational beach along substantially the entire length of the seaward side of the improvement and there is sufficient evidence that such beach will remain stable.

(7) The plan includes provision for adequate landscaping, the plan will not interfere with air traffic to or from existing airports, and the plan will not result in water pollution or beach erosion within or without the project area.

On the basis of such review the State Lands Commission shall, not later than six months following receipt of the master

plan, furnish the city with its formal written recommendations concerning the plan. Such formal written recommendation shall take one of the following forms: approval as proposed, approval subject to recommended changes, recommendation of alternative plan, or disapproval, stating the reasons therefor.

The findings made by the State Lands Commission pursuant to this subdivision shall be solely for the advice of the Legislature to assist it in evaluating the master plan and shall not be construed as a warranty to any person.

An act of the Legislature approving the master plan may provide for such changes or modifications of the master plan as the Legislature may deem necessary or desirable, and the Legislature may concurrently amend any of the provisions of this act.

(*l*) It is the intent of the Legislature that within 10 years from the effective date of approval by the Legislature of the master plan the lands shall be substantially improved in accordance with the master plan. If the State Lands Commission determines that the city has failed within 10 years after approval of the master plan diligently to proceed to improve the lands in accordance with the master plan, this section shall become inoperative, and city's right, title, and interest in the lands shall be such as it would otherwise be had this act never been enacted by the Legislature No such termination of authorization shall operate to divest the interest of any lessee, franchise holder, or holder of any other contractual privilege with respect to lands actually reclaimed in accordance with this act, or to divest or otherwise affect the security interest in the lands of any person advancing funds for the purposes of financing the work of reclamation and development.

(m) The city shall establish conventional monitoring systems to measure the effects of the development of the lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

SEC. 2. (a) There is hereby granted to the City of Los Angeles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by the state by virtue of its sovereignty, in and to all the tidelands and submerged lands, whether filled or unfilled, within those certain areas known as the Westgate Addition acquired by the City of Los Angeles by annexation on June 14, 1916 and the Santa Monica Canyon Addition acquired by the City of Los Angeles by annexation on April 28, 1925, and situated below the line of ordinary high-water mark of the Pacific Ocean, to be forever held by such city, and by its successors, in trust for the uses

and purposes, and upon the express conditions, hereinafter set forth.

(b) The lands shall be used by the city and its successors for purposes in which there is a general statewide interest, to wit:

(1) For the construction, reconstruction, repair and maintenance of freeways, highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(2) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(c) Except as hereinafter provided in this section, the city or its successors shall not, at any time convey, give or alienate the lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city or its successors, may, notwithstanding any provision of this act to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 99 years, for any of the purposes specified in subdivision (b) of this section or for other purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce, navigation and fishery, and collect and retain rents and other revenues from such leases, franchises and privileges, subject, however, to the provisions of Section 8 of this act. Revenues earned from the operation or development of projects on the subject lands shall be deposited in a special trust fund and shall be expended for the public uses and purposes set forth in subdivision (b) of this section and for other

public uses and purposes consistent with the trusts on which the lands are held by the state. Such lease or leases, franchises and privileges may be for any and all purposes as specified in the master plan and shall not interfere with commerce and navigation.

(d) Except as expressly provided for in subdivisions (i) and (j) of this section, the lands shall be improved without expense to the state; provided, that nothing contained in this section shall preclude the city from applying for and obtaining any grants, loans, or other forms of financial assistance from the state or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for any purposes consistent with this act.

(e) In the management, conduct, operation and control of the lands or any public improvements, betterments, or structures thereon, the city or its successors shall not discriminate in rates, tolls or charges for any use or service in connection therewith. Rents and other revenues from leases, franchises and privileges granted pursuant to subdivision (c) of this section shall not be deemed to be rates, tolls or charges within the meaning of this section.

(f) The state shall have the right to use without charge any public transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose as specified in the master plan.

(h) The lands are granted subject to the express reservation and condition that the state may at any time in the future use any unreclaimed portions of the lands for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The city may contract with the Department of Public Works to reclaim or cause to be reclaimed agreed upon portions of the lands for use by the Department of Public Works for freeway purposes, and to convey to the Department of Public Works all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Public Works. Such conveyance shall be made free of the restrictions of this

act, but shall be subject to the trusts for commerce, navigation and fishery upon which the lands are held by the state.

(j) The city may contract with the Department of Parks and Recreation to reclaim or cause to be reclaimed agreed upon portions of the lands for use as public beaches, parks, and ancillary facilities, and to convey to the Department of Parks and Recreation all of the city's right, title and interest therein, in consideration for payment to the city of such sums, and upon such terms and conditions, as may be mutually agreed upon between the city and the Department of Parks and Recreation. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which such lands are held by the state.

(k) No work of reclamation shall be undertaken pursuant to this section, nor shall any lease or franchise be granted, except in accordance with a master plan approved by an act of the Legislature. The city shall submit its master plan, together with formal written recommendations thereon by the State Lands Commission, to the Legislature not later than the fifth day of the 1970 Regular Session. Should the city fail to submit its master plan to the Legislature as herein required, or should the Legislature fail to approve the master plan during the 1970 Regular Session, all right, title and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. The State Lands Commission shall, at the expense of the city, act with reasonable promptness to review any master plan submitted to it by the city to insure that:

(1) The plan conforms with or complements existing state, regional, county or municipal development plans within the geographic region.

(2) There is sufficient evidence that the plan will be of statewide benefit and that the plan shall not cause undue injury to private property owners or local jurisdictions in the geographic region.

(3) The plan does not conflict with any Resources Agency programs.

(4) The plan represents the highest and best use of the lands.

(5) The plan is financially sound and that the projected costs and revenues are realistic.

(6) The plan includes provision for a public recreational beach along substantially the entire length of the seaward side of the improvement and there is sufficient evidence that such beach will remain stable.

(7) The plan includes provision for adequate landscaping, the plan will not interfere with air traffic to or from existing airports, and the plan will not result in water pollution or beach erosion within or without the project area.

On the basis of such review the State Lands Commission shall, not later than six months following receipt of the

master plan, furnish the city with its formal written recommendations concerning the plan. Such formal written recommendations shall take one of the following forms: approval as proposed, approval subject to recommended changes, recommendation of alternative plan, or disapproval, stating the reasons therefor.

The findings made by the State Lands Commission pursuant to this subdivision shall be solely for the advice of the Legislature to assist it in evaluating the master plan and shall not be construed as a warranty to any person.

An act of the Legislature approving the master plan may provide for such changes or modifications of the master plan as the Legislature may deem necessary or desirable, and the Legislature may concurrently amend any of the provisions of this act.

(*l*) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the land, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from said land; provided, however, that such exception and reservation shall not include a right of entry upon the surface of any of the land which shall have been reclaimed in any project authorized by this act or upon that portion of the subsurface of any such reclaimed land lying above a depth of 500 feet below the surface thereof measured vertically.

(m) The State Lands Commission shall, at the cost of the city, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(n) It is the intent of the Legislature that within 10 years from the effective date of approval by the Legislature of the master plan the lands shall be substantially improved in accordance with the master plan. If the State Lands Commission determines that the city has failed within 10 years after approval of the master plan diligently to proceed to improve the lands in accordance with the master plan, all right, title, and interest of such city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. No such reverter shall operate to divest the interest of any lessee, franchise holder, or holder of any other contractual privilege with respect to lands actually reclaimed in accordance with this act, or to divest or otherwise affect the security interest in the lands of any person advancing funds for the purposes of financing the work of reclamation and development.

(o) The city shall establish conventional monitoring systems to measure the effects of the development of the lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

SEC. 3. (a) There is hereby granted to the County of Los Angeles, and to its successors, all of the right, title, and interest of the State of California, held by the state by virtue of its sovereignty, in and to all of the tide and submerged lands bounded and described as follows:

All that portion of the tide and submerged lands, whether filled or unfilled, of the Pacific Ocean within the County of Los Angeles, State of California, lying below the ordinary high water mark of the Pacific Ocean and more particularly described as follows:

Beginning at the intersection of the center lines of Big Rock Drive and Pacific Coast Highway as shown upon Records of Survey Map No. 1748 approved by the County Surveyor of Los Angeles County August 21, 1951 and filed in the Office of the County Recorder of Los Angeles County on August 22, 1951 in book 66, page 2, Records of Survey; thence from such point of intersection due south to the ordinary high water mark of the Pacific Ocean, being the true point of beginning; thence in a general easterly direction along said ordinary high water mark to an intersection with the westerly line of the Westgate Annexation to the City of Los Angeles as described in Ordinance No. 34184 (New Series) approved by the City Council of the City of Los Angeles on May 17, 1916; thence due south along such westerly line to the southerly boundary line of the County of Los Angeles; thence westerly along said southerly boundary of the County of Los Angeles to a point due south of the true point of beginning of the herein described parcel of tide and submerged lands; thence due north to the true point of beginning.

To be forever held by the county and its successors, in trust for the uses and purposes and upon the express conditions, hereinafter set forth.

(b) The lands shall be used by the county and its successors for purposes in which there is a general statewide interest, to wit:

(1) For the construction, reconstruction, repair and maintenance of freeways, highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(2) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar

recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(c) Except as hereinafter provided in this section, the county or its successors shall not at any time convey, give or alienate the lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the county or its successors, may, notwithstanding any provision of this act to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 99 years, for any of the purposes specified in subdivision (b) of this section or for other purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce, navigation and fishery, and collect and retain rents and other revenues from such leases, franchises and privileges, subject, however, to the provisions of Section 8 of this act. Revenues earned from the operation or development of projects on the subject lands shall be deposited in a special trust fund and shall be expended for the public uses and purposes set forth in subdivision (b) of this section and for other public uses and purposes consistent with the trusts on which the lands are held by the state. Such lease or leases, franchises and privileges may be for any and all purposes as specified in the master plan and shall not interfere with commerce and navigation.

(d) Except as expressly provided for in subdivisions (i) and (j) of this section, the lands shall be improved without expense to the state; provided, that nothing contained in this section shall preclude the county from applying for and obtaining any grants, loans, or other forms of financial assistance from the state or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for any purpose consistent with this act.

(e) In the management, conduct, operation and control of the lands or any public improvements, betterments, or structures thereon, the county or its successors shall not discriminate in rates, tolls or charges for any use or service in connection therewith. Rents and other revenues from leases, franchises and privileges granted pursuant to subdivision (c) of this section shall not be deemed to be rates, tolls or charges within the meaning of this section.

(f) The state shall have the right to use without charge any public transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose as specified in the master plan.

(h) The lands are granted subject to the express reservation and condition that the state may at any time in the future use any unreclaimed portions of the lands for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The county may contract with the Department of Public Works to reclaim or cause to be reclaimed agreed-upon portions of the lands for use by the Department of Public Works for freeway purposes, and to convey to the Department of Public Works all of the county's right, title and interest therein, in consideration for payment to the county of such sums, and upon such terms and conditions, as may be mutually agreed upon between the county and the Department of Public Works. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which the lands are held by the state.

(j) The county may contract with the Department of Parks and Recreation to reclaim or cause to be reclaimed agreed-upon portions of the lands for use as public beaches, parks, and ancillary facilities, and to convey to the Department of Parks and Recreation all of the county's right, title and interest therein, in consideration for payment to the county of such sums, and upon such terms and conditions, as may be mutually agreed upon between the county and the Department of Parks and Recreation. Such conveyance shall be made free of the restrictions of this act, but shall be subject to the trusts for commerce, navigation and fishery upon which such lands are held by the state.

(k) No work of reclamation shall be undertaken pursuant to this section, nor shall any lease or franchise be granted, except in accordance with a master plan approved by an act of the Legislature. The county shall submit its master plan, together with formal written recommendations thereon by the State Lands Commission, to the Legislature not later than the fifth day of the 1970 Regular Session. Should the county fail to submit its master plan to the Legislature as herein

required, or should the Legislature fail to approve the master plan during the 1970 Regular Session, all right, title and interest of the county in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. The State Lands Commission shall, at the expense of the county, act with reasonable promptness to review any master plan submitted to it by the county to insure that:

(1) The plan conforms with or complements existing state, regional, county or municipal development plans within the geographic region.

(2) There is sufficient evidence that the plan will be of statewide benefit and that the plan shall not cause undue injury to private property owners or local jurisdictions in the geographic region.

(3) The plan does not conflict with any Resources Agency programs.

(4) The plan represents the highest and best use of the lands.

(5) The plan is financially sound and that the projected costs and revenues are realistic.

(6) The plan includes provision for a public recreational beach along substantially the entire length of the seaward side of the improvement and there is sufficient evidence that such beach will remain stable.

(7) The plan includes provision for adequate landscaping, the plan will not interfere with air traffic to or from existing airports, and the plan will not result in water pollution or beach erosion within or without the project area.

On the basis of such review the State Lands Commission shall, not later than six months following receipt of the master plan, furnish the county with its formal written recommendations concerning the plan. Such formal written recommendations shall take one of the following forms: approval as proposed, approval subject to recommended changes, recommendation of alternative plan, or disapproval, stating the reasons therefor.

The findings made by the State Lands Commission pursuant to this subdivision shall be solely for the advice of the Legislature to assist it in evaluating the master plan and shall not be construed as a warranty to any person.

An act of the Legislature approving the master plan may provide for such changes or modifications of the master plan as the Legislature may deem necessary or desirable, and the Legislature may concurrently amend any of the provisions of this act.

(*l*) There is hereby excepted and reserved to the state all deposits of minerals, including oil and gas, in the land, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the land; provided, that such exception and reservation shall not include a right of entry upon the surface of any of the land which shall have been reclaimed in any project authorized

by this act or upon that portion of the subsurface of any such reclaimed land lying above a depth of 500 feet below the surface thereof measured vertically.

(m) The State Lands Commission shall, at the cost of the county, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(n) It is the intent of the Legislature that within 10 years from the effective date of approval by the Legislature of the master plan the lands shall be substantially improved in accordance with the master plan. If the State Lands Commission determines that the county has failed within 10 years after approval of the master plan diligently to proceed to improve the lands in accordance with the master plan, all right title and interest of such county in and to all lands granted by this act shall cease and the lands shall revert and rest in the state. No such reverter shall operate to divest the interest of any lessee, franchise holder, or holder of any other contractual privilege with respect to lands actually reclaimed in accordance with this act, or to divest or otherwise affect the security interest in the lands of any person advancing funds for the purposes of financing the work of reclamation and development.

(o) The county shall establish conventional monitoring systems to measure the effects of the development of the lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

SEC. 4. Notwithstanding any provision of this act to the contrary, the powers conferred upon the City of Santa Monica, the City of Los Angeles, and the County of Los Angeles by this act for reclamation or improvement for the purpose of creating a causeway development and of providing the location for a state freeway on the lands to be reclaimed, including the submission to the Legislature of a master plan therefor, shall be exercised jointly by the two cities and the county. For this purpose the City of Santa Monica, the City of Los Angeles, and the County of Los Angeles may enter into a joint powers' agreement pursuant to the provisions of Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code for the accomplishment of any or all of the common purposes authorized by this act, and in such case the term "city" as used in Sections 1 and 2 of this act and the term "county" as used in Section 3 of this act shall be construed to mean the agency, commission, or board (hereinafter called the "administering agency") provided by such agreement to administer and execute the agreement. The joint powers agreement shall provide that the approval by the administering agency of the master plan shall be by unanimous action of the parties or their designated representatives. In addition to other powers,

the administering agency shall, if authorized by the parties to the agreement, have the following powers, regardless of whether such powers are common to the parties to the joint powers agreement.

(a) To enter into independent contracts for the services of or to employ such engineers, contractors, attorneys, advisers, consultants, agents, and employees as may in its judgment be necessary for carrying out the purposes of the joint powers agreement.

(b) To make or enter into contracts, conveyances, franchises, sales, and leases authorized by this act by negotiation or by public bid at the discretion of the administering agency; provided, that no negotiations shall be entered into or bids received for any lease or contract to lease relating to any parcel of reclaimed land constituting in excess of 10 percent of the total acreage of the lands authorized to be reclaimed in the master plan (exclusive of those portions of such reclaimed lands to be used as freeway rights-of-way, wet or dry beach, recreational or other public uses, and facilities ancillary to such uses). Nothing in this section shall be deemed to preclude any person from negotiating separately for, or bidding on, two or more parcels of reclaimed lands.

All franchises and leases shall provide that the lands shall be used throughout the entire term thereof solely for the uses authorized in the master plan approved by the Legislature and that any use inconsistent therewith shall constitute a default which shall result in termination of the franchise or lease. All franchises and leases for a term exceeding 10 years shall be in a form approved by the State Lands Commission.

(c) To borrow money, and otherwise incur indebtedness, for financing the purposes of the joint powers agreement payable out of such sources as the administering agency may indicate, and to execute bonds, notes, and other forms of agreement evidencing same and as security therefor to execute mortgages and deeds of trust on any of the lands authorized to be reclaimed in the master plan approved by the Legislature, or other real property, pledges, assignments and other documents of hypothecation, including assignments of any moneys due or to become due from the state or any agency thereof, or any other person; provided, that such indebtedness shall not constitute a debt, liability or obligation of the City of Santa Monica, the City of Los Angeles, or the County of Los Angeles. Any such mortgage or deed of trust shall provide that upon default by the administering agency and foreclosure by the lender the purchaser at the foreclosure sale or his assignees or transferees shall acquire a 99-year interest in the lands authorized to be reclaimed for private lease as specified in the master plan approved by the Legislature, including the right of the administering agency to complete the project in accordance with the master plan approved by the Legislature and to operate, administer and lease the lands, on which the mortgage or

deed of trust referred to above shall constitute a lien, and to grant easements and permits thereon, and to collect and retain all revenues derived from such lands during the term of such 99-year interest; provided, however, that if any portion or portions of the said lands shall be under lease to private persons on the date of the foreclosure sale the term of such 99-year interest shall be deemed to commence as to such portion or portions of the said lands on the date of the commencement of the term of such lease or leases. Such right to collect and retain revenues shall be subject to the provisions of Section 8 of this act to the same extent as the right of the administering agency would be so subject; provided, that no net revenues shall be deemed to be realized by the purchaser or his assignees or transferees until such time as the purchaser or his assignees or transferees shall have recovered a sum equivalent to the total unpaid balance on the mortgage or deed of trust at the time of the foreclosure sale, all of his costs incurred in connection with the project, plus interest on the total amount of such unpaid balance and such costs at the same rate provided for in the bonds, notes, or other forms of agreement evidencing the indebtedness secured by the mortgage or deed of trust foreclosed. The purchaser at the foreclosure sale and his assignees or transferees shall be required to assume all obligations of the administering agency with the Department of Public Works and the Department of Parks and Recreation under contracts authorized by this act in effect on the date the mortgage or deed of trust is executed and shall succeed to all rights of the administering agency under such contracts.

(d) To apply for and accept grants, loans, or other forms of financial assistance from the state, or any division, department, agency, or political subdivision thereof, or from any department or agency of the United States of America, made available for the accomplishment of any of the purposes of the joint powers agreement.

SEC. 5. No reclamation or improvement is authorized to be made pursuant to this act which would not result in the creation of wave protected waterways between the seaward limits of the improvement and the present shoreline at least equal in total area to the total area of reclaimed lands constituting such improvement, exclusive of those portions of such reclaimed lands used as freeway rights-of-way, wet or dry beach, and facilities ancillary to such uses. The present shoreline shall continue to abut on navigable water throughout its entire length in the project area and shall not be altered by filling except in such manner as may be authorized in the approved master plan.

SEC. 6. No reclamation or improvement is authorized to be made pursuant to this act unless the State Highway Commission shall have adopted or agreed to adopt a route location for a state freeway on the lands to be reclaimed pursuant to this act. Nothing in this act shall be construed as expressing any

preference of the Legislature as to where such freeway route should or should not be located.

SEC. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 8. The cities and county, or in the event a joint powers agreement is entered into pursuant to Section 4 of this act the administering agency provided for in the said agreement, shall establish a separate trust fund or funds to account for all financial and monetary transactions associated with the granted lands or any improvements, betterments or structures thereon. A statement of operations, to conform with such requirements as the Auditor General shall prescribe, shall be submitted to the Auditor General on or before September 30 of each year for the preceding fiscal year. The revenue derived from the use of the granted lands remaining after expenditures for the purposes authorized by this section shall be divided between the local jurisdictions and the state so as to give the local jurisdictions 15 percent of the net revenues and the state 85 percent of the net revenues. The term "expenditures for the purposes authorized by this section" means (1) expenditures made for the purposes specifically authorized by subdivision (b) of Sections 1, 2 and 3 of this act (including reasonable contributions to one or more reserve funds established for the carrying out of such purposes), (2) expenditures for the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of the granted lands or to encourage private investment in developing the granted lands in accordance with this act, (3) expenditures for the acquisition of property or the rendition of services reasonably necessary in carrying out the purposes of this act, (4) expenditures for the payment of debt service on any borrowing made to carry out the purposes of this act, and (5) any other uses or purposes of state, as distinguished from purely local, interest and benefit, which are in fulfillment of the trust uses and purposes described in this act, and which are approved in advance by the State Lands Commission.

SEC. 9. The Department of Public Works shall submit to the Legislature not later than the fifth day of the 1970 Regular Session a report with respect to the proposed freeway for which plans are to be evolved under this act, including such data as may be available on potential costs to the state for right-of-way acquisition and freeway construction under the master plan developed pursuant to this act, similar costs of alternate freeway routes considered by the department, any recommendations which may have been adopted with respect to freeway routing, material data with regard to maintenance of the causeway proposed for study under this act, and any other signifi-

cant information with regard to the project under review which the department believes pertinent to legislative consideration of the master plan required by this act.

The cities and county, or in the event a joint powers agreement is entered into pursuant to Section 4 of this act, the administering agency provided for in said agreement, shall provide engineering and cost data in its possession and every cooperation to the Department of Public Works in this undertaking.

SEC. 10. The Department of Parks and Recreation shall submit to the Legislature not later than the fifth day of the 1970 Regular Session a report with respect to the project proposed for study by this act, including information on the impact which the construction proposed under the master plan developed under terms of this act will have on existing state beaches both physically and in regard to their potential usage, any recommendations which may have been adopted with regard to acquisition or operation of new beaches proposed to be created seaward of any causeway which might be constructed under this proposal and costs associated with such acquisition or operation of such new beaches, and any other significant information with regard to the project under review which the department believes pertinent to legislative consideration of the master plan required by this act.

The Department of Water Resources shall cooperate with the Department of Parks and Recreation with respect to evaluation of available data on conditions affecting beach erosion or accretion.

The cities and county, or in the event a joint powers agreement is entered into pursuant to Section 4 of this act, the administering agency provided for in said agreement, shall provide engineering and cost data in its possession and every cooperation to the Department of Parks and Recreation in this undertaking.

SEC. 11. Notwithstanding any provision of this act to the contrary, the master plan may provide for residential uses including houses, apartments, condominiums, cooperatives, and other types of residential dwellings; provided, that such uses shall be approved by the Legislature only on the basis of an express legislative finding that such uses are not inconsistent with the general statewide interest to be served by the project as a whole.

SEC. 12. The provisions of Sections 1, 2, and 3 of this act, excepting the provisions of subdivision (k) of each such section, relating to the master plan, shall not become operative unless and until the master plan shall have been approved by an act of the Legislature.

# CHAPTER 1701

*An act to amend Section 19699 of, and add Section 19699.5 to, the Education Code, relating to special educational programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 19699 of the Education Code is amended to read:

19699. Not to exceed one million five hundred thousand dollars ($1,500,000) of the amount of the proceeds of bonds issued under the State School Building Aid Bond Law of 1966 which are reserved pursuant to Section 19945 may be expended pursuant to this article.

Nothing in this article shall be construed to sanction, perpetuate or promote the racial or ethnic segregation, or the segregation by economic class, of pupils in the public schools.

The funds shall be expended by the State Allocation Board, for the acquisition of portable school and classroom buildings, and for the expenses incurred in the administration of this article.

The portable school and classroom buildings may be made available by the board, upon the recommendation of the Director of Compensatory Education, to any school district which, because of the influx for temporary periods in the school year of large numbers of persons employed in seasonal agricultural work, experiences emergency increases in school enrollments of such magnitude as to make it impossible or impractical to accommodate the additional pupils in existing school buildings and facilities available to the district.

SEC. 2. Section 19699.5 is added to the Education Code, to read:

19699.5. All moneys received from the rental, lease, or sale of portable school and classroom buildings pursuant to this article shall be deposited in the State Treasury and, on order of the State Controller, shall be credited to and in augmentation of the appropriation made by Section 19699.

All such moneys shall be available without regard to fiscal years for repairing, renovating, installing, moving, or maintaining such buildings or for acquiring additional portable school and classroom buildings for the purposes of this article.

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

In order that urgently needed programs may be effectuated in the 1967–1968 school year, and that planning and procedural steps to that end may be commenced and adequate funding secured as early as possible, it is necessary that this act go into immediate effect.

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## CHAPTER 1702

*An act to amend Section 14000 of the Welfare and Institutions Code, relating to medical assistance, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 14000 of the Welfare and Institutions Code is amended to read:

14000. The purpose of this chapter is to afford basic health care and related remedial or preventive services to recipients of public assistance and to medically indigent aged and other persons, including related social services which are necessary for those receiving health care under this chapter and Chapter 8 (commencing with Section 14500).

The intent of the Legislature is to provide, to the extent practicable, through the provisions of this chapter, for basic health care for those aged and other persons, including family persons who lack sufficient annual income to meet the costs of health care, and whose other assets are so limited that their application toward the costs of such care would jeopardize the person or family's future minimum self-maintenance and security. It is intended that whenever possible and feasible:

(a) Such care shall, to the extent feasible, be provided through a system of prepaid health care or contracts with carriers.

(b) The means employed shall be such as to allow eligible persons to secure basic health care in the same manner employed by the public generally, and without discrimination or segregation based purely on their economic disability.

(c) The benefits available under this chapter shall not duplicate those provided under other federal or state laws or under other contractual or legal entitlements of the person or persons receiving them.

(d) In the administration of this part and in establishing the means to be used, the department shall give due consideration to the appropriate organization and to the ready accessibility and availability of the facilities and resources for basic health care and extended health services to persons eligible under this chapter and Chapter 8.

(e) In providing benefits under this chapter and Chapter 8 by contracts with carriers the department may contract with one or more carriers to provide all or any portion of such benefits whereby the carrier provides a program underwriting the risk involved. Such contracts may provide benefits on the basis of the class of recipient, class of benefit, geographical area, or any other reasonable classification.

It is also the intent of the Legislature that, except in accordance with the provisions of Section 14010, and as necessary to secure federal approval of a plan under Title 19 of the Federal Social Security Act, until January 1, 1967, care shall, to the extent feasible, be limited to persons and families who would, had they chosen to apply, have been considered as medically indigent and eligible for medical or other assistance under the state programs in effect in December 1965.

(f) In providing benefits under this chapter and Chapter 8 the department may contract with carriers or other organizations to establish pilot programs to provide health care services in the most efficient manner possible. Such programs shall demonstrate different methods of providing health care services and shall emphasize methods of utilization, review and preventive care, and shall provide incentives for using the most economical level of care. Such programs may provide benefits on the basis of class of recipient, class of benefit, geographical area, or any other reasonable classification. Any contracts entered into under Section 14104 shall not interfere or conflict with pilot programs established pursuant to this subdivision.

The director shall submit to the Legislature a written progress report regarding any action taken under this subdivision no later than the fifth legislative day of each general session.

SEC. 2. Notwithstanding the provisions of Section 32.6 of the Budget Act of 1967, the Office of Health Care Services shall, by administrative action, provide that during the fiscal year 1967–1968, none of the funds in the Health Care Deposit Fund shall be used to pay fees to persons for professional services rendered in a hospital or other facility when such persons are compensated on a salary or contract basis, for performing the same or similar services, by that hospital or facility, if the funds used to pay such salary or to discharge the obligation of such contract are subject to reimbursement in whole or in part from the General Fund of the State of California or from taxes or assessments paid to any of its subdivisions.

Section 32.6 of the act, as that section appeared in the act upon the date of its enactment on June 30, 1967, shall not operate to preclude payment for any claims the payment of which is not prohibited under this section.

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

go into immediate effect. The facts constituting such necessity are:

In order to implement the intention of the Legislature that the Office of Health Care Services shall provide that during the fiscal year 1967–1968, none of the funds in the Health Care Deposit Fund shall be used to pay fees to persons for professional services rendered in a hospital or other facility when such persons are compensated on a salary or contract basis for performing the same or similar services by that hospital or facility if the funds used to pay such salary or discharge the obligation of such contract are subject to reimbursement in whole or in part from the General Fund or from taxes or assessments paid to any of its subdivisions, it is necessary that this act go into immediate effect.

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## CHAPTER 1703

*An act to add Section 10617 to the Welfare and Institutions Code, relating to public social services, and making an appropriation.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 10617 is added to the Welfare and Institutions Code, to read:

10617. In fixing rates for out-of-home care in nonmedical facilities authorized to provide care for recipients of public assistance, the department shall establish a rate plan providing a differential in rate allowances related to the differences in the degree of care required by recipients. The rate structure shall reflect differences in accordance with the specific types of services that are rendered by the facility in providing care for recipients.

In establishing the rate structure, the department shall strive to improve and increase the range of services provided by out-of-home facilities in order that recipients may receive the type of care they require at a reasonable cost.

In order to keep people in their own homes whenever possible, the department shall develop an expanded range of home-care services that will make it possible for people to remain in their own homes or homes of their own choosing with safety. The department shall give particular attention to the training of homemakers to be employed directly by county departments.

In developing plans for the recruitment and training of homemakers, the department shall give priority to the training and employment of recipients of public assistance. Emphasis shall be given to arranging hours of work and training so that mothers can participate in the program.

The feasibility of expanding home-care services as a means of reducing more costly out-of-home care, of preventing physical and mental deterioration leading to institutionalization, and of affording employment opportunities to recipients of public assistance shall be tested by pilot projects in three counties to be selected by the department.

There is appropriated from the General Fund to the State Department of Social Welfare the sum of fifty thousand dollars ($50,000), in augmentation of Item 284 of the Budget Act of 1967, to be used for the purposes of this section. Federal matching and federal demonstration project funds shall be used to the maximum extent possible.

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## CHAPTER 1704

*An act to amend Section 3071 of the Labor Code, relating to apprenticeship.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 3071 of the Labor Code is amended to read:

3071. The Apprenticeship Council shall meet at the call of the Director of Industrial Relations and shall aid him in formulating policies for the effective administration of this chapter. Thereafter the Apprenticeship Council shall meet quarterly at a designated date and special meetings may be held at the call of the chairman. The Apprenticeship Council shall establish standards for minimum wages, maximum hours, working conditions for apprentice agreements, hereinafter in this chapter referred to as labor standards, which in no case shall be lower than those prescribed by this chapter; shall issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter, which shall include regulations governing equal opportunities in apprenticeship and other on-the-job training, and criteria for selection procedures with a view particularly toward eliminating criteria not relevant to qualification for training employment or more stringent than is reasonably necessary; shall foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment; shall gather and broadly disseminate through the apprenticeship and training information centers, high schools, California State Employment Service offices, and other public and private media, information about apprenticeship and other on-the-job training, including, but not limited to, a description of the trade and minimum qualifications for entry, the time and place where applications are received. The

Apprenticeship Council shall make biennial reports through the Director of Industrial Relations of its activities and findings to the Legislature and to the public.

## CHAPTER 1705

*An act to add Section 14412 to the Education Code, relating to Teachers' Retirement System.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 14412 is added to the Education Code, to read:

14412. If a member, who has been an employee of a district which has paid employer contributions to the federal government under the Federal Social Security Act, ceases to be entitled to benefits under another retirement system, except social security, he may deposit contributions and interest as provided in Section 14411, and notwithstanding the provisions of Sections 14355 and 14359, the member is entitled to credit for service as a non-local-fund member. If the member deposits such contributions and interest his benefit under this chapter shall be reduced by an amount equal to the pro rata portion of one-half of his individual social security benefit calculated on the service on which such employer contributions were based.

## CHAPTER 1706

*An act to amend Section 2261 of the Civil Code, and to amend Section 1561 of the Financial Code, relating to trustee investments.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 2261 of the Civil Code is amended to read:

2261. (1) In investing, reinvesting, purchasing, acquiring, exchanging, selling and managing property for the benefit of another, a trustee shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income, as well as the probable safety of their capital.

Within the limitations of the foregoing standard, and subject to any express provisions or limitations contained in any particular trust instrument, a trustee is authorized to acquire every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not by way of limitation, corporate obligations of every kind, and stocks, preferred or common, which men of prudence, discretion and intelligence acquire for their own account.

(2) In the absence of express provisions to the contrary in the trust instrument, a trustee may continue to hold property received into a trust at its inception or subsequently added to it or acquired pursuant to proper authority if and as long as the trustee, in the exercise of good faith and of reasonable prudence, discretion and intelligence, may consider that retention is in the best interests of the trust. Such property may include stock in the trustee, if a corporation.

(3) In the absence of express provisions to the contrary in the trust instrument, a deposit of trust funds at interest in any bank (including the trustee, if a bank) shall be a qualified investment to the extent that such deposit is insured under any present or future law of the United States, or to such greater extent as a court of competent jurisdiction may authorize. Nothing in this section shall be construed as limiting the right of trustees in proper cases to make deposits of trust moneys in banks, subject, in the case of interest-bearing deposits, to such notice or other conditions respecting withdrawal as may be prescribed by law or governmental regulation affecting such deposits.

(4) Nothing in this section shall abrogate or restrict the power of the appropriate court in proper cases to direct or permit the trustee to deviate from the terms of the trust regarding the making or retention of investments.

(5) The provisions of this section shall apply to all trusts now existing or hereafter created. Where, in trusts now existing or hereafter created, the term "investments permissible by law for investment of trust funds," or "authorized by law for investment of trust funds," "legal investments," or "authorized investments," or other words of similar import are used in defining the powers of the trustee relative to investments, such language, in the absence of other controlling or modifying provisions of the trust instrument, shall be construed as authorizing any investment permitted by the terms of subdivision (1) of this section.

SEC. 2. Section 1561 of the Financial Code is amended to read:

1561. Trust funds received by any trust company in connection with its trust business, if invested, shall be invested as provided in the Civil Code, subject to such provisions as may be contained in any trust instrument.

In the election of directors, shares of its own stock held by a trust company as sole trustee, whether registered in its own name as such trustee or in the name of its nominee, shall not

be voted by the registered owner unless under the terms of the trust the manner in which such shares shall be voted may be determined by a donor or beneficiary of the trust and unless such donor or beneficiary actually directs how such shares shall be voted. Shares of its own stock held by a trust company and one or more persons as trustees may be voted by such other person or persons, as trustees, in the same manner as if he or they were the sole trustee. Whenever shares of stock cannot be voted by reason of being held by the trust company as sole trustee such shares shall be excluded in determining whether matters voted upon by the shareholders were adopted by the requisite percentage of shares.

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## CHAPTER 1707

*An act to add Article 16 (commencing with Section 1758.1) to Chapter 5 of Part 2 of Division 1 of the Insurance Code, relating to variable annuity agents, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Article 16 (commencing with Section 1758.1) is added to Chapter 5 of Part 2 of Division 1 of the Insurance Code, to read:

### Article 16. Variable Annuity Agents

1758.1. For the purpose of making provision for the issuance of policies or contracts authorized by Article 5 (commencing with Section 10506) of Chapter 5 of Division 2, the commissioner may license as a variable annuity agent a natural person or a natural person named on a license of an organization licensed as a life and disability agent or as a life only agent and which is appointed by an admitted insurer which is required to register itself or to register a separate account or fund with the United States Securities and Exchange Commission under the Federal Investment Company Act of 1940 and has complied with such requirement

No person shall act as an agent of such insurer in the transaction of such policies or contracts unless he holds a valid license under this article.

A person shall not be licensed under this section while holding a certificate under Section 1758.7.

1758.2. Any license issued pursuant to the provisions of this article shall be effective only while an underlying life and disability or life only license remains in full force and effect. Such license may be revoked, suspended, or otherwise

affected for the same reasons and by the same procedures as a life and disability or life only agent's license.

1758.3. The commissioner shall not issue a variable annuity agent's license or the certificate provided by Section 1758.7 to an applicant therefor unless such applicant has, within the 12 months' period next preceding the date of issue of the license or certificate, taken and passed a qualifying written examination for such license as prescribed by the commissioner. In lieu of requiring an applicant to take and pass the securities part of such examination the commissioner may accept proof that the applicant has passed an equivalent examination given by, or on behalf of, the Securities and Exchange Commission or the National Association of Security Dealers. The fee for filing an original application to take all or any part of such examination shall be ten dollars ($10). The fee for filing application to retake all or any part of such examination shall be fifteen dollars ($15).

1758.4. Except as may otherwise be provided in this article, a license as a variable annuity agent shall be applied for, issued, and renewed in the same manner and for the same terms as a life and disability agent's or life only agent's license.

1758.5. The commissioner may, pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, adopt reasonable rules and regulations necessary for the convenient administration of this article.

1758.6. The fee for filing an application in the form prescribed by the commissioner for the issuance or renewal of a license as a variable annuity agent, shall be at the rate of twenty-five dollars ($25) per license year computed according to the formula provided by Section 1750 for licenses as life and disability agent or life only agent. The term of any such license shall be the same as the underlying life and disability or life only license.

1758.7. An employee of an admitted insurer which has registered itself or registered a separate account or fund with the United States Securities and Exchange Commission under the Federal Investment Company Act of 1940, may, through such insurer, apply for a certificate from the commissioner attesting to the fact that he has passed such part of the examination required of a variable annuity agent as is necessary to comply with requirements of the Securities and Exchange Commission. Such certificate is not a license and the holder may engage in activities permitted a licensed agent only to the extent the same are permitted an unlicensed person by Section 1635. The application fee for such a certificate shall be twenty-five dollars ($25). There shall be no renewal requirement. Should the Securities and Exchange Commission establish different standards for such a certification the certificate shall become void and must be surrendered to the commis-

sioner. In that case the fees for certification and examination under the new standards shall be the same as for original certification and examination. A person shall not hold a certificate under this section while licensed as a life agent, disability only agent, or life and disability agent.

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

The State of California currently collects approximately one hundred million dollars in taxes from the insurance industry. Various agencies of the United States government have, from time to time, attempted to assert jurisdiction over portions of the insurance industry. Should the federal agencies succeed in asserting regulatory authority over any substantial portions of the insurance industry, diversion of some portion of California's revenue to support federal regulation would be obvious.

The National Association of Insurance Commissioners has been able to develop a securities examination meeting standards set forth in regulations of the Federal Securities and Exchange Commission and which, therefore, permits the several states to act as the sole examining authorities as to agents of insurers who are required to register a separate account or fund with the United States Security and Exchange Commission under the Federal Investment Company Act of 1940 and have so registered the same to sell variable annuities, rather than require these agents to be examined by a federal agency. Applicants for licensing by the states must pass a qualifying examination administered by the states and acceptable under regulations of the Securities and Exchange Commission.

The states had only until July 1, 1966, under federal regulations, to put their examination systems into effect to enable compliance with other requirements of said federal regulations by agents of insurers who had registered accounts or funds under the Federal Investment Company Act of 1940. Some variable annuities must be registered under the federal law and others are not required to so register. In the emergency, the California Department of Insurance put a licensing system into effect on or about July 1, 1966, but under a statute not intended for that purpose.

In order to lawfully foreclose entrance of the Securities and Exchange Commission into the field of examination of agents of insurance companies this state must promptly enact a proper statute providing for state licensing and examination of variable annuity agents and certain employees of insurance companies.

## CHAPTER 1708

*An act making an appropriation to the Department of Education for allocation to educational data processing centers.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. There is hereby appropriated from the General Fund to the State Department of Education the sum of one hundred sixty-eight thousand dollars ($168,000) for expenditure during the 1967–1968 fiscal year in accordance with the following schedule:

(a) Eighty-three thousand dollars ($83,000) for the Sacramento Regional Center to continue to act as the Research and Development Center of the Department of Education, and

(b) Eighty-five thousand dollars ($85,000) to continue the operations of the project staff of the Department of Education.

These funds shall be used to continue the development of the California Total Educational Information System which shall be made available to all school districts and county superintendents of schools for use on a voluntary basis.

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## CHAPTER 1709

*An act to amend Sections 23184, 25432 and 26073 of, and to add Sections 23701p and 25406 to, the Revenue and Taxation Code, relating to Bank and Corporation Taxes.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 23184 of the Revenue and Taxation Code is amended to read:

23184. 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:

(a) Operating as personal property brokers or brokers as defined in the Personal Property Brokers Act.

(b) Operating motor vehicles under Part 5 of this division or Article 2 (excepting Section 9265) of Chapter 6 of Division 3 of the Vehicle Code.

(c) 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.

(d) Storing, using or otherwise consuming in this state of tangible personal property by savings and loan associations.

The tax on financial corporations after the allowance of offset shall not be less than 7 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).

SEC. 2. Section 23701p is added to the Revenue and Taxation Code, to read:

23701p. A trust or plan which meets the requirements of Public Law 87-792, 76 U.S. Stats. 809, approved October 10, 1962 (the Self-Employed Individuals Tax Retirement Bill of 1962), but only if such trust or plan is not exempt from taxation under Section 17631.

SEC. 3. Section 25406 is added to the Revenue and Taxation Code, to read:

25406. (a) The Franchise Tax Board is authorized to provide with respect to any amount required to be shown on any return form prescribed to be filed with the Franchise Tax Board, statement or other document, that if such amount of such item is other than a whole-dollar amount, either—

(1) The fractional part of a dollar shall be disregarded; or

(2) The fractional part of a dollar shall be disregarded unless it amounts to one-half dollar ($0.50) or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by one dollar ($1).

(b) Any person making a return, statement, or other document shall be allowed, under regulations prescribed by the Franchise Tax Board, to make such return, statement, or other document without regard to subdivision (a).

(c) The provisions of subdivisions (a) and (b) shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on a form, but shall be applicable only to such final amount.

SEC. 4. Section 25432 of the Revenue and Taxation Code is amended to read:

25432. If the amount of gross income or deductions for any year of any taxpayer as returned to the United States Treasury Department is changed or corrected by the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States results in a change in gross income or deductions, such taxpayer shall

report such change or correction, or the results of such renegotiation, within 90 days after the final determination of such change or correction or renegotiation, or as required by the Franchise Tax Board, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with such department shall also file within 90 days thereafter an amended return with the Franchise Tax Board which shall contain such information as it shall require.

SEC. 5. Section 26073 of the Revenue and Taxation Code is amended to read:

26073. No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allowed a credit, made a refund, or certified such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 6. The provisions of this act affecting the computation of taxes shall be applied to income years beginning on or after January 1, 1967, and ending after the effective date of this act. The remaining provisions shall be applied on and after the effective date of this act.

SEC. 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

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## CHAPTER 1710

*An act to add Section 6812.5 to the Education Code, relating to the education of physically handicapped minors.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 6812.5 is added to the Education Code, to read:

6812.5. Minors who are deaf or severely hard-of-hearing, as determined by the State Board of Education, and who are between the ages of 18 months and 3 years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf and severely hard-of-hear-

ing pupils as prescribed by rules and regulations of the State Board of Education.

On or before the fifth legislative day of the 1969 Regular Session, the Superintendent of Public Instruction shall submit to the Legislature a comprehensive report on all phases of the experimental programs conducted, including therein his recommendations concerning whether the establishment of such programs throughout the state is feasible.

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## CHAPTER 1711

*An act to add Article 1.5 (commencing with Section 421 to Chapter 3 of Part 1 of Division 1 of, and to amend Section 1815.7 of the Revenue and Taxation Code, relating to property taxation.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Article 1.5 (commencing with Section 421) is added to Chapter 3 of Part 1 of Division 1 of the Revenue and Taxation Code, to read:

### Article 1.5. Valuation of Open-Space Land Subject to an Enforceable Restriction

421. Open-space land is defined as land within an agricultural preserve created pursuant to the Land Conservation Act of 1965 or land covered by a scenic easement deed authorized by Chapter 12 (commencing at Section 6950) of Division 7 of Title 1 of the Government Code.

422. Enforceable restriction to open-space land is specified as a contract or agreement authorized by the Land Conservation Act or a scenic easement deed where the agreement or deed, taken as a whole, provides restrictions, terms, and conditions which are substantially similar or more restrictive than those required by statute for a contract. Under no circumstances shall a contract or agreement be an enforceable restriction for purposes of this article after notice of nonrenewal has been given by the property owner or where less than six years remain to the expiration of a contract or agreement after notice of nonrenewal has been given by a city or county and the property owner protests the nonrenewal. Under no circumstances shall a deed be an enforceable restriction for purposes of this article where less than six years remain to the expiration date of the deed.

423. When valuing open-space land subject to any of the enforceable restrictions specified in Section 422, the State Board of Equalization for purposes of surveys required by

Section 1815 of the Revenue and Taxation Code and the county assessor shall not consider sales data on lands whether or not subject to an enforceable restriction but shall consider only factors relative to the uses contemplated by local government and legally available to the owner by the provisions of the enforceable restrictions. They may, however, take into consideration the existence of any mines, minerals and quarries in the property, including, but not limited to oil, gas and other hydrocarbon substances. The ratio prescribed in Section 401 shall be applied to the value of the open-space land to obtain its assessed value.

424. Parties to existing agreements and scenic easement deeds may modify such agreements and deeds to the requirements of Section 422.

425. Section 15606 of the Government Code shall not be applicable to this article.

SEC. 2. Section 1815.7 of the Revenue and Taxation Code is amended to read:

1815.7. (a) The board in valuing land may consider sales information on land comparable to the land being valued only if the land sold meets all usual tests of comparability, including those in Section 402.1, and specifically if:

(1) The land sold is in the immediate vicinity of the land being valued, unless the use of the land is identical to that of the land being valued and no change in such use is predictable, and

(2) The land sold is under similar use, or in a use productive of a similar return, unless there is reason to believe that the land being valued has the capability and imminent opportunity of being put to a use similar in nature or productivity to the use of the land sold.

(b) At least five sales of land qualifying as comparable in subdivision (a) shall be required before the board may consider them to be representative of the value of the land being valued. A lesser number of sales may be considered to be representative if two or more of the lands sold abut upon the land being valued.

(c) When representative sales information is not available and the land is valued by capitalizing its income, the income shall be predicated on estimated income which could be realized from the legally permitted use or uses of the land, unless the board's appraisers prove to the board's satisfaction that the permitted use or uses will be changed in the predictable future, and the capitalization rate shall be predicated on a rate of return which is based on allowances for risk, interest and property taxes, which shall not be derived from sales data from other lands, so as to arrive at a capitalized income value; provided, however, that if the board's appraisers prove the permitted use or uses will be changed in the predictable future, the income shall be predicated on estimated income which could be realized from such use or uses of the land and the capitalization rate shall be predicated on a rate of return which

is based on allowances for risk, interest and property taxes, which shall not be derived from sales data from other lands, so as to arrive at a capitalized income value.

(d) When representative sales information is available the following influences on the sales price shall be considered:

(1) The effects of the federal or state income, estate or gift taxes on the buyers and sellers that are not common to a large number of buyers or sellers.

(2) The conditions that occurred at the time of the sales that are not likely to repeat themselves.

(3) The methods of financing the sales.

SEC. 3. The purpose of Section 1 is to provide an interim implementation of Article XXVIII of the California Constitution for existing open-space land conservation programs which include uses of land specified in that article until the Legislature completes its development and enactment of a comprehensive implementation. The enactment of Section 1 is in no way intended to preempt the responsibility or restrict the recommendations of the Joint Legislative Committee on Open Space Lands created by Resolution Chapter 87 of the 1967 Regular Session nor to permanently preclude the applicability of Section 15606 of the Government Code to open-space lands under an enforceable use restriction.

SEC. 4. Section 1 shall be operative until the 61st day following the adjournment of the Regular Session of the 1970 Legislature.

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## CHAPTER 1712

*An act to amend Section 6799 of the Business and Professions Code, relating to the practice of engineering.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 6799 of the Business and Professions Code is amended to read:

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer at not less than forty dollars ($40) and not more than sixty dollars ($60), for authority to use the title "structural engineer" at not less than fifty dollars ($50) and not more than seventy-five dollars ($75), and for each application for certification as engineer-in-training at not less than twenty dollars ($20) and not more than forty dollars ($40).

(b) The registration fee for professional engineer shall be fixed as follows:

(1) For certificates issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not less than three dollars ($3) and not more than six dollars ($6).

(d) The temporary registration fee for professional engineer at not less than fourteen dollars ($14) and not more than twenty dollars ($20).

(e) The structural engineer's certificate of authority fee shall be fixed as follows:

(1) For certificates issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(f) The renewal fee for professional engineer shall be fixed by the board at not more than twenty dollars ($20) and not less than fourteen dollars ($14) for each branch of professional engineering in which registration is held; and the renewal fee for authority to use the title "structural engineer" at not less than fourteen dollars ($14) and not more than twenty dollars ($20).

(g) The delinquency fee for a certificate which expires after June 30, 1961, is an amount equal to fifty percent (50%) of the renewal fee in effect on the date of its reinstatement.

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

## CHAPTER 1713

*An act to amend Section 8805 of the Business and Professions Code, relating to land surveyors.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 8805 of the Business and Professions Code is amended to read:

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The application fee at not less than forty dollars ($40) and not more than sixty dollars ($60).

(b) The license fee shall be fixed as follows:

(1) For licenses issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, with respect to licenses which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not less than three dollars ($3) and not more than six dollars ($6).

(d) The renewal fee shall be fixed by the board at not more than twenty dollars ($20) and not less than fourteen dollars ($14).

(e) The temporary license fee at not less than fourteen dollars ($14) and not more than twenty dollars ($20).

(f) The delinquency fee for a license which expires after June 30, 1961, is an amount equal to 50 percent (50%) of the renewal fee in effect on the date of its reinstatement.

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## CHAPTER 1714

*An act to add Section 13983 to the Government Code, relating to safety research by the Administrator of Transportation, and making an appropriation therefor.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 13983 is added to the Government Code, to read:

13983. The administrator shall conduct a program relating to the medical aspects of traffic injury and accident control.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund the sum of sixty-five thousand dollars ($65,000) to the Transportation Agency for expenditure for the conduction of the program authorized by Section 13983 of the Government Code.

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## CHAPTER 1715

*An act to amend Section 1 of Chapter 778 of the Statutes of 1965, relating to Agua Fria Project.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 1 of Chapter 778 of the Statutes of 1965 is amended to read:

Section 1. The Department of Water Resources is hereby authorized to make a grant to the Mariposa County Water Agency, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of two million five hundred thousand dollars ($2,500,000), for recreation and enhancement of fish and wildlife in connection with the construction of the Agua Fria Project.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act, but the district shall comply with all other requirements of the Davis-Grunsky Act in effect on the date of such grant.

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## CHAPTER 1716

*An act to add Sections 9355.8 and 9361.15 to the Government Code, relating to the Legislators' Retirement System.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 9355.8 is added to the Government Code, to read:

9355.8. For purposes of Section 9355.7, "public office" includes, but is not limited to, positions within the federal government which require appointment by the President of the United States or his delegate or a member of the President's

Cabinet or his delegate, if the person so appointed is thereafter again elected as a Member of the Senate or Assembly.

This section shall have retroactive application, as well as prospective application, but this section shall not deprive a member of credit for any service credited to him on the effective date of this section.

SEC. 2. Section 9361.15 is added to the Government Code, to read:

9361.15. A member may designate one or more persons as beneficiaries. If more than one person is designated under an optional settlement involving life contingency of the beneficiary, the member will be deemed to have elected such optional settlement on an equal portion of his allowance independently for each beneficiary.

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## CHAPTER 1717

*An act to amend Sections 9252, 9255, 9256, 9265 and 9554 of the Vehicle Code, relating to registration fees and penalties.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 9252 of the Vehicle Code is amended to read:

9252. In addition to the registration fees specified in Sections 9250 and 9253 and any weight fee, there shall be paid a service fee of six dollars ($6) for the registration within this state of every vehicle previously registered outside this state. If the vehicle has been registered and operated in this state during the same year in which application for reregistration is made, a fee of three dollars ($3) only shall be paid.

SEC. 2. 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..... $3
(b) For a transfer by the legal owner..... 3
(c) When application is presented showing a transfer by both the owner and legal owner.....Total fee 3

SEC. 3. Section 9256 of the Vehicle Code is amended to read:

9256. Upon filing with the department an application for transfer of registration to the chattel mortgagee as provided herein there shall be paid to the department a fee of three dollars ($3) for each vehicle registered under this code described in and subject to the chattel mortgage.

SEC. 4. 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-- $3

(b) For any duplicate license plates, or substitute plates, or equipment identification plate for the same vehicle ---------- 3

SEC. 5. Section 9554 of the Vehicle Code is amended to read:

9554. (a) The penalty shall be equal to the fee after the same has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) If the fee due and delinquent and the amount of penalty prescribed by this subsection is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee or portion thereof due under Sections 9250, 9251, 9252, and 9253 shall be reduced to 10 percent of the total amount of such fee, but in no event less than one dollar ($1) as is provided for in Section 9559.

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## CHAPTER 1718

*An act to authorize Davis-Grunsky grants to the County of San Bernardino in connection with the Prado Regional Park Project.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. The Department of Water Resources is hereby authorized to make grants to the County of San Bernardino, pursuant to the Davis-Grunsky Act (Chapter 5 ((commencing with Section 12880)), Part 6, Division 6, Water Code), of such total amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding two million two hundred thousand dollars ($2,200,000) for fish and wildlife enhancement and recreational functions of the proposed Prado Regional Park Project as described in the application and report on feasibility filed with the Department of Water Resources on February 1, 1966,

as amended by the supplemental report filed with the department on March 10, 1967.

No further legislative approval shall be required with respect to the grants authorized by this act; but the county shall comply with all other requirements of the Davis-Grunsky Act in effect on the date of such grant and shall demonstrate that the county holds adequate water rights or can acquire adequate supplemental water from outside the Santa Ana River watershed to operate the project.

SEC. 2. The maximum amount authorized under Section 1 of this act shall be in addition to any grant made to the county by the department pursuant to subdivision (c) of Section 12884.2 of the Water Code for initial water supply and sanitary facilities.

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## CHAPTER 1719

*An act to amend Sections 6401, 6403, and 25503.5 of the Education Code, relating to special education programs.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 6401 of the Education Code is amended to read:

6401. The governing board of any district maintaining a high school may determine which of the students in the 11th and 12th grade of the high school would benefit from advanced scholastic or vocational work. The governing board may authorize such students to attend a junior college as special part-time students and to undertake one or more courses of instruction offered at the junior college level. The number of students so authorized shall not exceed 15 percent of the number of students in the 11th and 12th grade at the high school at any one time.

SEC. 2. Section 6403 of said code is amended to read:

6403. For purposes of allowances and apportionments from the State School Fund, a junior college shall be credited with additional units of average daily attendance attributable to the attendance of high school students at the junior college as special part-time students pursuant to this article.

A district maintaining a high school whose 11th and 12th grade students attend a junior college pursuant to this article shall, for purposes of allowances and apportionments from the State School Fund, continue to receive credit for attendance by such students computed in the manner prescribed by law, and a student's attendance at the high school for the minimum school-day shall be deemed a day of attendance for purposes of making the computation.

SEC. 3. Section 25503.5 of said code is amended to read:

25503.5. The principal of any two-year junior college may admit to the junior college as a special part-time student any 11th or 12th grade high school student whose admission is recommended by his high school principal. A principal of a high school may recommend a high school student as a special part-time student pursuant to rules and regulations which may be adopted by the governing board of the district maintaining the high school. A principal of a high school shall not recommend a number of high school students in excess of 15 percent of the total number of 11th and 12th grade students enrolled in the high school at the time of recommendation.

The attendance of a student at junior college as a special part-time student pursuant to this section is authorized attendance and the student shall receive credit for junior college courses which he completes in the same manner as if he were a regularly enrolled junior college student unless, upon agreement between the two districts, the student receives high school credit for the course completed.

Each special part-time student shall attend high school classes for at least the minimum schoolday.

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## CHAPTER 1720

*An act to amend Sections 453, 980, 1030, 1032.5, 1134, 1329, 1330, 1332, 1731, 1732, 1733, 1734, 3656, and 3701 of, and to add Section 1332.5 to, the Unemployment Insurance Code, relating to unemployment insurance.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 453 of the Unemployment Insurance Code is amended to read:

453. To encourage cooperation between this state and other states in the enforcement of the unemployment insurance law of each state and to further coordinate the nationwide system of unemployment insurance in the United States and its territories:

(a) The courts of this state shall recognize and enforce liabilities for unemployment contributions, penalties, interest, and benefit overpayments imposed by other states which extend a like comity to this state.

(b) The Attorney General may commence action in any other jurisdiction by and in the name of the department to collect unemployment contributions, penalties, interest, and benefit overpayments legally due this state. The officials of other states which extend a like comity to this state may sue for the collection of such contributions, penalties, interest, and

benefit overpayments in the courts of this state. A certificate by the Secretary of State under the Great Seal of the state that the officers of the department designated by the director have authority to collect the contributions, penalties, interest, and benefit overpayments is conclusive evidence of such authority.

(c) The Attorney General may commence action in this state as agent for and on behalf of any other state to enforce judgments and liabilities for unemployment insurance contributions, penalties, interest and benefit overpayments due such state which extends a like comity to this state. The requesting state shall pay the court costs.

SEC. 2. Section 980 of the Unemployment Insurance Code is amended to read:

980. (a) In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978, or in determining the total revenues for the purpose of Section 930, there shall be excluded:

(1) Any amount credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration other than for capital assets, whether or not such amount has been withdrawn from such fund.

(2) Any unexpended advance from the federal unemployment account in the Unemployment Trust Fund received in accordance with Section 323 of this division and Title XII of the Social Security Act as amended.

(3) Any amount paid in advance into the Unemployment Fund by an employer under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers, or by an employer under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers.

(b) In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978, there shall also be excluded any estimated or other contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

(c) In determining the total revenues for the purpose of Section 930, there shall also be excluded any estimated or other contributions not legally due and payable with respect to the final calendar quarter for the 12-month period ending on the computation date preceding January 1 of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

SEC. 3. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work.

(b) Any base-period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work.

(c) The department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the claimant's employment. Any ruling may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling. For purposes of this section only, if the claimant voluntarily leaves such employer's employ without notification to the employer of the reasons therefor, and if the employer submits all of the facts within its possession concerning such leaving within the applicable time period referred to in this section, such leaving shall be presumed to be without good cause. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 1328.

SEC. 4. Section 1032.5 of the Unemployment Insurance Code is amended to read:

1032.5. (a) Any base-period employer may, within 15 days after mailing of a notice of computation under Section 1329, submit to the department facts within its possession disclosing that the individual claiming benefits is rendering services for that employer in less than full-time work and is receiving wages less than his weekly benefit amount, and that the individual has continuously, commencing in or prior to the beginning of the base period, rendered services for that employer in such less than full-time work for wages less than the weekly benefit amount.

(b) The department shall consider facts submitted under subdivision (a) of this section together with any information in its possession and promptly notify the employer of its rul-

ing. If the department finds that an individual is, under Section 1252, unemployed in any week on the basis of his having less than full-time work and receiving wages less than his weekly benefit amount, and that the employer submitting facts under this section is a base-period employer for whom the individual has continuously, commencing in or prior to the beginning of the base period, rendered services in such less than full-time work for wages less than the weekly benefit amount, that employer's account shall not be charged for benefits paid the individual in any week in which such wages are payable by that employer to the individual. Any ruling may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 1328.

SEC. 5. Section 1134 of the Unemployment Insurance Code is amended to read:

1134. (a) If a petition for reassessment is filed within the time prescribed, the referee shall review the assessment and if requested by the petitioner shall, unless a hearing has previously been afforded the petitioner on the same grounds as set forth in the petition, grant a hearing. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the petitioner and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter and may decrease or increase the amount of the assessment. The petitioner and the director shall be promptly notified of the referee's order or decision, together with his reasons therefor.

(b) The petitioner or the director may, within 30 days after the mailing of the referee's order or decision, file an appeal to the appeals board. This appeal period may be extended where good cause is found to exist by the appeals board. If an appeal is not filed within the 30-day period or within the additional period granted by the appeals board, the order or decision of the referee upon the petition becomes final in every case at the expiration of the period. If an appeal is not filed within the 30-day period, or within the additional period granted by the appeals board, the assessment becomes final at the expiration of the period except that in cases where an order or decision of the referee requires an adjustment of an assessment by granting a portion of a petition, the assessment becomes final 30 days after service upon the petitioner by the director of a statement of amounts due setting forth the adjusted liability pursuant to the order or decision of the referee.

(c) In the event of an appeal to the appeals board, it may decrease or increase the amount of the assessment. In cases where an order or decision of the appeals board requires an

adjustment of an assessment by granting a portion of a petition, the order or decision and the assessment become final 30 days after service upon the petitioner by the director of a statement of amounts due setting forth the adjusted liability pursuant to the order or decision of the appeals board. In all other cases, the order or decision of the appeals board and the assessment become final 30 days after service upon the petitioner of notice of the order or decision.

(d) Notices under this section served by mail shall be addressed to the employing unit at the same address that appears on the records of the department. Such service is complete at the time of deposit in the United States mail.

SEC. 6. Section 1329 of the Unemployment Insurance Code is amended to read:

1329. Upon the filing of a new claim for benefits, a computation on the claim shall promptly be made, which shall set forth the maximum amount of benefits potentially payable during the benefit year and the weekly benefit amount. The claimant shall be promptly notified of the computation. Each of the claimant's base-period employers shall be notified of the computation promptly after the payment of the first weekly benefit.

SEC. 7. Section 1330 of the Unemployment Insurance Code is amended to read:

1330. Upon the receipt of notice of the computation or recomputation, the claimant and any base-period employer so notified may protest the accuracy of the computation or recomputation. Any such protest shall be considered and the claimant and the base-period employer submitting the protest shall be promptly notified of the recomputation or denial of recomputation. An appeal may be taken from a notice of denial of recomputation in the manner prescribed in Section 1328.

SEC. 8. Section 1332 of the Unemployment Insurance Code is amended to read:

1332. (a) Any determination provided for in this article may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of determination. Notice of any reconsidered determination shall be given, to the claimant and any employer or employing unit which received notice under Sections 1328 and 1331, and the claimant or employer may appeal therefrom in the manner prescribed in Section 1328.

(b) Any computation or recomputation provided for in this article may for good cause be reconsidered by the department during the benefit year or extended duration period to which the notice of computation or recomputation relates, except that no recomputation may be considered with respect to any issue considered or under consideration in an appeal taken from a denial of recomputation The claimant and each of the claimant's base-period employers shall be promptly notified of the recomputation and may protest the accuracy of the recomputation as prescribed in Section 1330.

SEC. 9. Section 1332.5 is added to the Unemployment Insurance Code, to read:

1332.5. Notwithstanding any other provision of this division any provision that prescribes time limits within which the department may reconsider any determination, ruling or computation, or any provision that otherwise restricts or prevents such reconsideration, shall not apply in any case of fraud, misrepresentation or willful nondisclosure.

SEC. 10. Section 1731 of the Unemployment Insurance Code is amended to read:

1731. Any person or employing unit that acquires the organization, trade or business, or substantially all the assets thereof, of an employer shall withhold in trust money or other property sufficient in amount or value to cover the amount of any contributions, interest and penalties due or unpaid from such employer until such employer produces a certificate from the department stating that no contributions, interest or penalties are due. If such employer does not produce such certificate, the acquiring person or employing unit shall pay the amount or the value of the property so withheld to the department at the time of such acquisition.

SEC. 11. Section 1732 of the Unemployment Insurance Code is amended to read:

1732. (a) Upon request of either of the parties to an acquisition as described in Section 1731, the department shall within 30 days issue a certificate, or a statement showing the amount of any contributions, interest and penalties claimed to be due. The failure to issue a certificate or a statement within the period of 30 days shall be deemed equivalent to the issuance of a certificate stating that no contributions, interest or penalties are due.

(b) If the department issues a statement showing the amount of contributions, interest and penalties claimed to be due, the amount stated therein shall be withheld and paid to the department such amount, however, not to exceed the purchase price. The issuance of any certificate stating that no contributions, interest and penalties are due, or the failure to issue such certificate or statement within the period of 30 days shall not release the employer from liability on account of any contributions, interest and penalties then or thereafter determined to be due from him, but shall release the acquiring person or employing unit from any further liability on account of any such contributions, interest and penalties.

SEC. 12. Section 1733 of the Unemployment Insurance Code is amended to read:

1733. Any person or employing unit that fails to withhold money or other property or fails to pay the amount or value of the property withheld as provided in Sections 1731 and 1732 shall be personally liable for the payment of the contributions, interest and penalties due from the employer up to but not exceeding the purchase price. The director shall assess such amount to the acquiring person or employing unit and shall

give a written notice of the assessment in accordance with the provisions of Section 1140. Sections 1133 through 1140 apply to assessments under this section.

SEC. 13. Section 1734 of the Unemployment Insurance Code is amended to read:

1734. The director shall have all of the remedies for collection against any person or employing unit that acquires the organization, trade or business, or substantially all the assets thereof of an employer as are provided by this division against any employer liable for contributions, interest and penalties due. The time within which the obligation may be enforced against the person or employing unit acquiring the organization, trade or business, or substantially all the assets thereof of an employer shall start to run with the day the assessment against such person or employing unit becomes final.

SEC. 14. Section 3656 of the Unemployment Insurance Code is amended to read:

3656. Upon the filing of a valid primary claim by an exhaustee, an extended duration award computation shall promptly be made, which shall set forth the maximum amount of extended duration benefits potentially payable during the extended duration period, the weekly benefit amount, and the expiration date of the extended duration period. The exhaustee shall be promptly notified of the computation He may, within 10 days after the mailing or personal service of the notice of computation, protest its accuracy. Any such protest shall be considered and the exhaustee shall be promptly notified of the recomputation or denial of recomputation. An appeal may be taken from a notice of denial of recomputation in the manner prescribed in Section 3655.

SEC. 15. Section 3701 of the Unemployment Insurance Code is amended to read:

3701. (a) Any employer who is entitled under Section 3654 to notice of the filing of a primary claim or additional claim and who, within 10 days after mailing of such notice, submits to the department any facts within its possession disclosing whether the exhaustee left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with his work shall be entitled to a ruling as prescribed by this section.

(b) The department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the exhaustee's most recent employment. Any ruling may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 3655.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

SEC. 16. The provisions of Section 1329 of the Unemployment Insurance Code as amended by this act shall apply to new claims filed with an effective date beginning on or after the effective date of this act. The provisions of Section 1329 of said code as in effect prior to the amendment made by this act shall remain applicable to new claims filed with an effective date beginning prior to the effective date of this act.

SEC. 17. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

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## CHAPTER 1721

*An act to amend Sections 4654, 4903, 4904, and 5003 of the Labor Code, and to amend Sections 976.5, 1253.1, and 1260 of, and to add Sections 1255.5, 1375.3, and 1375.5 to, the Unemployment Insurance Code, relating to unemployment insurance.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 4654 of the Labor Code is amended to read:

4654. If the injury causes temporary partial disability, the disability payment is 65 percent of the weekly loss in wages during the period of such disability; provided, however, that such disability payment shall be reduced by the sum of unemployment compensation benefits and extended duration benefits received by the employee during the period of temporary partial disability.

SEC. 2. 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 (g) of this section. 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 of Chapter 2 of Part 2 of this division.

(c) The reasonable value of the living expenses of an injured employee or of his 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 wife 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 family. Such expenses shall be allowed in such proportion as the appeals board deems proper, under application of the wife 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 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.

SEC. 3. Section 4904 of the Labor Code is amended to read:

4904. If notice is given in writing to the insurer, or to the employer if uninsured, setting forth the nature and extent of any claim that is allowable as a lien, the claim is a lien against any amount thereafter payable as compensation, subject to the determination of the amount and approval of the lien by the appeals board. In determining the amount of lien to be allowed for unemployment compensation disability benefits under subdivision (f) of Section 4903 the appeals board shall allow such lien in the amount of benefits which it finds were paid for the same day or days of disability for which an award of compensation for temporary disability indemnity is made. In determining the amount of lien to be allowed for unemployment compensation benefits and extended duration benefits under subdivision (g) of Section 4903, the appeals board shall allow such lien in the amount of benefits which it finds were paid for the same day or days for which an award of compensation for temporary total disability is made. In the case of agreements for the compromise and release of a disputed claim for compensation, the applicant and defendant may propose to the appeals board, as part of the compromise and release agreement, an amount out of the settlement to be paid to any lien claimant claiming under subdivision (f) or (g) of Section 4903. The determination of the appeals board, subject to petition for reconsideration and to the right of judicial review, as to the amount of lien allowed under subdivision (f) or (g) of Section 4903, whether in connection with an award of com-

pensation or the approval of a compromise and release agreement, shall be binding on the lien claimant, the applicant, and the defendant, insofar as the right to benefits paid under the Unemployment Insurance Code for which the lien was claimed. The appeals board may order the amount of any lien claim, as determined and allowed by it, to be paid directly to the person entitled, either in a lump sum or in installments.

SEC. 4. Section 5003 of the Labor Code is amended to read:

5003. Every release or compromise agreement shall be in writing and duly executed, and the signature of the employee or other beneficiary shall be attested by two disinterested witnesses or acknowledged before a notary public. The document shall specify:

(a) The date of the accident.

(b) The average weekly wages of the employee, determined according to Chapter 1 of Part 2 of this division.

(c) The nature of the disability, whether total or partial, permanent or temporary.

(d) The amount paid, or due and unpaid, to the employee up to the date of the release or agreement or death, and the amount of the payment or benefits then or thereafter to be made.

(e) The length of time such payment or benefit is to continue.

(f) In the event a claim of lien under subdivision (f) or (g) of Section 4903 has been filed, the number of days and the amount of temporary disability indemnity which should be allowed to the lien claimant.

SEC. 5. Section 976.5 of the Unemployment Insurance Code is amended to read:

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Sections 676 or 677, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of one percent (1%).

(2) For each calendar year after 1968, contributions shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

| Line | Column 1 | Column 2 | Column 3 |
|---|---|---|---|
| 1 | 80% | No limitation | 1 % |
| 2 | 60% | 80% | 0.8% |
| 3 | 40% | 60% | 0.6% |
| 4 | 20% | 40% | 0.4% |
| 5 | 0% | 20% | 0.2% |

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Sections 676 or 677, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of eight-tenths of one percent (0.8%).

(2) For each calendar year after 1968 with respect to wages paid for employment at the rate of two-tenths of one percent (0.2%) less than the rate applicable to other employers for the calendar year under subdivision (a) of this section but not less than two-tenths of one percent (0.2%).

(c) Subdivision (b) of this section shall not apply prior to the rating period of the calendar year 1971 to any employer whose reserve account has been canceled pursuant to Section 1027.1.

(d) For the calendar year 1967 and each calendar year thereafter, subdivision (b) of this section shall not apply to any employer who has a negative reserve account balance on the computation date.

SEC. 6. Section 1253.1 of the Unemployment Insurance Code is amended to read:

1253.1. An unemployed individual who is in all respects otherwise eligible for unemployment compensation benefits shall not be deemed ineligible for any week in which, for not exceeding two working days, he cannot reasonably be expected to work because:

(a) There has been a death in his immediate family.

(b) He is unlawfully detained.

(c) He is lawfully detained or arrested, but the charge against such individual is subsequently dismissed.

(d) Notwithstanding any other provision of this division, any determination made pursuant to subdivision (c) of this section may, if no appeal has been filed therefrom, be reconsidered by the department within 15 days from the date that the charge is dismissed. Notice of any reconsidered determination shall be given to the claimant and any employer or employing unit which received notice under Section 1328 or 1331, and the claimant or employer may appeal therefrom in the manner prescribed in Section 1328.

SEC. 7. Section 1255.5 is added to the Unemployment Insurance Code, to read:

1255.5. (a) An individual is not eligible for unemployment compensation benefits or extended duration benefits for the same day or days of unemployment for which he is allowed by the Workmen's Compensation Appeals Board, or for which he receives, benefits in the form of cash payments for temporary total disability indemnity, under a workmen's compensation law, or employer's liability law of this state, or of any other state, or of the federal government, except that if such cash payments are less than the amount he would otherwise receive as unemployment compensation benefits or extended duration benefits under this division, he shall be entitled to receive for such day or days, if otherwise eligible, unemployment compensation benefits or extended duration benefits reduced by the amount of such cash payments.

(b) Notwithstanding any other provision of this division, an individual who is ineligible to receive unemployment compensation benefits or extended duration benefits under subdivision (a) of this section for one or more days of a week of unemployment and who is eligible to receive unemployment compensation benefits or extended duration benefits for the other days of that week is, with respect to that week, entitled to an amount of unemployment compensation benefits or extended duration benefits computed by reducing his weekly benefit amount by the amount of temporary total disability indemnity received for that week.

(c) The amount determined under subdivision (a) or (b), if not a multiple of one dollar ($1), shall be computed to the next higher multiple of one dollar ($1).

SEC. 8. Section 1260 of the Unemployment Insurance Code is amended to read:

1260. (a) An individual disqualified under Section 1256, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for the week in which the act that causes his disqualification occurs and continuing until he has, subsequent to the act that causes disqualification and his registration for work, performed service in bona fide employment for which remuneration is is received equal to or in excess of five (5) times his weekly benefit amount.

(b) An individual disqualified under subdivision (b) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for not less than two nor more than 10 consecutive weeks beginning with:

(1) The week in which the cause of his disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his disqualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(c) An individual disqualified under subdivision (b) of Section 1257 shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown.

(d) An individual disqualified under subdivision (a) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for the week in which the determination is mailed to or personally served upon him, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation benefits and for not more than nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation benefits. No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the mailing or personal service of the determination. This subdivision shall not apply to an individual prosecuted under Section 2101.

(e) Notwithstanding the provisions of subdivision (d) of this section, an individual who is unemployed with respect to any week and is subject to a disqualification that is imposed under subdivision (b) of Section 1257 may, if he has registered for work for that week as required by subdivision (b) of Section 1253, concurrently serve with respect to that week a disqualification imposed under subdivision (a) of Section 1257.

SEC. 9. Section 1375.3 is added to the Unemployment Insurance Code, to read:

1375.3. No determination of overpayment shall be based upon the disallowance by the Workmen's Compensation Appeals Board of a claim of lien filed under subdivision (g) of Section 4903 of the Labor Code, or the allowance of such lien for less than the amount claimed as a lien, or upon the approval by the said appeals board of a compromise and release agreement providing for the allowance of such lien in an amount less than the amount claimed as a lien.

SEC. 10. Section 1375.5 is added to the Unemployment Insurance Code, to read:

1375.5. Any claim of lien filed with the Workmen's Compensation Appeals Board under the provisions of Section 4903 of the Labor Code shall be fully discharged and satisfied by payment of the amount of such lien allowed by the said appeals board under the provisions of Section 4904 of said code or the amount specified in any compromise and release agreement filed and approved by the said appeals board pursuant to Sections 5000 through 5004 of said code.

SEC. 11. The provisions of Sections 1255.5, 1375.3, and 1375.5 of the Unemployment Insurance Code as added by this

act shall apply to weeks claimed on or after the first day of the first complete calendar quarter beginning on or after the effective date of this act.

SEC. 12. The provisions of Section 1260 of the Unemployment Insurance Code as amended by this act shall apply to any individual where the occurrence of the cause of the disqualification is on or after the effective date of this act. The provisions of Section 1260 of said code as in effect prior to the amendment made by this act shall remain applicable and are continued in effect with respect to any individual where the occurrence of the cause of disqualification is prior to the effective date of this act.

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## CHAPTER 1722

*An act to add Chapter 12 (commencing with Section 25960) to Division 20 of the Health and Safety Code, relating to occupational health and disease control.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Chapter 12 (commencing with Section 25960) is added to Division 20 of the Health and Safety Code, to read:

### CHAPTER 12. OCCUPATIONAL HEALTH AND DISEASE CONTROL

25960. Local health departments, as defined in Section 1102 of this code, shall provide services in occupational health to promote the health of employed persons, including educational, consultative, statistical, investigative, and other activities appropriate thereto.

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## CHAPTER 1723

*An act to add Section 118.5 to the Streets and Highways Code, relating to sale of land by the Department of Public Works.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 118.5 is added to the Streets and Highways Code, to read:

118.5. No parcel of property acquired by eminent domain for the purposes specified in Section 104 of this code which in its entirety is found to be no longer necessary for such pur-

poses shall be subject to public sale, unless an amount equal to the taxes which would have been paid by the owner had the property not been acquired by the state is transmitted by the department to the county auditor of the county in which the property is located. The amount of any payments made pursuant to Section 104.10 with respect to the property shall be deducted from the amount required to be transmitted pursuant to this section.

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## CHAPTER 1724

*An act to amend Sections 6441 and 18270 of, to repeal Section 6443 of, and to add Section 6443 to, the Education Code, relating to classroom instructional television.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 6441 of the Education Code is amended to read:

6441. The county superintendent of schools may contract on behalf of any school district under his jurisdiction and for the schools and classes operated by him, subject to the approval of the Superintendent of Public Instruction, to procure television broadcasts or closed-circuit television programs for use in the educational program of the schools in such district, and for the educational program of the schools and classes operated by the county superintendent.

SEC. 2. Section 6443 of the Education Code is repealed.

SEC. 3. Section 6443 is added to the Education Code, to read:

6443. The Superintendent of Public Instruction may employ a television consultant or other suitable personnel for the administration of this article. The superintendent shall adopt rules and regulations:

(a) Providing for the filing with the superintendent, by the production agency, a list of the basic elements of program production costs.

(b) Providing for statewide coordination among regional instructional television agencies, offices of county superintendents of schools, school districts, and other agencies interested in instructional television services, for the purpose, among other things, of forestalling unnecessary duplication of effort and establishing reasonable uniformity in the educational television programs developed or provided from state funds.

(c) Providing for review and approval by the State Department of Education of plans of school districts and offices of county superintendents for procuring instructional television services in their respective programs.

SEC. 4. Section 18270 of the Education Code is amended to read:

18270. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools participating in a program for instructional television established pursuant to Section 6441 or 6442, fifty cents ($0.50) multiplied by the number of pupils of the district present in the classroom and instructed by such instructional television programs during the preceding fiscal year. The amount of such allowance to a school district shall not exceed one-half the total cost to the district of providing television broadcasts or closed-circuit television programs pursuant to Section 6441 or 6442. For the purpose of this section, no pupil shall be counted more than once per school year.

The allowances to school districts and county superintendents of schools under this section shall be made from such moneys as may be appropriated therefor by the Legislature.

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## CHAPTER 1725

*An act to amend Sections 650, 976.5, 984, 1030, 3260, 3265, 3269, 3270, and 3701 of, and to add Sections 633.1, 976.7 and 976.8 to, the Unemployment Insurance Code, and to amend Section 21 of Chapter 1897 of the Statutes of 1965, relating to unemployment insurance.*

[Approved by Governor September 2, 1967. Filed with Secretary of State September 2, 1967.]

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

SECTION 1. Section 633.1 is added to the Unemployment Insurance Code, to read:

633.1. Notwithstanding the provisions of Section 633, "employment" includes service performed in the employ of an irrigation district, public utility district, or municipal utility district electing to be subject to this division pursuant to Section 709.5.

SEC. 2. Section 650 of the Unemployment Insurance Code is amended to read:

650. "Employment" does not include services performed as a real estate, business opportunity, mineral, oil and gas, or cemetery broker or as a real estate, business opportunity, or cemetery salesman by an individual who is licensed in one of such classes by the state and who is remunerated solely by way of commission.

SEC. 3. Section 976.5 of the Unemployment Insurance Code is amended to read:

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Sections 676 or 677, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of one percent (1%).

(2) For each calendar year after 1968, contributions shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

| Line | Column 1 | Column 2 | Column 3 |
|---|---|---|---|
| 1 | 80% | No limitation | 1% |
| 2 | 60% | 80% | 0.8% |
| 3 | 40% | 60% | 0.6% |
| 4 | 20% | 40% | 0.4% |
| 5 | 0% | 20% | 0.2% |

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Sections 676 or 677, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of eight-tenths of one percent (0.8%).

(2) For each calendar year after 1968 with respect to wages paid for employment at the rate of two-tenths of one percent (0.2%) less than the rate applicable to other employers for the calendar year under subdivision (a) of this section but not less than two-tenths of one percent (0.2%).

(c) Subdivision (b) of this section shall not apply prior to the rating period of the calendar year 1971 to any employer whose reserve account has been canceled pursuant to Section 1027.1.

SEC. 4. Section 976.7 is added to the Unemployment Insurance Code, to read:

976.7. Subdivision (b) of Section 976.5 shall not apply to wages paid for agricultural labor as defined in Article 2 (commencing with Section 625) of Chapter 3 of this part.

SEC. 5. Section 976.8 is added to the Unemployment Insurance Code, to read:

976.8. For the calendar year 1967 and each calendar year thereafter, subdivision (b) of Section 976.5 shall not apply to any employer who has a negative reserve account balance on the computation date.

SEC. 6. Section 984 of the Unemployment Insurance Code is amended to read:

984. Each worker shall pay worker contributions, at the rate of 1 percent with respect to the wages paid to him by each employer for employment after his employer has satisfied the conditions set forth in this part with respect to becoming an employer. Contributions required under Sections 708 and 708.5 shall be at the rate of 1.25 percent of the remuneration deemed to have been received under said sections.

SEC. 7. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work. The period during which the employer may submit such facts may be extended by the director for good cause.

(b) Any base-period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with this work. The period during which the employer may submit such facts may be extended by the director for good cause.

(c) The department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the claimant's employment. Any ruling may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling. For purposes of this section only, if the claimant voluntarily leaves such employer's employ without notification to the employer of the reasons therefor, and if the employer submits all of the facts within its possession concerning such leaving within the applicable time period referred to in this section, such leaving shall be presumed to be without good cause. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 1328.

SEC. 8. Section 3260 of the Unemployment Insurance Code is amended to read:

3260. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan for the purpose of providing the disability benefits specified in this part an amount not in excess of that which would be required by Section 984 if the employee were not covered by the plan. Any such deductions from the wages of an employee remaining in the possession of the employer upon termination of the plan, as a result of plan contributions being in excess of plan costs, which are not disposed of in conformity with authorized regulations, shall be remitted to the Disability Fund. If an employer fails to remit any such deductions to the Disability Fund, the director shall assess the amount thereof against the employer. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. With respect to individuals covered by a voluntary plan on January 1st of a calendar year for which the limitation on taxable wages under Section 985 is increased or the tax rate under Section 984 is increased, the amount of the deduction on or after that date may be increased to apply to not more than the maximum limitation on taxable wages or to not more than the maximum tax rate without any further consent of the individual or approval of the director, but only if such increase in the amount of the deduction is made immediately effective as of January 1st of that particular year.

SEC. 9. Section 3265 of the Unemployment Insurance Code is amended to read:

3265. (a) If, on appeal, it is decided that an employee is entitled to receive disability benefits under an approved voluntary plan and the employer or insurer fails to pay the same within 15 days after notice of a decision by a referee or the appeals board, the director shall pay such benefits and assess the amount thereof against the employer or the insurer, and the provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to the recovery of such benefit payments. Amounts so collected shall be deposited in the Disability Fund.

(b) If an approved voluntary plan is not terminated because of the enactment of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801 and the employer or insurer fails to pay such increase under the plan, the director shall pay such benefits to an employee, if otherwise eligible, and assess the amount thereof against the em-

ployer or the insurer and the provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to the recovery of such benefit payments. Amounts so collected shall be deposited in the Disability Fund.

SEC. 10. Section 3269 of the Unemployment Insurance Code is amended to read:

3269. The director shall in accordance with authorized regulations, determine each fiscal year the total amount expended for added administrative work arising out of voluntary plans. The total amount so determined shall be prorated among the approved voluntary plans in effect during that year on the basis of the amount of wages paid in voluntary plan covered employment by employers to individuals participating in such plans. The director shall make assessments of amounts so prorated against the employers responsible for benefits under such approved plans. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to the assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. The amounts collected under this section shall be added to the amounts otherwise made available for administration of this part.

SEC. 11. Section 3270 of the Unemployment Insurance Code is amended to read:

3270. The provisions of subdivision (i) of Section 3254 and subdivision (i) of Section 3255, dealing with substantial selection of risks adverse to the Disability Fund, shall be operative as of January 1, 1962.

SEC. 12. Section 3701 of the Unemployment Insurance Code is amended to read:

3701. (a) Any employer who is entitled under Section 3654 to notice of the filing of a primary claim or additional claim and who, within 10 days after mailing of such notice, submits to the department any facts within its possession disclosing whether the exhaustee left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with his work shall be entitled to a ruling as prescribed by this section. The period during which the employer may submit such facts may be extended by the director for good cause.

(b) The department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the exhaustee's most recent employment. Any ruling may

for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 3655.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

SEC. 13. Section 21 of Chapter 1897 of the Statutes of 1965 is amended to read:

Sec. 21. The effective date of Sections 1, 2, 3, 4, 5, 6, 6.5, 6.7, 7, 8, 9, 10, and 11 of this act shall be January 1, 1966. The provisions of the Unemployment Insurance Code as they existed prior to amendment or repeal by said sections shall continue to remain applicable to contributions to be paid for the calendar year, 1965. The provisions of the Unemployment Insurance Code as they are amended and added by said sections shall take effect beginning with the rating period of the calendar year, 1966, and shall not be applicable to any prior rating period.

SEC. 14. Section 1 of this act shall become operative only if Assembly Bill No. 993 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 993 takes effect; and in such case, the amendment of Section 633 of the Unemployment Insurance Code by Assembly Bill No. 993 shall not become operative.

SEC. 15. Section 4 of this act shall become operative only if Senate Bill No. 1315 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 1315 takes effect; and in such case the amendment of Section 976.5 of the Unemployment Insurance Code by Senate Bill No. 1315 shall not become operative.

The provisions of Section 976.7 of the Unemployment Insurance Code as added by Section 4 of this act shall be operative January 1, 1968, and shall apply to contributions paid beginning with the rating period of the calendar year 1968 and shall not be applicable to contributions paid for any prior rating period.

SEC. 16. Section 5 of this act shall become operative only if Assembly Bill No. 2396 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 2396 takes effect; and in such case the amendment of Section 976.5 of the Unemployment Insurance Code by Assembly Bill No. 2396 shall not become operative.

SEC. 17. Sections 7 and 12 of this act shall become operative only if both Assembly Bills No. 909 and 2394 are enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bills No. 909 and 2394, take effect; at which time Sections 1030 and 3701 of the Unemployment Insurance Code as amended by Assembly Bills No. 909 and 2394 are repealed.

The provisions of Sections 1030 and 3701 of the Unemployment Insurance Code as amended by Sections 7 and 12 of

this act shall apply to new, primary, and additional claims filed with an effective date beginning on or after the effective date of this act. The provisions of Sections 1030 and 3701 of said code as in effect prior to the amendments made by this act shall remain applicable to new, primary, and additional claims filed with an effective date beginning prior to the effective date of this act.

SEC. 18. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

CONCURRENT AND JOINT RESOLUTIONS

# REGULAR SESSION
# 1967

# CONCURRENT AND JOINT RESOLUTIONS

## ADOPTED AT THE 1967 REGULAR SESSION OF THE LEGISLATURE

## CHAPTER 1

*Senate Concurrent Resolution No. 2—Relative to a joint convention at the west steps of the State Capitol.*

[Filed with Secretary of State January 10, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Senate and Assembly shall meet in joint convention at the west steps of the State Capitol at the hour of 11:10 o'clock a.m., on Thursday, January 5, 1967, for the purpose of hearing the Governor's message.

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## CHAPTER 2

*Senate Concurrent Resolution No. 4—Approving amendments to the Charter of the City and County of San Francisco, State of California, ratified by the qualified electors thereof at a general election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State January 10, 1967 ]

WHEREAS, Proceedings have been held for the proposal, adoption and ratification of amendments to the Charter of the City and County of San Francisco, State of California, as hereinafter set forth in the certificate of the president and clerk of the board of supervisors of the city and county as follows:

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the

State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county fifteen (15) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said fifteen (15) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the eighth day of November, 1966, the said fifteen (15) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the eighth day of November, 1966, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-ninth day of November, 1966, duly certify to the board of supervisors the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election so held on the eighth day of November, 1966, five (5) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C, F, H, I and J, and ten (10) other charter amendments submitted at said general election, to wit, charter amendments designated as Propositions D, E, G, K, L, M, N,

O, P and Q received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Sections 38 and 38.01 thereof relating to fire prevention and fire investigation.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 8, 1966, a proposal to amend the Charter of said City and County by amending Sections 38 and 38.01 thereof so that the same shall read as follows:

Section 38. The chief of department shall have jurisdiction, under the management of the fire commission, of the division of fire prevention and investigation consisting of the bureau of fire prevention and public safety and the bureau of fire investigation. He shall hold the assistant chief of department, division of fire prevention and investigation, to the responsibility and authority for enforcement of laws and statutes of the State of California, and the charter and ordinances of the City and County of San Francisco, pertaining to matters of fire prevention and fire investigation.

The bureau of fire prevention and public safety shall inspect all hospitals, schools, places of public assemblage, and other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facilities, other hazardous occupancies as defined by the Building Code, and all occupied or vacated structures and premises to determine whether or not compliance is being had with statutes, regulations, and ordinances relative to fire prevention, fire protection and fire-spread control, and the protection of persons and property from fire. It shall enforce said statutes, regulations, and ordinances and shall report violations to other departments having jurisdiction.

The bureau of fire prevention and public safety shall examine the application, plans and specifications for the erection, and for alterations or repairs estimated to exceed $1,000 in cost, of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, subject to the statutes, regulations, and ordinances

referred to in this section, and shall also examine the applications, plans and specifications for all structures and premises insofar as they involve the location of standpipes. The bureau of fire prevention and public safety shall by written report, filed with the director of public works, approve such plans and specifications, or report to said director of public works, the particulars wherein non-compliance exists, and upon modification of the application, plans and specifications to comply therewith, the bureau shall inform said director of its approval. No permit for alteration or repair exceeding $1,000 in cost of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code. flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, or for the erection thereof, or involving the location of standpipes, shall be issued unless said approval is given.

Any structure or premises as provided in this Section 38, wherein there exists any violation of statutes, regulations, or ordinances referred to in this section, or which is maintained or used in such manner as to endanger persons or property by hazard or fire, explosion or panic and any structure or premises as provided in this Section 38 hereafter constructed, altered or repaired in violation of said statutes, regulations, or ordinances, is hereby declared to be a public nuisance, and it shall be the duty of the bureau of fire prevention and public safety to prosecute abatement proceedings.

The bureau of fire prevention and public safety shall detail to the department of public works such personnel as necessary to review and check plans relative to requirements of the Fire Code and shall report any particulars of non-compliance to the director.

The fire department shall make recommendations to the director of public works for possible revisions to the Building Code and Housing Code on matters of fire safety.

This section shall become effective on the first day of the month immediately following the date of ratification.

Section 38.01 Notwithstanding the provisions of section 38 of the charter, the following ranks are hereby established within the fire department as of July 1, 1953: captain, bureau of fire prevention and public safety; lieutenant, bureau of fire prevention and public safety; lieutenant, bureau of fire investigation; inspector, bureau of fire prevention and public safety; and investigator, bureau of fire investigation. Any member of the fire department now assigned as captain, bureau of fire prevention and public safety, lieutenant, bureau of fire prevention and public safety, lieutenant, bureau of fire investigation, inspector, bureau of fire prevention and public safety, or investigator, bureau of fire investigation, shall, if he has been performing such duties on July 1, 1952 and continuously thereafter for the period of one year, or for a period of one year from July 1, 1951 to July 1, 1952 inclusively, be declared permanently appointed to such rank as if appointed thereto

after examination and certification from a list of eligibles under the civil service provisions of this charter, and thereafter shall hold such position under the civil service provisions of this charter; provided that as to any member assigned to either of said bureaus who is or was on military leave during any of the periods of time above stated such military leave shall be considered as service in the assignment from which leave was granted.

Vacancies occurring in the several ranks established by this section shall be subject to competitive examination, and the provisions of section 146 of the charter relating to the fire department shall apply except as otherwise provided herein. Personnel of the fire department eligible to participate in examinations for the rank of captain, bureau of fire prevention and public safety, shall come from the ranks of lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation. Personnel of the fire department eligible to participate in examinations for the rank of lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall come from the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation. Personnel of the fire department eligible to participate in examinations for the rank of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall come from the ranks of hoseman, truckman and chief's operator. Officers and members of the bureau of fire prevention and public safety and officers and members of the bureau of fire investigation are not eligible to participate in promotional examinations for the ranks other than those ranks provided for the bureau of fire prevention and public safety and bureau of fire investigation.

Fifteen percent of the total credits allowed for any promotive examination shall be allowed for seniority of service, which credits shall be distributed as follows:

a) For promotion to the rank of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation:

One percent of the total credits allowed for the entire examination shall be allowed for each year of service in the fire department until the maximum of fifteen percent is reached;

b) For promotion to the rank of lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation:

Six-tenths of one percent of the total credits allowed for the entire examination shall be allowed for each year of service in the fire department until a total of nine percent is reached; and in addition thereto there shall be allowed six-tenths of one percent of the total credits allowed for the entire examination for each year of service in the rank of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, until a total of six percent of the credits of the entire examination is reached;

c) For promotion to the rank of captain, bureau of fire prevention and public safety:

Six-tenths of one percent of the total credits allowed for the entire examination shall be allowed for each year of service in the fire department until a total of nine percent is reached; and in addition thereto there shall be allowed six-tenths of one percent of the total credits allowed for the entire examination for each year of service in the ranks of lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, until a total of six percent of the credits of the entire examination is reached.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be thirteen percent (13%) above the compensation established for the ranks of captain and lieutenant as provided for in section 36.2 of the charter. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ten percent (10%) above the compensation established for the rank of chief's operator as provided for in section 36.2 of the charter. The rates of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The provisions of this section shall be effective on the first day of the month immediately following the date of ratification of this amendment by the State Legislature and the adjusted basic rates of compensation computed as above provided shall be effective on that date and shall be paid for the remainder of the 1966–1967 fiscal year.

The board of supervisors shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance for the fiscal year 1966–1967 to include the provisions necessary for paying the adjusted basic rates of compensation herein provided.

## Proposition F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County by amending Section 165.2 relating to retirement and survivor benefits of miscellaneous employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 8, 1966, a proposal to amend the charter of said City and County by amending Section 165.2 to read as follows:

Retirement—Miscellaneous Officers and Employees
On and After July 1, 1947

Section 165.2. Miscellaneous officers and employees, as defined in this section, who are members of the retirement system under section 165 of the charter on the effective date hereof, hereby designated as the first day of July, 1947, and persons who become miscellaneous officers and employees after said effective date, shall be members of the retirement system on and after said date, subject to the following provisions of this section, in addition to the provisions contained in sections 158 to 161, both inclusive, of this charter notwithstanding the provisions of any other section of the charter, provided that the retirement system shall be applied to persons employed on a part-time, temporary or substitute basis only as the board of supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board. Miscellaneous officers and employees of the said departments who are members of the retirement system under section 165 of the charter on said effective date, however, shall have the option to be exercised in writing on a form furnished by the retirement system and to be filed at the office of said system not later than ninety days after the effective date hereof, of being members of the system under section 165 instead of this section, the election under said option to be effective on said effective date, provided, that members who are absent by reason of service in the armed forces of the United States or by reason of any other service included in section 161 of the charter, on the effective date of the amendment, shall have the same option of electing to be members under section 165 instead of this section, until ninety days after their return to service. On and after said date, the persons who affirmatively exercise said option, shall continue to be members of the system under section 165 and shall not be subject to any of the provisions of this section.

(A) The following words and phrases as used in this section unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the workmen's compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the city and county, for service qualifying for credit under this section, excluding that part of such remuneration which exceeds $500.00 per month, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board

"Compensation earnable" shall mean the compensation as determined by the retirement board, which would have been

earned by the member had he worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and at the rate of pay attached to such positions, it being assumed that during any absence, he was in the position held by him at the beginning of the absence, and that prior to entering city service he was in the position first held by him in city-service.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Average final compensation" shall mean the average monthly compensation earned by a member during any five consecutive years of credited service in the retirement system in which his average final compensation is the highest, excluding that part of such remuneration which exceeds $500.00 per month, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

For the purposes of the retirement system and of this section, the terms "miscellaneous officer or employee," or "member," as used in this section shall mean any officer or employee who is not a member of the fire or police departments as defined in the charter for the purpose of the retirement system, under section 165 of the charter.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in section 158 of the charter.

"Retirement board" shall mean "retirement board" as created in section 159 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(B) Any member who completes at least twenty years of service in the aggregate credited in the retirement system and attains the age of fifty-five years, or at least ten years of service in the aggregate credited in the retirement system, and attains the age of sixty years, said service to be computed under subsection (C) hereof, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of seventy years during the twelve months ending June 30, 1948; the age of sixty-nine years during the twelve months ending June 30, 1949; the age of sixty-eight years during the twelve months ending June 30, 1950; the age of sixty-seven years during the twelve months ending June 30, 1951; the age of sixty-six years during the twelve months ending June 30, 1952; and thereafter, following the attainment of the age of sixty-five years. A member retired after reaching the age of sixty years shall receive a service retirement allowance at the rate of 1⅔ per

cent of said average final compensation, for each year of service. The service retirement allowance of any member retiring prior to attaining the age of sixty years, after rendering twenty years or more of such service and having attained the age of fifty-five years, computed under subsection (G), shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled upon retirement at age sixty and with the service credited at the date of actual retirement. Before the first payment of a retirement allowance is made, a member retired under this subsection or subsection (C) of this section, may elect to receive the actuarial equivalent of his allowance, partly in an allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount of such other benefits. The portion of service retirement allowance provided by the city and county's contributions shall be not less than $50 per month upon retirement after thirty years of service and after attaining the age of sixty years, and provided further that as to any member with fifteen years or more of service at the compulsory retirement age of sixty-five, the portion of the service retirement allowance provided by the city and county's contribution shall be such that the total retirement allowance shall not be less than $50.00 per month. In the calculations under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this subsection providing for a minimum retirement allowance. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied on full time service and compensation in the calculation of retirement allowances.

(C) Any member who becomes incapacitated for performance of duty because of disability determined by the retirement board to be extended and uncertain duration, and who shall have completed at least ten years of service credited in the retirement system in the aggregate, computed as provided in subsection (G) hereof, shall be retired upon an allowance of one and one-half per cent of the average final compensation of said member, as defined in subsection (A) hereof for each year of credited service, if such retirement allowance exceeds one-third ($\frac{1}{3}$) of his average final compensation; otherwise one and one-half ($1\frac{1}{2}$) per cent of his average final compensa-

tion multiplied by the number of years of city-service which would be credited to him were such city-service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed one-third (⅓) of such average final compensation. In the calculation under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him during the five (5) years immediately preceding his retirement. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied as full time service and compensation in the calculation of retirement allowances. The question of retiring a member under this subsection may be brought before the retirement board on said board's own motion, by recommendation of any commission or board, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to service in the position or classification he occupied at the time of his retirement.

(D) No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workmen's compensation laws of the State of California.

(E) If a member shall die, before his retirement, regardless of cause:

(1) If no benefit is payable under subdivision (2) of this subsection (E), a death benefit shall be paid to his estate or designated beneficiary consisting of the compensation earnable by him during the six months immediately preceding death, plus his contributions and interest credited thereon.

(2) If, at the date of his death, he was qualified for service retirement by reason of service and age under the provisions of subsection (b) of this section, and he has designated as beneficiary his surviving spouse, who was married to him for at least one full year immediately prior to the date of his death, one-half of the retirement allowance to which the member would have been entitled if he had retired for service on the date of his death shall be paid to such surviving spouse who was his designated beneficiary at the date of his death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of eighteen years, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If, at the

death of such surviving spouse, who was receiving an allowance under this subdivision (2), there be one or more unmarried children of such member under the age of eighteen years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If the total of the payments of allowance made pursuant to this subdivision (2) is less than the benefit which was otherwise payable under subdivision (1) of this subsection, the amount of said benefit payable under subdivision (1) less an amount equal to the total of the payments of allowance made pursuant to this subdivision (2) shall be paid in a lump sum as follows:

(a) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such member, to such spouse:

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the retirement system and filed in the office of the retirement system before the first payment of the allowance provided herein, to receive the benefit provided in subdivision (1) of this subsection in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of eighteen years may make the election herein provided before any benefit has been paid under this subsection (E), for and on behalf of such children if in his judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this subsection (E), any allowance payable under this subdivision (2) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits paid to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the board of supervisors for the payment of a similar death benefit upon the death of other retired members.

(F) Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his contributions, with interest credited

thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to cover similar terminations of employment and re-employment with and without re-deposits of withdrawn accumulated contributions of other members of the retirement system, provided that if such member is entitled to be credited with at least ten years of service, he shall have the right to elect without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the retirement board determines the termination to be permanent, whether to allow his accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. Upon the qualification of such member for retirement by reason of service and age, he shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions and equal amount of the contributions of the city and county, plus $1\frac{3}{4}$ per cent of his average final compensation for each year of service credited to him as rendered prior to his first membership in the retirement system. Upon the death of such member prior to retirement, his contributions with interest credited thereon shall be paid his estate or designated beneficiary.

(G) The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualified for retirement and calculating benefits:

(1) Time during which said member is a member of the retirement system and during and for which said member is entitled to receive compensation because of services as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not credited as service of a member under this section shall count under this section upon transfer of a member of either of such departments to employment entitling him to membership in the retirement system under this section, provided that the accumulated contribution standing to the credit of such member shall be adjusted by refund to the member or by payment by the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous employee throughout the period of his service in either of such departments at the compensation he received in such departments.

(3) Time during which said member is absent from a status included in paragraphs (1) or (2) next preceding which is not deemed absence from service under the provisions of section 161 of the charter and for which such member is entitled to receive credit as service for the city and county by virtue of contributions made in accordance with the provisions of such section.

(4) Prior service determined and credited as prescribed by the board of supervisors for persons who are members under section 165.

(H) All payments provided under this section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The rate of contribution of each member under this section shall be based on his nearest age at the effective date of his membership in the retirement system. The normal rate of contribution of each such member, to be effective from the effective date of membership under this section, shall be such as, on the average for such member, will provide, assuming service without interruption, under subsection (B) of this section, one-half of that portion of the service retirement allowance to which he would be entitled if retired at age sixty or higher age after rendering ten years of service for retirement under that subsection. No adjustment shall be included in said rates because of time during which members have contributed at different rates. Members' rates of contributions shall be changed only in the manner prescribed by the board of supervisors for changing contribution rates of other members.

(2) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rate of contribution to such compensation. Amounts which would have been deducted in the absence of the limit on such deductions according to service credited, shall be paid to the retirement system following the removal of such limit, in manners and at times approved by the retirement board. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member or his estate or beneficiary as provided in subsections (E) and (F) of this section, provided that the portion of the salaries of the teachers as provided in section 165, paragraph (a), as a basis for fixing the contributions to be made, and the benefits to be received, by the teachers under the retirement system shall be determined by the method provided in section 165, paragraph (a) and shall not be less than eighty per cent of the total salary received by the teachers, excluding that part of such portion which exceeds $500.00 per month, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

(3) Contributions based on time included in paragraphs (1) and (3) of subsection (G), and deducted prior to the effective date hereof, from compensation of persons who become mem-

bers under this section, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(4) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, on the effective date hereof, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(5) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this subsection (h), to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his rate of contribution is determined in paragraph (1), subsection (H), shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year, to persons who are members under this section, said percentage to be the ratio of the value of the effective date hereof, or at the later date of a periodical acturial valuation and investigation into the experience under the system as provided by the board of supervisors, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said systems to provide said benefits on account of service rendered by respective member after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system.

(6) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide the benefits under this section,

shall be a part of the fund in which all other assets of said system are included. Nothing in the section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

(I) Upon the completion of the years of service set forth in subsection (B) of this section as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said subsection (B), and nothing shall deprive said member of said right.

(J) No person retired under this section, for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

Should any such retired person engage in gainful occupation prior to attaining the age of sixty years, the retirement board shall reduce that part of his monthly pension or retirement allowance which is provided by contributions of the city and county, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed his compensation at the time of his retirement.

(K) Any section or part of any section in this charter, insofar as it should conflict with this section, or with any part thereof, shall be superseded by the contents of this section. In the event that any word, phrase, clause or subsection of this section shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(L) Notwithstanding the provisions of subsections (B), (C), (F) or (I) of this section, any member convicted of a crime involving moral turpitude committed in connection with his duties as an officer or employee of the City and County of San Francisco, shall, upon his removal from office or employment pursuant to the provisions of this charter, forfeit all right to any benefits under the retirement system except refund of his accumulated contributions; provided, however, that, if such member is qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, he shall have the right to elect, without right of revocation and within 90 days after his removal from office or employment, whether to withdraw all of his accumulated contributions or to receive as his sole benefit under the retirement system an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of such removal from office or employment.

PROPOSITION H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County by amending Section 148 relating to requisition, certification and appointment.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 8, 1966, a proposal to amend the charter of said City and County by amending Section 148 thereof to read as follows:

Requisition, Certification and Appointment

Section 148. Whenever a position controlled by the civil service provisions of this charter is to be filled, the appointing officer shall make a requisition to the civil service commission for a person to fill it. Thereupon, the commission shall certify to the appointing officer, the name and address of the person standing highest on the list of eligibles for such position. In case the position is promotive, the commission shall certify the name of the person standing highest on such list In making such certification, sex shall be disregarded except when a statute, a rule of the commission or the appointing officer specifies sex.

From the requisition of the appointing officer or otherwise, the commission shall determine whether the position is, in character, temporary, seasonal or permanent, and shall notify the candidate in accordance therewith to the end that the candidate may have knowledge of the probable duration of employment. The commission shall provide for such waiver of temporary or seasonal employment as it may deem just to candidates.

Any appointment to a position declared permanent by the civil service commission shall be on probation for a period of six months, provided that the probationary period for entrance positions in the uniform rank of the police department shall be for one year. At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employees and to the civil service commission specifying the reasons for such termination. Except in the case of uniformed members of the police and fire departments the civil service commission shall inquire into the circumstances. If the appointment resulted from an entrance examination the commission may declare such person dismissed or may return the name to the list of eligibles under such conditions for further appointment as the commission may deem just. If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the civil service commission. The commission shall render a decision within thirty days after receipt of the notice of termination and (a) may declare such person dismissed; or (b) order such person reinstated in his position

without prejudice, and the commission may in its discretion order that the employee be paid salary from time of the termination of his appointment; or (c) order the return of such person to the position from which he was promoted. The decision of the commission shall be final. Immediately prior to the expiration of the probationary period the appointing officer shall report to the civil service commission as to the competence of the probationer for the position, and if competent, shall recommend permanent appointment.

PROPOSITION I

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 153 thereof relating to leaves of absence for officers and employees of the City and County.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1966, a proposal to amend the charter of said city and county by amending Section 153 thereof, to read as follows:

Leaves of Absence

Section 153. Leaves of absence to officers and employees of the city and county shall be governed by rules established by the civil service commission.

Leaves of absence shall be granted to officers and employees of the City and County of San Francisco and non-certificated officers and employees of the San Francisco Unified School District for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for such time thereafter as may be provided by rule of the civil service commission, but not to exceed two (2) years after the proclamation of peace, except in case of disability incurred while in active service with the armed forces or the merchant marine when such disability shall extend beyond such period.

Whenever any officer or employee of the City and County of San Francisco, or any non-certificated officer or employee of the San Francisco Unified School District shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from his office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof. Officers and employees entering or being inducted into any of the services requiring military

leave as provided in this section shall file with the civil service commission a copy of the orders necessitating such service prior to the effective date of the leave of absence. Leaves granted pursuant to the provisions of this and the preceding paragraph of this section shall be designated "military leaves."

The board of supervisors may, on the recommendation of the civil service commission, provide by ordinance that leaves of absence shall be granted to officers and employees during time of war or during any emergency declared by the President of the United States, for other service directly connected with the prosecution of the war or national defense or preparedness. Leaves granted under authority of ordinances enacted pursuant to the provisions of this paragraph shall be designated "war effort leaves."

In time of emergency declared by the President of the United States or by the Congress, or while any act authorizing compulsory military service or training is in effect, the board of supervisors, upon recommendation of the civil service commission, may provide by ordinance that subject to rules of the civil service commission, leaves of absence shall be granted to officers and employees of the City and County of San Francisco and non-certificated officers and employees of the San Francisco Unified School District, for sea duty as licensed officers aboard ships operated by or for the United States government.

Any officer or employee on military leave, who, prior to such leave, has been appointed to a permanent position in the city and county service, shall be entitled to resume such position at the expiration of his leave, and in determining and fixing rights, seniority, salary and otherwise, which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted a part of his service under the city and county.

Persons serving in the armed forces of the United States or the State of California during time of war or during any emergency lawfully declared by the President of the United States, who have standing on an eligible list, shall retain their places thereon, and upon presenting an honorable discharge or certificate of honorable active service from such military service within the period of time and subject to the conditions as prescribed by rules of the civil service commission, shall be preferred for appointment for a period of four (4) years after the proclamation of peace or the termination of said emergency in the order of standing upon such register at the time of entering such military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service. If while in said military service the names of such persons are reached for certification to permanent positions, appointments shall be made to serve until such persons in the military service shall present to the civil service commission an honorable discharge

or certificate of honorable active service within the period of time and subject to the conditions as prescribed by rules of the civil service commission, but not more than one (1) year after the date of discharge of each such eligible, when they shall be certified and assume the duties of positions in said class and their certification to said positions for all purposes of seniority shall be deemed to be the date when their names on such eligible lists were reached for certification, provided that each appointee to a position shall serve such probationary period as is required in section 148 of this charter, and provided that such employee while serving on such probation shall be permitted to participate in any promotive examination to which his classification is eligible but shall not be entitled to certification by virtue of such promotional examination prior to satisfactory completion of said probationary period and provided further that no such person shall be certified to entrance positions in the uniformed ranks of the police and fire departments under this provision who are more than thirty-five (35) years of age unless the names of such persons were reached for certification to such positions before such persons reached said age.

Persons who participate in a regular written civil service examination and who by reason of their active services in the Army, Navy or Marine Corps are unable to complete all parts of the examination and who present their orders or other competent proof of service in the same manner as is required of eligibles, shall acquire standing on eligible lists in accordance with the relative excellence attained by participation in the part or parts of the examinations already completed; provided that upon presenting their honorable discharges or certificates of honorable active service within the time limits specified in this section covering eligibles, they must qualify in the remainder of the examinations. When qualified they shall be certified as of the date they would have been reached for certification in accordance with the relative excellence attained by their participation in the entire examination.

The civil service commission shall adopt rules to govern the administration of leaves as herein provided and to govern layoffs occasioned by the return of officers, employees, or eligibles who have been appointed and granted leave or certified as provided in this section.

All leaves of absence granted under Rule 31.2 of the civil service commission are hereby ratified and approved.

For the purpose of certifications, appointments, leaves or any other matters concerning the rights of persons who are serving or have served in the armed forces of the United States or the State of California, the provisions of this section shall be retroactive to September 16, 1940, and any persons heretofore granted military leaves for any purpose other than to enter the armed forces of the United States or the State of California shall be deemed to have been granted war effort

leaves by the civil service commission in accordance with the provisions of this section.

The civil service commission by rule shall provide for leaves of absence, due to illness or disability, which leave or leaves may be cumulative, if not used as authorized, provided that the accumulated unused period of sick leave shall not exceed six (6) months, regardless of length of service, and provided further that violation or abuse of the provisions of said rule and ordinance by any officer or employee shall be deemed an act of insubordination and inattention to duties.

The board of supervisors shall approve, amend or reject all amendments to the rules governing leaves of absence as proposed by the civil service commission; provided, that before making any amendment thereto the board of supervisors shall request the civil service commission to review and report on said proposed amendment.

PROPOSITION J

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 34 thereof, relating to assistants and employees in elective offices.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1966, a proposal to amend the charter of said city and county by amending Section 34 thereof, so that the same shall read as follows:

Assistants and Employees in Elective Offices

Section 34. The elective officers of the city and county may appoint such assistants and employees as are authorized by the supervisors upon the recommendation of the mayor, in the annual budget and annual or supplemental appropriation ordinances, and may discipline and remove the same, subject to the civil service provisions of this charter except as otherwise specifically exempted by the provisions of this charter. Each assistant attorney in the offices of the city attorney, the district attorney and the public defender must, at the time of his appointment, be qualified to practice in all of the courts of the state. The salaries, wages and compensation of every kind and nature, except pensions and retirement allowances, for assistants and employees in such elective offices, shall be fixed as provided by the salary standardization provisions of this charter.

State of California }
City and County of San Francisco } ss.

This is to certify that we, Peter Tamaras, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said

city and county, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a general election held on Tuesday, the eighth day of November, One Thousand Nine Hundred and Sixty-six; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this twelfth day of December, One Thousand Nine Hundred and Sixty-six.

(SEAL)

PETER TAMARAS
President of the Board of Supervisors of the City and County of San Francisco
ROBERT J. DOLAN
Clerk of the Board of Supervisors of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
City Attorney

and

WHEREAS, Said proposed amendments to the Charter of the City and County of San Francisco as ratified by a majority of the electors voting thereon at said election on November 8, 1966, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provision of Section 8 of Article XI of the Constitution of the State of California; now therefore be it

*Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the Members elected to both houses voting for the adoption of the resolution and concurring therein*, That said amendments to the Charter of the City and County of San Francisco as ratified by the electors of said city and county, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment to, and as part of, the Charter of the City and County of San Francisco.

## CHAPTER 3

*Senate Concurrent Resolution No. 5—Approving an amendment to the Charter of the City of San Luis Obispo, County of San Luis Obispo, State of California, ratified by the qualified electors of the city at a special election held therein on the seventh day of June, 1966.*

[Filed with Secretary of State January 12, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of San Luis Obispo, a municipal corporation in the County of San Luis Obispo, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SAN LUIS OBISPO OF A CERTAIN CHARTER AMENDMENT

State of California
County of San Luis Obispo
City of San Luis Obispo

We, the undersigned, Clell W. Whelchel, Mayor of the City of San Luis Obispo, County of San Luis Obispo, State of California, and J. H. Fitzpatrick, City Clerk of the City of San Luis Obispo, do hereby certify and declare as follows:

That the City of San Luis Obispo, a Municipal Corporation of the County of San Luis Obispo, State of California, now is and at all times herein mentioned was, a City having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since May 18, 1955, and is now organized and acting under a Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such City at a special election held for that purpose on the 4th day of April, 1955, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 18th day of May, 1955 (Vol. 2, Statutes 1955, Page 4110).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on its own motion the Council of the City of San Luis Obispo, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of San Luis Obispo a certain proposal for the amendment of the Charter of said City, to be voted upon by said qualified electors at a Special Municipal Election held as provided for by law, in said City on the 7th day of June, 1966, which said proposal was designated as Proposed Charter Amendment.

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Telegram-Tribune," a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That said proposed charter amendment was submitted to the electors of said City for adoption and ratification at a special municipal election duly and regularly held in said City of San Luis Obispo on the seventh day of June, 1966, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above mentioned official paper of the proposed charter amendment aforesaid. That, in accordance with the provisions of the Elections Code of the State of California, the Council of the City of San Luis Obispo had adopted, on March 28, 1966, Resolution Number 1537 (1966 Series) wherein it requested the Board of Supervisors of San Luis Obispo County, California, to order the consolidation of said Special Municipal Election with the state-wide primary election held in said County on June 7, 1966; that said consolidation had been so ordered by said Board of Supervisors and that said special municipal election was so consolidated with said state-wide primary election held in said County on said date.

That at said special municipal election a majority of the qualified electors voting upon said proposed charter amendment voted in favor of the amendment and adopted and ratified the same.

That said Amendment to the Charter so ratified by the electors of the City of San Luis Obispo is in words and figures as follows:

"San Luis Obispo Municipal Election Date. Shall Section 300 of the Charter of the City of San Luis Obispo, California, be amended to read as follows:

Section 300. General Municipal Elections. General Municipal Elections to fill elective offices shall be held in said City on the third Tuesday in April in each odd numbered year."

That the Charter shall be worded as follows:

"Section 300. General Municipal Elections. General Municipal Elections to fill elective offices shall be held in said City on the third Tuesday in April in each odd numbered year."

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to the said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of San Luis Obispo to be affixed hereto this 21st day of November, 1966.

CLELL W. WHELCHEL
Mayor of the City of
San Luis Obispo, California

(SEAL)

Attest:
J. H. FITZPATRICK
City Clerk

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of San Luis Obispo, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, as an amendment to and as part of the Charter of the City of San Luis Obispo.

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## CHAPTER 4

*Assembly Concurrent Resolution No. 5—Approving amendments to the Charter of the City of Sacramento, County of Sacramento, State of California, ratified by the qualified electors of the city at a special election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State January 12, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of amendments to the Charter of the City of Sacramento, County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss
City of Sacramento

We, the undersigned, Walter Christensen, Mayor of the City of Sacramento, State of California, and Elmer C. Cleveland,

City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919)

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento two propositions for the amendment of the Charter of the City of Sacramento at the special municipal election consolidated with the State General Election held within the City on November 8, 1966. That said propositions were designated as "Measure A, Employee Retirement System Amendments," and "Measure B, Elimination of Two-year Experience Requirement in Department of Law."

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendments were published and advertised in full, on September 23, 1966, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication on file in the office of the City Clerk.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the Special Municipal Election, November 8, 1966, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 8, 1966, the date fixed for said special election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said special municipal election consolidated with the State General Election was duly and regularly held in said City on November 8, 1966, after due notice was given and published on September 23, 1966, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendment voted in favor of Measure A (Employee Retirement System Amendments) and in favor of Measure B (Elimination of Two-year Experience Requirement in Department of Law), and ratified the same.

That thereafter the Board of Supervisors of Sacramento County did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendment designated as Measure A (Employee Retirement System Amendments) and that certain proposed amendment designated as Measure B (Elimination of Two-year Experience Requirement in Department of Law) to the Charter of the City of Sacramento, as hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are as follows:

Measure A

To amend Article XX, by amending Sections 173.5, 175.6 and 175.20, and adding Sections 171.5, 175.2a, 175.6a, and 175.14a, of the Charter of the City of Sacramento, to read as follows:

"Section 171.5

Notwithstanding any provision in Sections 173 (d) and (e), 175 (c), 175.6a, 175.17 and 175 18 to the contrary, whenever a benefit payable to the surviving spouse under said sections terminates or is reallocated because of the remarriage of the spouse, the termination or reallocation of the benefit shall be only for the period of remarriage, and in the event that the surviving spouse resumes the status of an unmarried person, the benefit shall be fully reinstated and reallocated to the surviving spouse for said unmarried periods. This provision shall be fully applicable to persons receiving benefits on the

effective date hereof or to persons not receiving benefits on the effective date hereof, whose benefits had been terminated due to remarriage and who later are reinstated for benefits because of a return to unmarried status.

Section 173.5

(1) Every monthly allowance payable under the Sacramento City Employees' Retirement System, for time commencing on the effective date of this section, hereby designated as the first day of the month next following its ratification by the Legislature, to or on account of any member who was retired prior to July 1, 1966, or to the widow or child or children of any member who died prior to July 1, 1966, as the result of injury received in or illness caused by the performance of duty, is hereby increased by the percentage set forth in the following table opposite the period during which the member's retirement became effective, or death occurred, provided that any allowance modified under Option No. 1 or reduced by a portion of the member's primary benefit under Federal Social Security, shall be increased by an amount derived by the application of the respective percentage to the amount which would be payable for such time, if the allowance had not been so modified or so reduced:

| Period during which retirement became effective or death occurred | Percentage of increase in monthly allowance |
|---|---|
| Prior to July 1, 1961 | 9.1% |
| July 1, 1961 to June 30, 1962 | 8.7% |
| July 1, 1962 to June 30, 1963 | 7.1% |
| July 1, 1963 to June 30, 1964 | 5.6% |
| July 1, 1964 to June 30, 1965 | 4.0% |
| July 1, 1965 to June 30, 1966 | 2.0% |

(2) The increase in each allowance provided by this section shall be apportioned between the service rendered prior to entry of the member into the retirement system, and service rendered as a member in the same proportions that the portion of the allowance which was not provided by the member's accumulated contributions, was so apportioned at the time of retirement or death. Contributions to the retirement system necessary for the payment of the increases in the retirement allowance provided in this section, shall be provided, with respect to the portion of the increases based on service rendered after March 31, 1935, by members under Sections 175, 175.1 and 175.13, from the reserves held by the retirement system on account of members under Sections 175.1 and 175.13, the necessary amount being transferred upon said effective date from said reserves to the reserves held by the retirement system to meet the obligations on account of allowances that have been granted. The contribution being required of the city currently, as a percentage of compensation of members under Sections 175.1 to 175.13 shall be increased by a percentage determined by the actuary as necessary to replace

the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with respect to the portion of the increases based on service credited to members under Section 173, and with respect to the portion of the increases based on other service rendered prior to April 1, 1935, shall be paid to the system by the City by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases; and provided further that such appropriations shall not be made in separate amounts, but instead, shall be included as an addition to the appropriations made on account of the current and prior service portions of the allowances to which the increases were added.

(3) This section does not give any retired member, or his successors in interest, or his beneficiary, or any payee for any allowance in respect to a deceased member, any claim against the City for any increase in any allowance paid or payable for time prior to its effective date.

Section 175.2a

Unless a different meaning is plainly required by the context, the terms "widow," "surviving wife," and "surviving spouse" shall each mean the surviving wife, or the surviving husband in the case of a woman who is a member of the retirement system but only if the surviving husband is dependent upon the member for at least one-half of his support at the time of the member's death.

Section 175.6

If a member shall die before retirement, regardless of cause, and not later than the last day for which he receives compensation or within four months after the last day for which the member receives compensation or while the member is physically or mentally incapacitated for the performance of his duties, if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary consisting of an amount equal to one-twelfth ($\frac{1}{12}$) of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years of service as a member of the system, not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after retirement and regardless of the cause of death, a death benefit in the amount of five hundred dollars ($500) shall be paid to his estate or designated beneficiary.

Section 175.6a

Upon the death of a member after qualification for retirement for service according to provisions of Section 175.3 by attaining an age of at least fifty-five years with at least twenty years of service, one-half of the retirement allowance to which he would have been entitled had he retired at the time of death, shall be paid throughout life, except during any period of remarriage, to his eligible surviving spouse. If there be no surviving spouse entitled to an allowance hereunder, or if the

surviving spouse die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving spouse would have received had he lived and not remarried shall be paid to his child or children under age eighteen, collectively, to continue until every such child dies or attains said age, unless the eligible spouse returns to an unmarried status. No child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving spouse and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. The surviving spouse, in the event of death of the member after such qualification for but before service retirement, may elect, before the first payment of the allowance, to receive regardless of the estate or designated beneficiary, the benefit provided in Section 175.6 in lieu of the allowance which otherwise would be paid to her under this section. If there be no surviving spouse, the guardian of the child or children under age of eighteen, may make such election, and if there are no such children, the dependent parent or parents may make such election. No allowance, however, shall be paid under this section to a surviving spouse unless the surviving spouse was married to the member prior to the date of the injury or onset of the illness which results in death prior to retirement.

Section 175 14a

Unless a different meaning is plainly required by the context, the terms "widow," "surviving wife" and "surviving spouse" shall each mean the surviving wife, or the surviving husband in the case of a woman who is a member of the retirement system but only if the surviving husband is dependent upon the member for at least one-half of his support at the time of the member's death.

Section 175.20

If a member of the fire or police department shall die before retirement, from causes other than injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section 175.17 preceding, and if death shall occur not later than the last day for which he receives compensation, or within four months after the last day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, and if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary, consisting of an amount equal to one-twelfth of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years as a member of the system not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after retire-

ment and regardless of the cause of death, the sum of five hundred dollars ($500) shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the council for the payment of a similar benefit upon the death of other retired members.

Measure B

To amend Article XIV, Section 126, of the Charter of the City of Sacramento, to read as follows:

Section 126

The City Attorney shall be an attorney at law, duly licensed to practice in all the courts of California and prior to his appointment must have been a resident of the City of Sacramento and engaged in the practice of law therein for at least five years. All assistants and deputies of the department shall be duly licensed attorneys at law at the time of their appointment."

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of such amendments.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on December 29, 1966.

WALTER CHRISTENSEN
Mayor City of Sacramento
(SEAL)
ELMER C. CLEVELAND
City Clerk City of Sacramento

Approved as to form:
JOSEPH E. COOMES, JR.
City Attorney

and

WHEREAS, Said proposed amendments to the Charter of the City of Sacramento as ratified by a majority of the electors voting thereon at said election on November 8, 1966, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein,* That said amendments to the Charter of the City of Sacramento, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the Charter of the City of Sacramento.

## CHAPTER 5

*Assembly Concurrent Resolution No. 4—Approving a certain amendment to the Charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on November 8, 1966.*

[Filed with Secretary of State January 12, 1967 ]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the Charter of the City of Newport Beach, a municipal corporation, in the County of Orange, State of California, and set out in the certificate of the mayor pro tem and acting city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF NEWPORT BEACH

State of California }
County of Orange } ss
City of Newport Beach }

We, the undersigned, Doreen Marshall, Mayor Pro Tem of the City of Newport Beach, and Laura Lagios, Acting City Clerk of said City, do hereby certify and declare as follows:

That the City of Newport Beach, a municipal corporation in the County of Orange, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said city, being the legislative body thereof, on its own motion, submitted to the qualified electors of said city a certain proposal for the amendment of the Charter of said city at a special election duly and regularly called and held for that purpose in said city on the 8th day of November, 1966, said charter amendment being herein designated as Newport Beach Charter Amendment.

That on the 22nd day of September, 1966, said City Council caused said Newport Beach Charter Amendment to be duly and regularly published and advertised in each and every edition of said 22nd day of September, 1966, in the Newport Harbor Ensign, the official newspaper of said city, printed, published and circulated in said city.

That said special election was duly and regularly held in said city on the date fixed by said Council, to wit, November 8,

1966, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendment and the returns of said special election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify said Newport Beach Charter Amendment, hereinafter specifically set forth.

That said amendment to the Charter of said city so ratified by the voters of said city is as follows, to wit:

Newport Beach Charter Amendment

Section 1402(e) was added to the Charter to read as follows:

"Section 1402 (e). Exception to Section 1402.

Notwithstanding the provisions of Section 1402, the City Council may sell and convey that parcel of City-owned property fronting on Newport Bay described as follows:

That portion of Lot 2 in Section 33, Township 6 South, Range 10 West, of the San Bernardino meridian, in the City of Newport Beach, County of Orange, State of California, according to the official plat of said land filed in the District Land Office, August 4, 1890, lying northeasterly of the northeasterly line of Blocks 222 and 223 in Section A, Newport Beach, as per map recorded in Book 4, page 21, of Miscellaneous Maps, in the office of the County Recorder of said County and between the northeasterly prolongations of the northwesterly line of Lot 1 in Block 223 of said Tract and of the northwesterly line of Lot 1 of Tract No. 814, as per map recorded in Book 24, pages 35 and 36, of said Miscellaneous Maps."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said city, and find and certify that it is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Newport Beach to be affixed hereto this 19th day of December, 1966.

(SEAL)

DOREEN MARSHALL
Mayor Pro Tem of the City of Newport Beach, California
LAURA LAGIOS
Acting City Clerk of the City of Newport Beach, California

and

WHEREAS, Said proposed charter amendment as ratified (being hereinabove set forth) has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of

alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the aforementioned amendment to the Charter of the City of Newport Beach as proposed to, and adopted and ratified by, the qualified electors of said City of Newport Beach be and the same hereby is approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Newport Beach.

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## CHAPTER 6

*Assembly Concurrent Resolution No. 10—Approving amendments to the Charter of the County of Los Angeles, State of California, ratified by the qualified electors of the county at a general election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State January 13, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the acting clerk of the board of supervisors of the county as follows:

WHEREAS, The County of Los Angeles, State of California, has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the second day of June, 1913, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did, by resolution adopted on the thirtieth day of August, 1966, duly propose to the qualified electors of said County of Los Angeles three amendments to the charter of said county, designated as proposed County Charter Amendments Nos. A, B and C, respectively, and ordered that said amendments be submitted to said qualified electors of said county at the general election to be held in said county on the eighth day of November, 1966, which date was the day fixed by law for the holding of said general election; and

WHEREAS, Said proposed Charter Amendments Nos. A, B and C were published for 10 times in the Los Angeles Daily Journal, a daily newspaper of general circulation, printed, published and circulated in said county, to wit, on September 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, 1966; and

WHEREAS, Said board of supervisors, by said resolution adopted on said thirtieth day of August, 1966, did order the placing of said proposed charter amendments on the ballot of said general election to be held in said County of Los Angeles on said eighth day of November, 1966, which date was not less than 30 days nor more than 60 days after said publication of such proposals, as aforesaid, for 10 times in a daily newspaper of general circulation printed, published, and circulated in said county; and

WHEREAS, Said general election was held in said County of Los Angeles on said eighth day of November, 1966; and

WHEREAS, Thereafter, the registrar of voters of said County of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county and said clerk did on the sixth day of December, 1966, duly enter on the records of said board of supervisors a statement of the results of said canvass and said election; and

WHEREAS, At said general election held on said eighth day of November, 1966, all three of said proposed amendments were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of Los Angeles are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are in words and figures as follows, to wit:

PROPOSED COUNTY CHARTER AMENDMENT NO. A

That the Charter of the County of Los Angeles be amended by amending Subsection 4 of Section 11 thereof, to read:

(4). To provide, by ordinance, for the creation of offices other than those required by the constitution and laws of the State, and for the appointment of persons to fill the same, and to fix their compensation. The Board of Supervisors may also, by ordinance, consolidate or separate offices provided for in this Charter or by law.

PROPOSED COUNTY CHARTER AMENDMENT NO. B

That the Charter of the County of Los Angeles be amended by amending Sections 14 and 22 thereof, and adding Sections 22¼ and 22½ thereto, to read respectively:

Delete from the list of officers contained in Section 14 the words "Superintendent of Charities," and add to the list of officers contained therein, after "Treasurer," the following:

Director of Hospitals
Director of Public Social Services
Director of Adoptions

Sec. 22. The Director of Hospitals shall, under the direction of the Board of Supervisors, exercise general supervision over and enforce rules and regulations for the conduct and government of the County's hospitals, and of such other health, medical and charitable institutions and activities of the County as the Board of Supervisors may designate by ordinance. He shall perform such other duties as may be prescribed by the Board of Supervisors or by law.

Sec. 22¼. The Director of Public Social Services, under the direction of the Board of Supervisors, shall administer those activities and functions involved in providing aid or social services or both, within the limits authorized by law or ordinance, to persons who, because of their economic circumstances or social condition, are in need thereof and may benefit thereby. He shall perform such other duties as may be prescribed by the Board of Supervisors or by law.

Sec. 22½. The Director of Adoptions shall, under the direction of the Board of Supervisors, administer those activities and functions involved in providing assistance or services or both in connection with the adoption of persons, and all matters related thereto. He shall perform such other duties as may be prescribed by the Board of Supervisors or by law.

PROPOSED COUNTY CHARTER AMENDMENT NO. C

That the Charter of the County of Los Angeles be amended by adding Section 22¾ thereto, and amending Sections 14, 31 and 36 thereof, as follows:

Add to the end of the list of officers contained in Section 14 of the Charter the following:

Director of Personnel

Sec. 22¾. The Director of Personnel shall be appointed and perform duties as provided in Article IX hereof.

To enable a consolidation of personnel functions of the County, other than personnel functions which are the responsibility of other appointing authorities pursuant to the provisions of this Charter, the Board of Supervisors may prescribe that the Director of Personnel exercise general supervision over and enforce all or any portion of the rules and procedures of the County's personnel system including, but not being limited thereto, the making of reports and recommendations to the Board of Supervisors with respect to the compensation of County employees and the administration of rules and procedures to be followed in the County's employer-employee

relationships. All duties performed by the Director of Personnel, other than those performed pursuant to Article IX hereof, shall be under the direction of the Board of Supervisors.

Sec. 31. The Commission shall appoint the Director of Personnel who shall administer the Civil Service system under the direction of the Commission. The Director of Personnel shall, under the direction of the Board of Supervisors, perform such other duties as may be prescribed by said Board pursuant to the provisions of Section 22¾ hereof. The Director of Personnel shall appoint all assistants, deputies, and other persons in the department.

Delete from Section 36 of the Charter the reference to the "Chief Examiner" and insert in lieu thereof "Director of Personnel."

State of California }
County of Los Angeles } ss.

We, the undersigned, Frank G. Bonelli, Chairman of the Board of Supervisors of the County of Los Angeles, State of California and James S. Mize, Acting Clerk of the Board of Supervisors of said County of Los Angeles, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said County of Los Angeles, submitted to the electors of said county at the general election held in said county on said eighth day of November, 1966, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing are full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them, is true.

In witness whereof, we have hereunto set our hands and caused the same to be attested by the Acting Clerk of the Board of Supervisors and authenticated by the seal of the Board of Supervisors of the County of Los Angeles, this 19th day of December, 1966.

(SEAL)

FRANK G. BONELLI, Chairman, Board of Supervisors of the County of Los Angeles

JAMES S. MIZE, Acting Clerk of the Board of Supervisors of the County of Los Angeles

Attest:

JAMES S. MIZE, Acting Clerk of the Board of Supervisors of the County of Los Angeles, State of California

By MADELEINE JOHANN
Deputy

(SEAL)

and

WHEREAS, Said proposed amendments to the Charter of said County of Los Angeles, so ratified by the electors thereof, have been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution, and concurring therein,* That said amendments to the Charter of the County of Los Angeles as proposed by the board of supervisors of said county and as ratified by the electors of said county, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as a part of, the Charter of the County of Los Angeles, State of California.

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## CHAPTER 7

*Assembly Concurrent Resolution No. 8—Relative to the approval of those certain amendments to the Charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon, consolidated with the statewide general election, on the eighth day of November, 1966.*

[Filed with Secretary of State January 13, 1967.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of those certain amendments to the Charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the Mayor and the City Clerk of the City of Alhambra, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

State of California }
County of Los Angeles } ss:
City of Alhambra }

We, the undersigned, Norma L. Yocum, Mayor of the City of Alhambra, and Dorothy V. McKusick, City Clerk, do hereby certify and declare as follows:

The City of Alhambra, a Municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 60,000 inhabitants, and ever since the year 1915

has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a Special Election held for that purpose on the 14th day of October 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740).

The City Council of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. R66-211, adopted on the 6th day of September, 1966, duly proposed to the qualified electors of the City of Alhambra those certain Amendments to the Charter of said City, designated as Alhambra City Charter Amendment No. 1 and Alhambra City Charter Amendment No. 2, and ordered said Charter Amendments to be submitted to said qualified electors at a Special Municipal Election to be held thereon on the 8th day of November, 1966.

By Ordinance No. O66-3342, duly adopted on the 6th day of September, 1966, said City Council ordered the holding of a Special Municipal Election in said City of Alhambra on November 8, 1966, for the purpose of submitting to a vote the said proposed Charter Amendments.

By Resolution No. R66-198, adopted on August 16, 1966, said City Council requested the Board of Supervisors of the County of Los Angeles to order the consolidation of said Alhambra Special Municipal Election to be held on November 8, 1966, with the State of California General Election to be held by the County of Los Angeles on November 8, 1966. Said resolution further requested the Board of Supervisors of the County of Los Angeles to place upon the same ballot as that provided for said State of California General Election the aforesaid Alhambra City Charter Amendments. Said resolution further requested the Board of Supervisors to canvass the returns of said Alhambra Special Municipal Election.

On August 30, 1966, said Board of Supervisors of the County of Los Angeles, by Order No. 171, duly ordered said Alhambra Special Municipal Election to be consolidated with the State of California General Election to be held by the County of Los Angeles on November 8, 1966, and further ordered that said Alhambra City Charter Amendments be placed upon the same ballot as that provided for said State of California General Election and further ordered that the returns of said Alhambra Special Municipal Election be canvassed by the Registrar of Voters of Los Angeles County.

In accordance with Section 8 of Article XI of the Constitution of the State of California said proposed Charter Amendments were on September 20, 1966, duly published and ad-

vertised in the Post-Advocate, a daily newspaper of general circulation printed, published and circulated in the City of Alhambra, which newspaper is the official newspaper of said City.

Said proposed Amendments were duly and regularly printed in convenient form and at and during the time and in the manner provided by law a notice was published in said Post-Advocate that such copies of said proposed Amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed Amendments, so printed in convenient form, were duly and regularly distributed in the manner provided by law.

The date of said election on November 8, 1966, was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter Amendments as aforesaid.

Pursuant to said Charter, resolution and ordinances, the said proposed Amendments were submitted to the qualified electors of said City for their ratification on said November 8, 1966, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify Alhambra City Charter Amendment No. 1, and Alhambra City Charter Amendment No. 2.

Said Alhambra City Charter Amendments so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

Alhambra City Charter Amendment No. 1
(Changes Section 64 of Article IX)

"Article IX
City Attorney

Section 64. It shall be the duty of the city attorney to act as the legal advisor of the council, and of any other officer of the city who requests his advice and he shall give such advice or opinion in writing when so requested. He shall prepare all ordinances, contracts, resolutions, bonds and written instruments which may be required of him by the council, and shall approve the same as to form, in writing.

He shall prosecute all criminal cases arising out of violations of this charter and ordinances of the city, and, when authorized by law, shall prosecute any or all misdemeanor offenses arising out of violation of the laws of the state. Any deputy city attorney may be assigned the duty of acting as city prosecutor and may be charged with the duty of prosecuting the criminal cases and misdemeanor offenses referred to hereinabove.

The city attorney shall attend to all suits, proceedings and matters in which the city is legally interested; provided, that the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

He shall report to the council all items of the city's business coming to his knowledge, and perform such other duties as are or shall be required of him by this charter or by the laws of this state and ordinances not in conflict with such charter."

Alhambra City Charter Amendment No. 2
(Changes Section 136 of Article XIX)

"Article XIX
Contracts

Section 136. When proposals for performing any public work or furnishing materials are invited, the council may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the council may provide for the work to be done by the department of public works.

No contract shall provide for or authorize or permit the payment of more than ninety per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers."

We have compared the foregoing amendments with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendments to such Charter are true.

As to the said amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof we have hereunto set our hands and caused the corporate seal of the City of Alhambra to be affixed hereto this 14th day of November, 1966.

(SEAL)

NORMA L. YOCUM
Mayor of the City of Alhambra
DOROTHY V. McKUSICK
City Clerk of the City of Alhambra

and

WHEREAS, The said proposed charter amendments, as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the aforementioned amendments to the Charter of the City of Alhambra as proposed to, and adopted and ratified

by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the Charter of the City of Alhambra.

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## CHAPTER 8

*Senate Concurrent Resolution No. 3—Approving amendments to the Charter of the County of San Diego, State of California, ratified by the qualified electors of the county at a general election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State January 17, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the County of San Diego, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the county as follows:

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The Board of Supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolution and order adopted on September 13, 1966, duly propose to the qualified electors of said County of San Diego, amendments to the charter of said county, designated on the ballot as County Propositions A and B, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on November 8, 1966, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendments to the Charter of the County of San Diego were published for ten times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on September 22, 23, 24, 25, 26, 27, 28, 29, 30 and October 1, 1966; and

WHEREAS, Said general election was held in said County of San Diego on November 8, 1966, which said day was not

less than 30 days and not more than 60 days after said proposed amendments to said charter had been published for ten times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on November 8, 1966, at which said election said proposals were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on November 29, 1966, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on November 8, 1966, said proposed amendments to the Charter of the County of San Diego were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

COUNTY PROPOSITION A

Proposed Amendment to the Charter of the County of San Diego

That Section 78.1 of said charter be amended and a new Section 78.2 be added to said charter to read:

Section 78.1: Nothing in this Article shall prevent the County or any officer, board, commission or agency of the County from employing an independent contractor to provide services to the County where the Civil Service Commission has determined that it is impractical to have such services furnished by a person or persons employed in the classified service and the employment of such independent contractor will not require the removal, suspension, layoff or transfer of any employee in the classified service.

Section 78.2: Whenever the Board of Supervisors acting as the legislative body for the County of San Diego or for any special district for which it is ex officio the governing body determines to perform work under any special improvement proceeding law, it may provide by independent contract for engineering or legal services, or both, as may be needed for the accomplishment of all or any part of such proceeding.

COUNTY PROPOSITION B

Proposed Amendment to the Charter of the County of San Diego

That Section 34.3 of said charter be amended to read:

Section 34.3: The Controller shall prepare a monthly statement, not later than the 20th day of each month, showing such information with respect to the financial condition of each budget appropriation and the condition of estimated revenues as the Board of Supervisors requires. The statement shall be detailed as to assets, liabilities, income, expenditures and appropriations in such a manner as to show the financial condition of the County and of each fund and budget unit thereof for that portion of the fiscal year to and including the preceding calendar month. The statement shall also show the cash position of the County and the unencumbered balance in each fund as of the last day of the preceding month. A copy of each statement shall be filed by the Controller with the Board of Supervisors and with such other officials or persons as the Board of Supervisors may designate.

State of California }
County of San Diego } ss.

We, the undersigned, De Graff Austin, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on November 8, 1966, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof we have hereunto set our hands and caused the same to be authenticated by the seal of the said

Board of Supervisors of the County of San Diego this 15th day of December, 1966.

DE GRAFF AUSTIN
(SEAL) Chairman of the Board of Supervisors of the County of San Diego, State of California
ROBERT B. JAMES
County Clerk of the County of San Diego, State of California

Attest:
ROBERT B. JAMES
County Clerk of the County of San Diego, State of California

(SEAL)

and

WHEREAS, Said proposed amendments to the Charter of the County of San Diego, as ratified by a majority of the electors voting thereon at said general election held on November 8, 1966, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein,* That said amendments to the Charter of the County of San Diego, as proposed by the Board of Supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the Charter of the County of San Diego.

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## CHAPTER 9

*Assembly Concurrent Resolution No. 3—Approving an amendment to the Charter of the City of Sunnyvale, County of Santa Clara, State of California, ratified by the qualified electors of the city at a special election held therein on the eighth day of November 1966.*

[Filed with Secretary of State January 23, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Sunnyvale, County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and acting clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SUNNYVALE OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE

State of California
County of Santa Clara } ss.
City of Sunnyvale

We, the undersigned, William J. Fernandez, Mayor of the City of Sunnyvale, and Gordon R. Miller, Acting City Clerk of the City of Sunnyvale, do hereby certify and declare as follows:

That the City of Sunnyvale, a municipal corporation in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) and in excess of fifty thousand (50,000) inhabitants, and ever since the 7th day of June, 1949, has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City of Sunnyvale at an election held for that purpose on the 10th day of May, 1949, and approved by the Legislature of the State of California by concurrent resolution on June 2, 1949, and filed with the Secretary of State on June 7, 1949.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Sunnyvale, on its own motion, by its Resolution numbered 7677, adopted on August 23, 1966, duly and regularly submitted to the qualified electors of said City of Sunnyvale a certain proposal to amend the Charter of the City of Sunnyvale and to be voted upon by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 8th day of November, 1966, and consolidated with the General State Election of the City of Sunnyvale to be held in said City on said 8th day of November, 1966.

That said proposal was published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 23rd day of September, 1966, in the Standard Register Leader, a newspaper of general circulation published in the City of Sunnyvale, and in each edition thereof during said day of publication.

That said special municipal charter amendment election consolidated with the General State Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 8th day of November, 1966, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Standard Register Leader.

That printed copies of said proposal were caused to be mailed to each of the qualified electors of the City of Sunnyvale being a city with over 50,000 population, in accordance with and in the form and manner required in Section 8 of Article XI of the Constitution of the State of California, and a notice that copies of said proposal might be had upon application therefor was advertised in the Standard Register Leader, a newspaper of general circulation published in the City of Sunnyvale on September 23, 1966, and continuing until the 8th day of November, 1966, being the day fixed for the Special Municipal Charter Amendment Election consolidated with the General State Election.

That the last day to submit arguments for or against the said proposal for printing and distribution to the electors was fixed as the 7th day of October, 1966, by the City Clerk, and notice of the last day to submit arguments was published and advertised in the Standard Register Leader on the 23rd day of September, 1966; that one argument was submitted in favor of the proposal and was printed and distributed to the electors in accordance with the provisions of the Elections Code of California, and no argument was submitted in opposition to the proposal.

That the Board of Supervisors of the County of Santa Clara in its resolution adopted on the 6th day of September, 1966, ordering consolidation of the Special Municipal Charter Amendment Election with the General State Election, directed the Registrar of Voters of the County of Santa Clara to canvass the returns of the Special Municipal Charter Amendment Election and to report the returns of such municipal election when canvassed to the City Council of the City of Sunnyvale.

That the Registrar of Voters of the County of Santa Clara did, in the manner provided by law, duly and regularly canvass all ballots cast at said Special Municipal Charter Amendment Election consolidated with the General State Election, as aforesaid, and did, duly find and declare and report to the City of Sunnyvale on Nov. 25, 1966, that a majority of the qualified electors voting on the said proposal voted in favor thereof and that the said proposal to amend the Charter of said City was ratified.

That a majority of the qualified voters voting on the said proposal voted in favor of the ratification of and did ratify said proposal to amend said Charter of said City.

That said Charter amendment so ratified by the majority of the qualified electors of said City voting at said Special Municipal Charter Amendment Election is in words and figures following, to wit:

By amending Section 702 of Article VII of the Charter of the City of Sunnyvale, to read as follows:

"Section 702. Compensation.

In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty in or out of the City on order of the City Council, each member of the

City Council shall receive as salary, each month, the sum of $200 per month, and the Mayor shall receive as salary, each month, the sum of $300 per month, respectively. If a member of the City Council, or the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, his salary for such month shall be reduced by the sum of $25 for each meeting or study session not attended unless he is absent on official duty with the consent of or on order of the City Council."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Sunnyvale with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the Charter of the City of Sunnyvale is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and cause the seal of the City of Sunnyvale to be affixed hereto this 30th day of December, 1966.

(SEAL)

WILLIAM J. FERNANDEZ
Mayor of the City of Sunnyvale
GORDON R. MILLER
Acting City Clerk of the
City of Sunnyvale

and

WHEREAS, Said proposed amendment to the Charter of the City of Sunnyvale was ratified by a majority of the electors voting thereon at said election on November 8, 1966, has been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein,* That said amendment to the Charter of the City of Sunnyvale, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as part of, the Charter of the City of Sunnyvale.

## CHAPTER 10

*Assembly Concurrent Resolution No. 14—Approving an amendment to the Charter of the City of Los Angeles, County of Los Angeles, State of California, ratified by the qualified electors thereof at a special election consolidated with the general election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State January 29, 1967.]

WHEREAS, Proceedings have been held for the proposal, adoption and ratification of an amendment to the Charter of the City of Los Angeles, County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council and clerk of the city as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California }
County of Los Angeles } ss.
City of Los Angeles }

We, L. E. Timberlake, President of the Council of the City of Los Angeles, and Walter C. Thiel, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said, City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles a certain proposal for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special municipal election consolidated with the general election held in said City on the 8th day of November, 1966, all as required by law, which said proposal was designated as proposed charter amendment P.

That on the 23rd day of September, 1966, the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of September 23, 1966, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from September 23, 1966, to and including November 8, 1966; and a notice was advertised and published on and from September 23, 1966, to and including November 8, 1966, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a special municipal election consolidated with the general election held on November 8, 1966, in said City which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof as certified by the Registrar of Voters of the County of Los Angeles and transmitted by the City Clerk to the Council of said City, and the declaration of the Council of said City of Los Angeles, which pursuant to law met on December 22, 1966, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said Registrar of Voters.

That the said amendment to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

PROPOSED CHARTER AMENDMENT "P"

Sections 180, 181, 182, 182¼, 186, 186.1, 186.2 and 186½ of Article XVII of the Charter of the City of Los Angeles are amended, Sections 184.6 and 184.7 are added to said Article of said Charter and Sections 190.01, 190.02, 190.03, 190.04, 190.05, 190.06, 190.07, 190.08, 190.09, 190.10, 190.11, 190.12, 190.13, 190.14 and 190.15 are added as Article XVIII of said Charter, to read:

Sec. 180. The Board of Pension Commissioners shall administer the fire and police pension system of the City, and have exclusive control of the administration and investment of the Fire and Police Service Pension Fund and of the Fire and Police General Pension Fund which hereinafter are created and established; provided, however, that any moneys in said funds shall be kept on deposit in the City Treasury or be invested as herein provided. In making investments of moneys in said funds and in continuing to hold property in which such moneys are invested, the board shall exercise the same degree of judgment, care, good faith, reasonable prudence, discretion and intelligence as is required of a trustee by the provisions of Subdivisions (1) and (2) of Section 2261 of the California Civil Code, as amended to the effective date of this section but not as amended subsequent thereto. The board may adopt rules and regulations, and may change, amend or nullify the same, with respect to its investment policies which, however, shall be subject to the limitations contained in this section and not inconsistent with the provisions thereof. The board may invest, as to each of said funds separate and apart from each other, not more than thirty-five percent of the fund in equity-type securities, such as common and preferred stocks but not limited thereto, determined on a cost basis, forty percent or more of the fund in debt-type securities, such as bonds and debentures but not limited thereto, determined on a cost basis, not more than fifteen percent of the book value of the fund in bonds secured by first mortgages or notes secured by first deeds of trust on residential property, and not more than ten percent of the book value of the fund for financing permanent improvements of the City. All securities and other documents purchased by the board, regardless of the form, description or legal effect thereof, shall be placed in the custody of the City Treasurer who hereby is directed to act as a depositary thereof. The board shall adopt rules and regulations as to the procedure to be used by it in exercising its voting and other rights with respect to the securities and other documents purchased by it, and it shall retain a competent investment counsel or advisor to guide it in making its investments and, in making the same, the board also shall be governed by the standards specified hereunder.

Equity-type Securities—Common

To be eligible, stocks shall be registered on a national securities exchange and as provided in the Federal Securities Exchange Act, any amendment thereto or any subsequent legislation in place thereof, except for stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, life insurance companies, and fire or casualty insurance companies. Further, any stock to be eligible shall have paid dividends for not less than five consecutive years next preceding the date of investment. Not more than two percent of the fund, determined on a cost

basis, shall be invested in the common stock of a single corporation nor shall the total number of shares held in any single corporation by both funds exceed five percent of the issued and outstanding common shares of such corporation.

Equity-type Securities—Preferred

To be eligible, the issuing corporation, for a period of not less than three years next preceding the date of investment, shall have had net income, before fixed charges and taxes on income, equal to at least one and one-half times the sum of the average annual fixed charges plus preferred dividend requirements for such period (as used herein, fixed charges shall mean interest on funded or unfunded debt, amortization of debt discount and expense, and expense and rentals for leased property and, in the case of consolidated earnings statements of parent and subsidiary corporations shall include all fixed charges and preferred dividend requirements, if any such stock be held by others than the consolidated companies, of the subsidiaries); the issuing corporation shall not have defaulted in the payment of the principal or interest on any of its bonds or other evidence of indebtedness at any time during five years prior to the date of investment and, at the date of investment, shall not be in arrears in the payment of preferred stock dividends.

Debt-type Securities

To be eligible, such securities shall at the date of investment be rated, either provisionally or finally, within the three highest classifications established by at least two standard rating services, or be legal for investment by savings banks or pension and retirement funds under the provisions of the Financial Code of the State of California.

First Mortgages and First Deeds of Trust

To be eligible, payment of the principal of any bond secured by a first mortgage or of any note secured by a first deed of trust shall be insured by the United States Government for not less than ninety percent of the unpaid principal balance thereof at the time of its purchase by the board.

Permanent Improvements of the City

To be eligible, the financing of any permanent improvement of the City, by loan, investment or otherwise, shall yield or earn, by way of interest or otherwise, at least one-half percent more than shall be the yield, at the time of the loan, investment or other financing, on long-term bonds of the United States Government which, at that time, shall have maturity dates of more than fifteen years. Any such loan, investment or other financing may be made in any manner whatsoever, with or without the board's temporary ownership of real property and in accordance with all of

the terms and conditions therefor as shall be set forth in detail in an ordinance adopted by the Council which, however, shall not be mandatory upon the board which may either accept the same or reject it with or without cause. No such loan, investment or other financing shall be made by the board unless it shall be authorized by an order, motion or resolution adopted by all five members, and never less than all five members, of the board.

Sec. 181. Any member of the Fire or Police Department who shall have served in such department for twenty years or more in the aggregate in any capacity or rank whatever, on his request, or by order of the board, if it be deemed for the good of the department, shall be retired from further service in such department, and such member shall thereafter, during his lifetime, be paid in equal monthly installments a pension as follows: for twenty years' aggregate service, forty per cent (40%) of the average monthly rate of salary assigned to the ranks or positions held by such member during the three years immediately preceding the date of his retirement; and an additional two per cent (2%) of such average rate of salary for each year over twenty and less than twenty-five years in the aggregate served by such member before retirement; for twenty-five years' aggregate service, fifty per cent (50%) of the average monthly rate of salary assigned to the ranks or positions held by such member during the three years immediately preceding the date of his retirement; and an additional one and two-thirds per cent ($1\frac{2}{3}$%) of such average rate of salary for each year over twenty-five and less than thirty-five years in the aggregate served by such member before retirement; for thirty-five years or more aggregate service, two-thirds ($\frac{2}{3}$) of the average monthly rate of salary assigned to the ranks or positions held by such member during the three years immediately preceding the date of his retirement. Provided, further, however, that any such member of the Fire or Police Department who shall have become a member of such department prior to January 17, 1927, who shall have served in such department for thirty years in the aggregate in any capacity or rank whatever, shall, on his request, or by order of the board, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly installments a pension equal to two-thirds ($\frac{2}{3}$) of the average monthly rate of salary assigned to the ranks or positions held by such member during the three years immediately preceding the date of his retirement. Provided, that after twenty years' aggregate service, on request of such member who shall have become a member of such department prior to January 17, 1927, or by the board for the good of the department, such member shall be retired and paid in equal monthly installments a limited pension as follows: For twenty years' aggregate service, fifty per cent (50%) of the average monthly rate

of salary assigned to the ranks or positions held by such member during the three years immediately preceding the date of his retirement; and an additional one and two-thirds per cent (1⅔%) of such average rate of salary for each year over twenty years and less than thirty years in the aggregate served by such member before retirement.

In computing the aggregate period of service of a member of the Fire or Police Department for the purposes of this section, there shall be included the period or periods of time, if any, while such member was on disability retirement pursuant to the provisions of Sections 182 or 182¼ of this charter.

The provisions of this section are subject to the further conditions set forth in Section 181½ of this charter.

Sec. 182. Whenever any member of the Fire or Police Department shall become so physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of the duties of such person in such department as to render necessary his retirement from active service, the board shall order and direct that such member be retired from further service in such department; and thereafter such member so retired shall, during his lifetime, be paid a pension in an amount to be determined by the said board, but which pension shall be equal to not less than fifty per cent (50%), nor more than ninety per cent (90%), of the salary attached to the rank or position held by him in such department at the date of such retirement order. Such pension shall be paid in equal monthly installments. Provided, however, that any pension granted to any member of the Fire or Police Department for disability or sickness, as provided for in this section, shall cease when the disability or sickness ceases and such member shall, subject to civil service and other provisions of this charter governing the appointment of city employees, have been restored to active duty in such department of which such person was a member at the time of retirement to the same rank or position which such person held at said time. Provided, further, that the Board of Pension Commissioners shall have the power to hear and determine all matters pertaining to the granting and termination of any pension award as provided for in this section. Said board shall make its findings in writing, based upon the report of at least three regularly licensed, practicing physicians, and such other evidence concerning such disability as it may have before it. Said board shall determine the degree of disability and such determination shall govern the amount of pension to be awarded to such disabled member as hereinabove provided; and provided, further, that upon the written request of any such retired member, or upon its own motion, said board shall have the power, at any time prior to the restoration of such retired member to active service, to consider new evidence pertaining to the case of any such

retired member, and to increase or decrease the amount of such pension award to be thereafter paid.

Sec. 182¼. Any member of the Fire or Police Department who shall have served in such department for five years or more in the aggregate from the date of his last appointment to such department and who has become physically or mentally incapacitated by reason of injuries or sickness other than injuries received or sickness caused by the discharge of the duties of such person in such department, and who is incapable as a result thereof from performing his duties, shall be retired upon written application of such person or of any person acting in his behalf or of the head of the department in which such member is employed.

The board shall cause such member to be examined by and a written report thereon rendered by three regularly licensed, practicing physicians selected by said board, and shall hear such other evidence relating to such disability of such member as may be presented to said board. If, upon considering the report of such physicians and such other evidence as shall have been presented to it, said board finds that said member has become physically or mentally incapacitated by reason of the injuries or sickness other than injuries received or sickness caused by the discharge of the duties of such member in such department, and he is incapable as a result thereof of performing his duties, and if said board finds that such disability was not due to or caused by the moral turpitude of such member, he shall be retired from further service in such department, and thereafter such member so retired shall, during his lifetime, be paid a pension in an amount equal to forty per cent (40%) of the highest salary (exclusive of any amount payable by reason of assignment to special duty) attached to the rank of policeman or fireman at the date of such retirement order. Such pension shall be paid in equal monthly installments. Provided, however, that any pension granted to any member of the Fire or Police Department for disability or sickness as provided in this section shall cease when the disability or sickness ceases, and such member shall, subject to civil service and other provisions of this charter governing the appointment of city employees, have been restored to active duty in such department of which such person was a member at the time of retirement to the same rank or position which such person held at said time. Provided, further, that the Board of Pension Commissioners shall have the power to hear and determine all matters pertaining to the granting and termination of any pension award as provided for in this section.

This section shall be applicable only where a member is not entitled to a disability pension under the provisions of Section 182.

Sec. 184.6. Each pension granted pursuant to this Article, regardless of the type of the pension, which shall be less in amount than $250.00 per month as of the effective date of this

section shall be increased to the amount of $250.00 per month as of the first day of the month following such effective date, and the monthly amount of such pension thereafter shall not be reduced to a monthly amount less than such increased monthly amount except pursuant to Section 182½.

Sec. 184.7. The Board of Pension Commissioners, before May 1st of each year commencing with the year 1967, shall determine the percentage of the annual increase or decrease in the cost of living as of March 1st of that year from March 1st of the preceding year, as shown by the consumer price index published by the Bureau of Labor Statistics for the area in which the City of Los Angeles is located. If any such index were not to reflect the cost of living as of a particular March 1st, then the next preceding such index which had done so shall be used. If there were to be any change in the statistical method or the components which were used in any such index from those which were used in any such index of the preceding year with which a comparison is to be made, then said board, to the extent possible, shall adjust any such differences therein for the purpose of determining the percentage of increase or decrease in the cost of living.

Commencing as of July 1st of the year in which said board shall so determine the percentage of increase or decrease in the cost of living, the amounts of certain pensions, as hereinafter identified and upon the conditions hereunder stated therefor, shall be increased or decreased by reason of such determined percentage of increase or decrease in the cost of living but not to exceed, however, 2% in any given year. Such determined percentage of increase or decrease in the cost of living, as so limited, shall be applied to the amounts of such pensions which shall be payable for the preceding month of June, including any previous percentage of increase or decrease in the cost of living made with respect thereto.

The percentage of increase or decrease in the cost of living first shall be applied to:

(1) The pension of any person, whose pension shall be increased pursuant to Section 184.6, upon the July 1st following the effective date of this section;

(2) The pension of any retired member who had been retired or who shall be retired pursuant to Section 181 prior to July 1, 1967, upon a pension which shall not increase or decrease upon the basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon July 1, 1967 if he shall have attained the age of 55 years prior to that date, or, if he shall not have attained such age prior to that date, upon the July 1st following the date upon which he shall have attained such age;

(3) The pension of any retired member who shall be retired pursuant to Section 181 subsequent to July 1, 1967, upon a pension which shall not increase or decrease upon the

basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon the July 1st following the effective date of his pension if he shall have attained the age of 55 years prior to that date or, if he shall not have attained such age prior to that date, upon the July 1st following the date upon which he shall have attained such age;

(4) The pension of any widow, minor child or children or dependent parent or parents which had been or shall be granted pursuant to Section 183 prior to July 1, 1967, following the death of a retired member who had been retired pursuant to Section 181 or of an active member who had become eligible to retire pursuant thereto, and which pension shall not increase or decrease upon the basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon July 1, 1967 if such retired member or such active member, as the case may be, would have attained the age of 55 years prior to that date if he had been alive on that date or, if he would not have attained such age prior to that date if he had been alive on that date, upon the July 1st following the date upon which he would have attained such age if he had been alive on that date; and

(5) The pension of any widow, minor child or children or dependent parent or parents which shall be granted pursuant to Section 183 subsequent to July 1, 1967, following the death of a retired member who had been retired pursuant to Section 181 or of an active member who had become eligible to retire pursuant thereto, and which pension shall not increase or decrease upon the basis of any increase or decrease in the salaries of active members of the Fire Department or of the Police Department, upon the July 1st following the effective date of such pension if such retired member or such active member, as the case may be, would have attained the age of 55 years prior to that date if he had been alive on that date or, if he would not have attained such age prior to that date if he had been alive on that date, upon the July 1st following the date upon which he would have attained such age if he had been alive on that date.

The amount of any pension referred to in (1), (2), (3), (4) or (5) hereof never shall be reduced, by reason of the application thereto of this section, to an amount less than the amount to which any pension referred to in Section 184.6 shall be increased or to an amount less than the amount thereof originally granted.

If the percentage of increase or decrease in the cost of living in any year, as determined by said board, were to exceed 2% as compared with the cost of living as of March 1st of the preceding year, the percentage of increase or decrease in the cost of living in excess of 2% shall be carried over and added to or subtracted from the percentage of in-

crease or decrease in the cost of living in the succeeding year, and such procedure shall be complied with from year to year.

Sec. 186. Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Article, one of which shall be known as the "Fire and Police Service Pension Fund" and the other of which shall be known as the "Fire and Police General Pension Fund".

The Fire and Police Service Pension Fund shall consist of:

(a) Contributions made, pursuant to Section 186½, from the salaries of members of the Fire Department and of the Police Department;

(b) All moneys which shall be on deposit to the credit of the Service Pension Account of the formerly provided Fire and Police Pension Fund as of the effective date of this section; and

(c) All interest, earnings and profits resulting from investments of such moneys.

The Fire and Police General Pension Fund shall consist of:

(a) All receipts from taxes levied pursuant to Section 186.2;

(b) All moneys which shall be on deposit to the credit of the General Pension Account of the formerly provided Fire and Police Pension Fund as of the effective date of this section;

(c) All securities which, prior to the effective date of this section, were held in the name of the Board of Pension Commissioners;

(d) All interest, earnings and profits resulting from the securities referred to in (c) above and from other investments of such moneys; and

(e) All moneys transferred from the New System General Pension Fund created and established by Article XVIII of this Charter.

The moneys in the Fire and Police Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 181. The moneys in the Fire and Police General Pension Fund shall be used, other than for the investment thereof and except as hereinafter in this immediate paragraph provided, exclusively for the payment of all pensions other than service pensions. In the event that the moneys in the Fire and Police Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board of Pension Commissioners shall have the power and authority to cause the Controller of the City to transfer to said fund sufficient moneys therefor from the Fire and Police General Pension Fund. In no other event shall any of the moneys in either of said funds be commingled with any of the moneys in the other of said funds, whether as moneys or cash on deposit or as moneys invested.

Sec. 186.1. The Fire and Police Pension System shall be maintained on a reserve basis which, for the purposes of this article, shall mean one which provides for the accumulation and maintenance of the Fire and Police Service Pension Fund and the Fire and Police General Pension Fund which together will at all times be equal to the difference between the present value of the obligations assumed and the present value of the moneys to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of moneys with which they are to be paid in accordance with the provisions of Sections 186.2 and 186½.

The Board of Pension Commissioners, as soon as it may deem it to be practicable after the effective date of this section but prior to the beginning of the fiscal year 1967–1968 and in time for its use in preparing its annual budget for said year, shall secure an actuarial valuation showing the cost of maintaining said system and funds on such reserve basis and, at intervals of not to exceed five years, shall cause to be made an actuarial investigation including, but not limited to, the mortality, service and salary experience of the members and beneficiaries and shall further cause to be made annually an actuarial valuation of the assets and liabilities of said funds.

The assumed rate of interest with respect to the fiscal year 1967–1968 and to the first actuarial valuation shall be four percent per annum. Thereafter, said board, from time to time and with the advice of the investment counsel, shall establish such rate as in its judgment seems proper in the light of the experience and prospective earnings on the investments of said funds.

Said board shall retain a competent consulting actuary for the purpose of making the necessary actuarial studies and reports on the required investigations and valuations.

With the advice of the consulting actuary and of the investment counsel, said board, for the purpose of the actuarial valuations, shall provide by rule for the manner and to the extent to which any unrealized profits or losses in the equity-type investments of the funds shall be taken into consideration.

Sec. 186.2. Said board shall annually prepare and transmit to the Mayor, Council and Controller a budget setting forth the estimated cost of maintaining the Fire and Police Service Pension Fund and the Fire and Police General Pension Fund, which said budget shall include therein separate items as follows:

(1) A sum equal to that percentage of the salaries of all members of said pension system shown in the last rendered actuarial valuation to be required to cover the entry

age cost to be paid by the City on account of new entrants into the system, said entry age cost being defined as the level percentage of compensation of new entrants which must be paid into the Fire and Police General Pension Fund from their date of entry in order to provide the benefits under the system, less the contributions to be made by such new entrants during the period of their membership as provided in Section 186½; provided, however, that the board shall include in its budget for the fiscal year 1967–1968 a sum equal to 7.55% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(2) A sum equal to that percentage of the salaries of all members of said pension system shown in the last rendered actuarial valuation to be required to amortize the unfunded liabilities of the system; said unfunded liabilities being defined as the present value of all of the assumed obligations of the system, less the present value of the future contributions to be made by the City under the preceding subsection and by the members under Section 186½, and less the assets of the Fire and Police Service Pension Fund and of the Fire and Police General Pension Fund. The amortization period shall be seventy years beginning with the fiscal year 1967–1968, provided, however, that the board shall assume that the unfunded liabilities of the system shall be $258,000,000.00 as of July 1, 1967 and shall include in its budget for the fiscal year 1967–1968 a sum equal to 12 65% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

For the purpose of providing funds to meet the budget of the Fire and Police Pension System and of its Fire and Police Service Pension Fund and of its Fire and Police General Pension Fund the Council or Controller shall annually levy, in addition to all other taxes levied by the City, a tax clearly sufficient to provide the total amount of all items in said budget.

Sec 186½. Each member of the Fire and of the Police Department included within the pension provisions of this article shall contribute to said Fire and Police Service Pension Fund in the manner as hereinafter in this section provided.

The administrative head of each such department shall cause to be shown on each and every payroll of said department a deduction of six per cent (6%) of the amount of salary, as shown on each such payroll, of each such member whose name appears thereon, and shall certify to the Controller on each such payroll the amount to be deducted from the compensation of each such member whose name appears thereon, and shall cause to be drawn a payroll check in favor of the Board of Pension Commissioners for the total amount of deduction shown on each payroll of such department, and said board shall deposit said payroll check to the credit of the Fire and Police Service Pension Fund It shall be the duty of the administrative head of each department to cause to be furnished a

copy of each and every such payroll hereinbefore mentioned to the said Board of Pension Commissioners.

Each member shall be deemed to consent and agree to each deduction made as provided for herein, and the payment of each payroll check to such member shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such member during the period covered by such payroll, except such claims as such member may have to the benefits provided for in this article, and no such member or former member ever shall be entitled, for any cause or reason whatsoever, to be paid any of the moneys which have been or shall be deducted from his salary as hereinabove provided.

## Article XVIII
## Department of Pensions

Sec. 190.01. New Pension System

There hereby is created, established and adopted, separate and apart from the Fire and Police Pension System provided by Article XVII of this Charter, a pension system, which shall be known as the "New Pension System" but which hereinafter shall be referred to merely as "the New System", providing pension benefits for certain members of the Fire Department and of the Police Department of the City of Los Angeles and for certain other beneficiaries hereinafter designated.

Sec. 190.02. Definitions.

For the purposes of this Article and as used in the definitions hereunder, the following words and phrases shall have the meaning ascribed to them in this section, respectively, unless a different meaning is clearly indicated by the context.

(a) "Shall" is mandatory and "may" is permissive.

(b) Words of the masculine gender include the feminine gender and words of the feminine gender include the masculine gender.

(c) "City" means the City of Los Angeles.

(d) "Board" means the Board of Pension Commissioners referred to in Article XVII of this Charter

(e) "Member of the Fire Department" means a person duly and regularly appointed in the Fire Department, under civil service rules and regulations or provisions of this Charter, or both, governing the making of original regular and permanent appointments therein which require the serving of probationary periods but not of original emergency or temporary appointments therein, to perform duties as a fireman for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of said department, provided, however, that such person shall be a member of said department only until his status as such shall be terminated by reason of his retirement, resignation or discharge therefrom or for any other reason.

(f) "Member of the Police Department" means a person duly and regularly appointed in the Police Department, under civil service rules and regulations or provisions of this Charter, or both, governing the making of original regular and permanent appointments therein which require the serving of probationary periods but not of original emergency or temporary appointments therein and sworn in, as provided by law, to perform duties as a police officer for the City, under whatever designation such person may be described in any salary or departmental ordinance providing salaries for the members of said department, provided, however, that such person shall be a member of said department only until his status as such shall be terminated by reason of his retirement, resignation or discharge therefrom or for any other reason.

(g) "Department Member" means a person who is a member of the Fire Department or of the Police Department.

(h) "System Member" means a person who is a Department Member and whose pension rights and benefits are governed by this Article and not by Article XVII of this Charter.

(i) "Retired Member" means a person who is a former System Member whose active status as a Department Member had been terminated and who is receiving a pension pursuant to this Article.

(j) "Qualified Surviving Spouse" means a person who is the widow or widower of a deceased System Member or Retired Member who had been married (1) to the System Member for at least one year prior to the date of his or her non-service-connected death while a System Member, or (2) to the System Member as of the date of his or her service-connected death while a System Member, or (3) to the Retired Member for at least one year prior to the effective date of his or her retirement upon pension, provided, however, that such person shall be a qualified surviving spouse only until she shall marry.

(k) "Minor Child" means a person, but not including a person who is an illegitimate child of a deceased System Member or Retired Member who had not been legitimatized by such member, who is a legitimate child, a legitimatized child or an adopted child of such member, and who had not been adopted by a person of the same gender as such member prior to the date of his death, who is under the age of 18 years and who is not married, provided, however, that such person shall be a minor child only until he shall be adopted by a person of the same gender as such member, shall attain the age of 18 years or shall marry, whichever shall be the earlier.

(l) "Dependent Child" means a person, but not including a person who is an illegitimate child of a deceased System Member or Retired Member who had not been legitimatized by such member, who is a legitimate child, a legitimatized child or an adopted child of such member, and who had not been adopted by a person of the same gender as such member

prior to the date of his death, who is not married and who, while under the age of 21 years, had become disabled, either prior or subsequent to the date of death of such member, from earning a livelihood for any cause or reason whatsoever, other than by reason of his own moral turpitude or as a result thereof, provided, however, that such person shall be a dependent child only until he: (1) shall be adopted by a person of the same gender as such member or shall marry, whichever shall be the earlier, regardless of his age at the time of the occurrence of either such event and whether or not he then is disabled from earning a livelihood; or (2) shall attain the age of 18 years if neither of the events mentioned in (1) had occurred prior thereto and if, at that time, he is not disabled from earning a livelihood; or (3) shall cease to be disabled from earning a livelihood if none of the events mentioned in (1) and (2) had occurred prior thereto.

(m) "Dependent Parent" means a person who is a natural parent of a deceased System Member or Retired Member who was domiciled in the United States as of the date of death of such member and to or for whom such member, during at least 1 year immediately preceding his death, contributed $\frac{1}{2}$ or more of such person's necessary living expenses and who is unable to pay such expenses without the receipt of a pension, provided, however, that such person shall be a dependent parent only until he shall be able to pay his necessary living expenses.

(n) "Beneficiary" means a person, whether or not included in the foregoing definitions, who is receiving a pension pursuant to this Article.

(o) "Permanent Rank" means the rank or the position within the rank which shall be held, upon a permanent basis under applicable civil service rules and regulations or provisions of this Charter, or both, by the System Member immediately preceding the termination of his status as a Department Member, but does not mean any higher rank or any position within any higher rank in which the System Member then may be serving or theretofore may have served either a portion of a probationary period or pursuant to an emergency or temporary appointment therein.

(p) "Monthly Salary" means the gross monthly salary or $\frac{1}{12}$th of the gross annual salary which shall be provided by ordinance for the System Member's permanent rank as of the date of the termination of his status as a Department Member excluding, however, length of service pay and hazard pay as hereinafter defined.

(q) "Length of Service Pay" means any additional gross monthly pay or $\frac{1}{12}$th of any additional gross annual pay which, by reason of length of service, shall be provided by ordinance, upon the conditions therein set forth, for the System Member's permanent rank as of the date of the termination of his status as a Department Member.

(r) "Hazard Pay" means any additional gross monthly pay or $\frac{1}{12}$th of any additional gross annual pay which, by reason of assignment to perform helicopter duties, two-wheel motorcycle duties or any other hazardous duties, shall be provided by ordinance, upon the conditions therein set forth, for the System Member's permanent rank as of the date of the termination of his status as a Department Member.

(s) "Normal Pension Base" of any System Member means the sum of: (1) his monthly salary; (2) any length of service pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member; and (3) any hazard pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member or, if he had not received the same at either such time but had received such pay at some time prior thereto, 10% of the hazard pay which he had received at the time of the termination of his last assignment to hazardous duties for each full year of his assignment thereto not exceeding, however, 10 full years.

Notwithstanding any of the foregoing, if a Retired Member were to be restored to active duty as a Department Member and thereby again were to become a System Member and if he again were to retire or to be retired without having performed his duties for at least 1 year subsequent to such restoration, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him prior to such restoration, the Normal Pension Base which shall be applicable to his later retirement shall be the Normal Pension Base which had been applicable to his previous retirement.

(t) "Nonservice-Connected Pension Base" of any System Member means the sum of: (1) the highest monthly salary provided, as of the date of retirement or death of the System Member, for a Department Member then holding the basic rank of fireman or policeman; and (2) the highest length of service pay provided, as of the date of retirement or death of the System Member, for a Department Member then holding either of said basic ranks.

(u) "Year" means a period of 12 months or, in aggregating partial years for purposes of determining years of service, means 365 days.

(v) "Years of Service" means and includes only those periods during or for which the System Member as a Department Member of the Fire Department or of the Police Department, or of both, and whether prior or subsequent to his becoming a System Member: (1) did or shall receive salary, whether in full or reduced amounts thereof; (2) did or shall receive either a service-connected disability pension or a nonservice-connected disability pension, whether pursuant to Article XVII of this Charter or pursuant to this Article, provided, however, that he was or shall be restored to active duty as a

Department Member and did or shall perform his duties as such for at least 1 year prior to again retiring or being retired pursuant to this Article, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him prior to such restoration; (3) is or shall become entitled, under any provision of general law or ordinance of the City, to credit toward retirement for periods of military service or military leave; (4) did or shall receive workmen's compensation benefits for temporary disability on account of any injury or illness arising out of and in the course of employment; and (5) is or shall become entitled pursuant to any ordinance of the City.

In computing years of service, all partial years shall be aggregated but, after the aggregation thereof, any remaining partial year shall be disregarded in the computation of any pension.

Sec. 190.03. System Members.

Each person who shall be appointed as a Department Member on or subsequent to the effective date of this Article shall become a System Member as of the effective date of such appointment. Each person who was appointed as a Department Member prior to the effective date of this Article shall become a System Member as of the date upon which a request therefor shall be filed as provided by Section 190.04. In no event shall any other person become a System Member.

Sec. 190.04. Request to Become a System Member.

Each Department Member who was appointed as such prior to the effective date of this Article shall have the right to become a System Member and may exercise such right only by filing a request therefor with the Board or in the office of the Board within 1 year immediately following the effective date of this Article, except as is hereinafter otherwise provided. Each such Department Member who shall be serving in the armed forces of the United States as of such effective date and who thereafter shall return to active duty as a Department Member, within the time required for job rights and other benefits, may exercise such right only by filing a request therefor with the Board or in the office of the Board within 1 year immediately following such effective date or within 90 days immediately following such return to active duty, whichever shall be the later. Each person who shall be receiving a disability pension pursuant to Section 182 or to Section 182¼ of Article XVII of this Charter as of such effective date and who thereafter shall be restored to active duty as a Department Member may exercise such right only by filing a request therefor with the Board or in the office of the Board within 1 year immediately following such effective date or within 90 days immediately following such restoration to active duty, whichever shall be the later. The legally appointed, qualified and acting guardian of the estate of any such Department Member may exercise such right for and on behalf of the Department Member only by filing a request therefor with the

Board or in the office of the Board within 1 year immediately following such effective date, provided, however, that Court approval therefor first shall have been obtained.

The Board, for good cause and in its discretion, may extend the time within which any such Department Member or the guardian of the estate of any such Department Member may file such a request, whether the applicable period hereinabove prescribed therefor shall have or shall not have elapsed, and may impose whatever terms and conditions which it shall deem to be reasonable and just for the giving of any such extension of time.

Each such request shall be in writing, shall be signed by such Department Member and his spouse, if any, or by the legally appointed, qualified and acting guardian of the estate of such Department Member and such member's spouse, if any, shall contain his or their full and complete waiver of any and all present and future pension rights and benefits provided by Article XVII of this Charter, including derivative rights and benefits for widows and other beneficiaries, shall contain his or their full and complete release, discharge and acquittance of the City and the Board of and from any and all present and future liabilities for the payment of any such benefits pursuant to said Article XVII and shall contain his or their election to become a System Member. Each such request, upon the filing thereof with the Board or in the office of the Board, shall be irrevocable. The contents of such request need not be restricted to the aforementioned items and such request may include any and all provisions which the Board and the City Attorney may deem to be necessary or desirable to effectuate such full and complete release, discharge and acquittance by each such member and his spouse, if any, of the City and the Board of and from any and all present and future liabilities for the payment of any such benefits pursuant to said Article XVII, and the Board, after the effective date of this Article, shall have the power and authority to expend moneys for the preparation of such requests and for the distribution thereof to such Department Members.

Sec. 190 05. Administration.

The New System shall be under the exclusive management and control of the Board which, in its exercise thereof, shall make use of the same facilities which it uses or shall use to administer the Fire and Police Pension System provided by Article XVII of this Charter. In the discretion of the Board, the position of general manager of the Department of Pensions and the position of secretary to the Board may be consolidated. The Board shall keep in convenient form, in addition to its other records and accounts, such information and data as shall or may be necessary or desirable for the making of the actuarial valuations and investigations which are required for the purposes of this article.

The Board shall have the power and authority to prescribe the various forms which shall be used with respect to any of

the provisions of this Article, and to adopt any rules and regulations to effectuate the purposes of this Article which it, in its discretion, may deem to be necessary or desirable.

Each action of the Board, whether by order, motion, resolution or otherwise, shall be adopted by a vote of at least 3 of its members but never by a vote of 2 of its members out of a mere quorum of 3 of its members, except as is provided in Section 190.07 for the unanimous vote of all 5 members thereof with respect to investments in permanent improvements of the City, and no action of the Board shall be a final action until it, pursuant to Section 76 of this Charter, has been recorded in the Board's minutes with the ayes and noes set forth at length therein and attested by the signatures of the President or Vice-President, or 2 members of the Board, and by the signature of the Secretary of the Board.

Sec. 190.06. Funds of the New System.

Two entirely separate and distinct funds hereby are created and established for the payment of pension benefits pursuant to this Article, and for the payment of the administrative expenses of the New System and of the Fire and Police Pension System provided by Article XVII of this Charter, one of which shall be known as the "New System Service Pension Fund" and the other of which shall be known as the "New System General Pension Fund".

The New System Service Pension Fund shall consist of:

(a) Deductions made, pursuant to Section 190.10, from the salaries of System Members;

(b) All contributions and donations to the Fire Department or to the Police Department for services by any System Members, except amounts of money donated to provide for any medal or permanent competitive award;

(c) All fines imposed upon System Members for violations of rules and regulations of the respective department in which they are Department Members;

(d) All proceeds from the sale of unclaimed property; and

(e) All interest, earnings and profits resulting from investments of such moneys.

The New System General Pension Fund shall consist of:

(a) All receipts from taxes levied pursuant to Section 190.09;

(b) All moneys appropriated thereto by the Council of the City; and

(c) All interest, earnings and profits resulting from investments of such moneys.

The moneys in the New System Service Pension Fund shall be used, other than for the investment thereof, exclusively for the payment of service pensions granted pursuant to Section 190 11. The moneys in the New System General Pension Fund shall be used, other than for the investment thereof and except as hereinafter in this immediate paragraph specifically provided, exclusively for the payment of all pensions other than service pensions and of all administrative expenses of the

New System and of the Fire and Police Pension System provided by Article XVII of this Charter. In the event that the moneys in the New System Service Pension Fund should be insufficient, at any time, to pay all service pensions, then the Board shall have the power and authority to cause the Controller of the City to transfer to said fund sufficient moneys therefor from the New System General Pension Fund. In no other event shall any of the moneys in either of said funds be commingled with any of the moneys in the other of said funds, whether as moneys or cash on deposit or as moneys invested. In the event that the moneys in the Fire and Police Service Pension Fund or in the Fire and Police General Pension Fund, created and established by Article XVII of this Charter, should be insufficient, at any time, to pay all pensions which are payable therefrom, respectively, then the Board shall have the power and authority to cause the Controller of the City to transfer to either of said funds sufficient moneys therefor from the New System General Pension Fund Neither the New System Service Pension Fund nor the New System General Pension Fund shall be a trust fund for any purpose, and the obligations to pay benefits pursuant to this Article shall be general obligations of the City.

Sec. 190.07. Investments.

The Board shall have exclusive control of the administration and investment of the New System Service Pension Fund and of the New System General Pension Fund which hereinabove are created and established, provided, however, that any moneys in said funds shall be kept on deposit in the City Treasury or invested as hereinafter provided. In making investments of moneys in said funds and in continuing to hold property in which such moneys are invested, the Board shall exercise the same degree of judgment, care, good faith, reasonable prudence, discretion and intelligence as is required of a trustee by the provisions of subdivisions (1) and (2) of Section 2261 of the Civil Code of the State of California, as amended to the effective date of this Article but not as amended subsequent thereto. The Board may adopt rules and regulations, and may change, amend or repeal the same, with respect to its investment policies which, however, shall be subject to the limitations contained in this section and not inconsistent with the provisions thereof. The Board may invest, as to each of said funds separate and apart from each other, not more than 35% of the fund in equity-type securities, such as common and preferred stocks but not limited thereto, determined on a cost basis, 40% or more of the fund in debt-type securities, such as bonds and debentures but not limited thereto, determined on a cost basis, not more than 15% of the book value of the fund in bonds secured by first mortgages or notes secured by first deeds of trust on residential property, and not more than 10% of the book value of the fund for financing permanent improvements of the City. All securities and other documents purchased by the Board, regardless of the form,

description or legal effect thereof, shall be placed in the custody of the City Treasurer who hereby is directed to act as a depositary thereof.

The Board shall adopt rules and regulations as to the procedure to be used by it in exercising its voting and other rights with respect to the securities and other documents purchased by it, and it shall retain a competent investment counsel or advisor to guide it in making its investments and, in making the same, the Board also shall be governed by the standards specified hereunder.

Equity-type Securities—Common

To be eligible, stocks shall be registered on a national securities exchange and as provided in the Federal Securities Exchange Act, any amendment thereto and any subsequent legislation in place thereof, except for stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, life insurance companies, and fire or casualty insurance companies. Further, any stock to be eligible shall have paid dividends for not less than 5 consecutive years next preceding the date of investment. Not more than 2% of each fund, determined on a cost basis, shall be invested in the common stock of a single corporation nor shall the total number of shares held in any single corporation by both funds exceed 5% of the issued and outstanding common shares of such corporation.

Equity-type Securities—Preferred

To be eligible, the issuing corporation, for a period of not less than 3 years next preceding the date of investment, shall have had net income, before fixed charges and taxes on income, equal to at least 1½ times the sum of the average annual fixed charges plus preferred dividend requirements for such period (as used herein, fixed charges shall mean interest on funded or unfunded debt, amortization of debt discount and expense, and expense and rentals for leased property and, in the case of consolidated earnings statements of parent and subsidiary corporations shall include all fixed charges and preferred dividend requirements, if any such stock be held by others than the consolidated companies, of the subsidiaries); the issuing corporation shall not have defaulted in the payment of the principal or interest on any of its bonds or other evidence of indebtedness at any time during 5 years prior to the date of investment and, at the date of investment, shall not be in arrears in the payment of preferred stock dividends.

Debt-type Securities

To be eligible, such securities shall at the date of investment be rated, either provisionally or finally, within the 3 highest classifications established by at least 2 standard rating services, or be legal for investment by savings banks or pension

and retirement funds under the provisions of the Financial Code of the State of California.

First Mortgages and First Deeds of Trust

To be eligible, payment of the principal of any bond secured by a first mortgage or of any note secured by a first deed of trust shall be insured by the United States Government for not less than 90% of the unpaid principal balance thereof at the time of its purchase by the Board.

Permanent Improvements of the City

To be eligible, the financing of any permanent improvement of the City, by loan, investment or otherwise, shall yield or earn, by way of interest or otherwise, at least ½% more than shall be the yield, at the time of the loan, investment or other financing, on long-term bonds of the United States Government which, at that time, shall have maturity dates of more than 15 years. Any such loan, investment or other financing may be made in any manner whatsoever, with or without the Board's temporary ownership of real property and in accordance with all of the terms and conditions therefor as shall be set forth in detail in an ordinance adopted by the Council which, however, shall not be mandatory upon the Board which may either accept the same or reject it with or without cause. No such loan, investment or other financing shall be made by the Board unless it shall be authorized by an order, motion or resolution adopted by all 5 members, and never less than all 5 members, of the Board.

Sec. 190.08. Actuarial Standards.

The New System shall be maintained on a reserve basis which, for the purposes of this Article, shall mean one which provides for the accumulation and maintenance of the New System Service Pension Fund and the New System General Pension Fund which together will at all times be equal to the difference between the present value of the obligations assumed and the present value of the moneys to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of moneys with which they are to be paid in accordance with the provisions of Sections 190.09 and 190.10.

The Board, as soon as it may deem it to be practicable after the effective date of this Article but prior to the beginning of the fiscal year 1967–1968 and in time for its use in preparing its annual budget for said year, shall secure an actuarial valuation showing the cost of maintaining said system and funds on such reserve basis and, at intervals of not to exceed 5 years, shall cause to be made an actuarial investigation including, but not limited to, the mortality, service and salary experience of the System Members and

other beneficiaries and shall further cause to be made annually an actuarial valuation of the assets and liabilities of said funds.

The assumed rate of interest with respect to the fiscal year 1967–1968 and to the first actuarial valuation shall be 4% per annum. Thereafter, the Board, from time to time and with the advice of the investment counsel, shall establish such rate as in its judgment seems proper in the light of the experience and prospective earnings on the investments of said funds.

Said Board shall retain a competent consulting actuary for the purpose of making the necessary actuarial studies and reports on the required investigations and valuations.

With the advice of the consulting actuary and of the investment counsel, the Board, for the purpose of the actuarial valuations, shall provide by rule for the manner and to the extent to which any unrealized profits or losses in the equity-type investments of the funds shall be taken into account.

Sec. 190.09. Budget.

The Board annually shall prepare and transmit to the Mayor, the Council and the Controller a budget setting forth the estimated cost of maintaining the New System Service Pension Fund and the New System General Pension Fund, which said budget shall include therein separate items as follows:

(1) A sum equal to that percentage of the salaries of all System Members shown in the last rendered actuarial valuation to be required to cover the entry age cost to be paid by the City on account of new System Member entrants into the New System, said entry age cost being defined as the level percentage of salary of new System Member entrants which must be paid into the New System General Pension Fund from their respective dates of entry in order to provide the benefits pursuant to this Article, less the deductions to be made from the salaries of such new entrants, while they are System Members, as provided by Section 190.10; provided, however, that the Board shall include in its budget for the fiscal year 1967–1968 a sum equal to 7.55% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(2) A sum equal to that percentage of the salaries of all System Members shown in the last rendered actuarial valuation to be required to amortize the unfunded liabilities of the New System, said unfunded liabilities being defined as the present value of all of the assumed obligations of the system less (a) the present value of the future contributions to be made by the City pursuant to the preceding subsection, (b) the present value of the deductions to be made from the salaries of the System Members as provided by Section 190.10 and (c) the assets of the New System Service Pension Fund and of the New System General Pension Fund.

The amortization period shall be 70 years beginning with the fiscal year 1967–1968, provided, however, that the Board shall assume that the unfunded liabilities of the New System shall be $258,000,000.00 as of July 1, 1967 and shall include in its budget for the fiscal year 1967–1968 a sum equal to 12.65% of the estimated total payrolls, for said year, of the Fire Department and of the Police Department for all members of said departments.

(3) Administrative expenses of the New System and of the Fire and Police Pension System provided by Article XVII of this Charter.

For the purpose of providing funds to meet the budget of said New System and of its New System Service Pension Fund and of its New System General Pension Fund the Council or the Controller annually shall levy, in addition to all other taxes levied by the City, a tax clearly sufficient to provide the total amount of all items in said budget.

Should the New System, prior to or during the fiscal year 1967–1968, have insufficient funds in its New System Service Pension Fund or in its New System General Pension Fund, or in both, to pay pensions granted pursuant to this Article or to pay the administrative expenses of the System and of the Fire and Police Pension System provided by Article XVII of this Charter, then the Council shall appropriate sufficient moneys therefor to the New System General Pension Fund as a loan and such loan shall be repaid from the first available moneys in said fund.

Sec. 190.10 Deductions from Salaries of System Members

Deductions shall be made from the salaries of System Members, and such deductions shall be deposited to the credit of and paid into the New System Service Pension Fund, all as hereinafter provided in this section.

The administrative head of the Fire Department and of the Police Department shall cause to be shown on each and every payroll of such department a deduction equal to the sum of the following items:

(1) 6% of the amount of salary, as shown on each such payroll, of each System Member whose name appears thereon; and

(2) That percentage of the amount of salary, as shown on each such payroll, of each System Member whose name appears thereon, but not to exceed 1% thereof, which shall be equal to $\frac{1}{2}$ of the cost of the benefits provided by Section 190 14 as shall be determined by the Board upon an actuarial valuation obtained by it pursuant to Section 190 08, provided, however, that from the effective date of this Article through June 30, 1968 a deduction therefor of 1% of the salary of each System Member shall be made.

The Board, from time to time, shall certify in writing to the administrative head of each such department and to the Controller any change in the deductions to be made pursuant to (2) above, and any such change shall become effective as of the next following July 1.

The administrative head of each such department shall certify to the Controller on each such payroll the amount to be deducted from the salary of each System Member whose name appears thereon, and shall cause to be drawn a payroll check in favor of the Board for the total amount of deductions from the salaries of such System Members as shown on each payroll of such department, and the Board shall deposit said payroll check to the credit of the New System Service Pension Fund. It shall be the duty of the administrative head of each such department to cause to be furnished to the Board a copy of each and every such payroll.

Each System Member shall be deemed to consent and agree to each deduction as provided herein, and the payment of each payroll check to such System Member shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such System Member during the period covered by each such payroll check, except such claims as such System Member may have to the benefits provided by this Article, and no System Member, former System Member or Retired Member ever shall be entitled, for any cause or reason whatsoever, to be paid any of the moneys which shall be deducted from his salary as hereinabove provided.

Sec. 190.11. Service Pension.

Any System Member under the age of 65 years who shall have 20 years of service or more shall be retired by order of the Board from further active duty as a Department Member either (a) upon the filing of his written application therefor or (b) upon the filing of a written request therefor by or on behalf of the head of the department in which he is a Department Member if it shall be determined by the Board to be for the good of such department, other than for a cause or reason which would entitle such System Member to a disability pension pursuant to Section 190.12, and the Board, if it shall so determine, shall state the cause or reason therefor in its order retiring such System Member. Any System Member who shall have attained the age of 65 years, whether or not he shall file his written application therefor, shall be retired by order of the Board from further active duty as a Department Member effective not later than the first day of the month following the month during which he shall have attained such age unless the Board, prior to making its order retiring such System Member, shall be notified in writing by or on behalf of the head of the department in which he is a Department Member that it, after having required him to submit to a physical examination and after having read the medical report with respect thereto, had adopted an order, motion or resolution extending his active status as a Department Member for not more than 1 year from the date upon which he shall have attained such age. Any System Member who shall have attained the age of 65 years or over and whose active status as a Department Member shall have been so extended which, however,

may be done by the head of his department for only 1 year at a time but not beyond the age of 70 years, shall be retired by order of the Board, whether or not he shall file his written application therefor, from further active duty as a Department Member effective not later than the first day of the month following the month during which his extended active status as such shall have expired or during which he shall have attained the age of 70 years. Any such Retired Member shall be paid thereafter and for life a monthly service pension in an amount which shall be equal to a percentage of his Normal Pension Base, to wit: for less than 25 years of service, 2% thereof for each year of service; for 25 years of service, 55% thereof; and for each year of service over 25 years of service, an additional 3% thereof, not exceeding in all, however, a maximum of 70% thereof. No Retired Member, retired pursuant to this section, ever shall be paid any pension pursuant either to subsection (a) or to subsection (b) of Section 190.12.

Sec. 190.12. Disability Pensions.

(a) Service-Connected Disability. Upon the filing of his written application for a disability pension or upon the filing of a written request therefor by or on behalf of the head of the department in which he is a Department Member, any System Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result thereof from performing his duties, shall be retired by order of the Board from further active duty as a Department Member. Such Retired Member shall be paid thereafter and for life a monthly service-connected disability pension in an amount which shall be equal to the same percentage of his Normal Pension Base as the Board shall determine, from time to time, to be his percentage of disability. Such pension shall be in an amount not less than 50% and not more than 90% of such Retired Member's Normal Pension Base and not less than that percentage thereof which he, if he shall have had 25 years of service or more at the time of his retirement pursuant to this subsection of this section, would have received had he retired pursuant to Section 190.11, provided, however, that such pension may and shall be reduced, pursuant to Section 190.15, to an amount less than either or both of the aforementioned minimum amounts if the application of said section were to cause such result. Such pension may be terminated only pursuant to subsection (d) of this section. No Retired Member, while retired pursuant to this subsection of this section, ever shall be paid any pension pursuant either to Section 190.11 or to subsection (b) of this section.

(b) Nonservice-Connected Disability. Upon the filing of his written application for a disability pension by a System Member who shall have 5 years of service or more since the date of his last regular and permanent appointment as a De-

partment Member including his service of the required probationary period, or upon the filing of a written request therefor with respect to such a System Member by or on behalf of the head of the department in which he is a Department Member, any System Member whom the Board shall determine has become physically or mentally incapacitated by reason of injuries or sickness other than injuries received or sickness caused by the discharge of the duties of such person as a Department Member, and who is incapable as a result thereof from performing his duties, and if the Board further shall determine that such disability was not due to or caused by the moral turpitude of such System Member, shall be retired by order of the Board from further active duty as a Department Member. Such Retired Member shall be paid thereafter and for life a monthly nonservice-connected disability pension in an amount which shall be equal to 40% of his Nonservice-Connected Pension Base. Such pension may be terminated only pursuant to subsection (d) of this section. No Retired Member, while retired pursuant to this subsection of the section, ever shall be paid any pension pursuant either to Section 190 11 or to subsection (a) of this section.

(c) Determination of Disability. Upon the filing of any written application or request for a disability pension, as referred to in subsections (a) and (b) of this section, the Board: (1) shall cause the System Member to be examined by and a written report thereon rendered by at least three regularly licensed and practicing physicians selected by it; (2) shall hold a hearing with respect to such application or request; and (3) shall receive or hear such other evidence relating to or concerning the System Member's disability or claimed disability as may be presented to it. The Board shall have the power to hear and determine all matters pertaining to the granting and denying of any such application or request for a disability pension. The Board first shall determine whether or not the System Member is incapable of or from performing his duties as a Department Member. If the Board were to determine that he is not so incapable, it then shall be the duty of the Board to deny the application or request. If the Board were to determine that he is so incapable, it then shall determine, pursuant to the language used in subsections (a) and (b) of this section, whether his incapacity or disability is service-connected or nonservice-connected. If the Board were to determine that it is service-connected, it then shall determine the percentage of his incapacity or disability, within the limitations prescribed in subsection (a) of this section, and shall grant the application or request accordingly. If the Board were to determine that it is nonservice-connected, it then shall determine whether his incapacity or disability was due to or caused by the moral turpitude of the System Member. If the Board were to determine that it was so caused, it then shall be the duty of the Board to deny the application or request. If the Board were to determine that it was not so caused, it shall grant the ap-

plication or request in the percentage prescribed by subsection (b) of this section. The Board, upon its own motion or upon the written request of any Retired Member, retired pursuant to subsection (a) of this section, shall have the power to consider new evidence pertaining to the case of any such Retired Member and to increase or decrease the percentage of his incapacity or disability within the limitations prescribed in subsection (a) of this section, provided, however, that any such increase or decrease shall be based only upon injuries or sickness for which he was retired. In the case of any former System Member who became such by reason of his resignation or discharge as a Department Member, the Board, in order to grant any application filed by him for a disability pension, must also determine, in addition to all of the foregoing, that any existing incapacity or disability upon his part occurred prior to the termination of his active status as a Department Member and had been continuous up to the date of the Board's determinations. Any determination of the Board shall be made in writing but need state only the ultimate fact and not any of the evidentiary facts.

(d) Termination of Disability Pensions. The pension of any Retired Member, retired pursuant to subsection (a) or to subsection (b) of this section and whose active status as a Department Member had been terminated by reason of his retirement, shall cease when the incapacity or disability for which he had been retired shall cease and he either: (1) shall have been restored to active duty as a Department Member in the same permanent rank which he had held as of the date of his retirement; or (2) shall have been ordered restored to active duty as a Department Member in such same permanent rank and shall have declined, refused or neglected to report therefor or to perform duties as such. The pension of any Retired Member, retired pursuant to subsection (a) or to subsection (b) of this section and whose active status as a Department Member had been terminated by reason of his resignation or discharge as such, shall cease when the incapacity or disability for which he had been retired shall cease. The Board shall have the power to hear and determine, upon its own motion or otherwise, all matters pertaining to the terminating of any such pension. Any determination of the Board to terminate any such pension shall be made in writing but need state only the ultimate fact and not any of the evidentiary facts.

Sec. 190.13. Pensions for Other Beneficiaries.

(a) Pension for Qualified Surviving Spouse.

(1) System Member's Service-Connected Death. The qualified surviving spouse of a System Member who shall die while he is a Department Member, by reason of injuries received or sickness caused by the discharge of his duties, shall be paid, for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which

shall be equal to 50% of such System Member's Normal Pension Base.

(2) System Member's Nonservice-Connected Death. The qualified surviving spouse of a System Member who shall have 5 years of service or more since the date of his last regular and permanent appointment as a Department Member including his service of the required probationary period and who shall die while he is a Department Member, by reason of injuries or sickness other than injuries received or sickness caused by the discharge of his duties, shall be paid, for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which shall be equal to 40% of such System Member's Nonservice-Connected Pension Base.

(3) System Member's Death While on Service-Connected Disability Pension. The qualified surviving spouse of a Retired Member, who shall die while he is receiving a pension pursuant to subsection (a) of Section 190.12, shall be paid, for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which shall be equal to 50% of such Retired Member's Normal Pension Base.

(4) System Member's Death While on Nonservice-Connected Disability Pension. The qualified surviving spouse of a Retired Member, who shall die while he is receiving a pension pursuant to subsection (b) of Section 190.12, shall be paid, for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which shall be equal to 40% of such Retired Member's Nonservice-Connected Pension Base.

(5) System Member's Death While on Service Pension. The qualified surviving spouse of a Retired Member, who shall die while he is receiving a pension pursuant to Section 190.11, shall be paid, for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which shall be equal to the same percentage of such Retired Member's Normal Pension Base as the percentage thereof which had been applicable to the calculation of his pension, provided, however, that the percentage of his Normal Pension Base shall not exceed 55% for the purposes of this subsection of this section.

(6) System Member's Death While Eligible for Service Pension. The qualified surviving spouse of a System Member who shall die, while he is a Department Member eligible for a pension pursuant to Section 190.11, by reason of injuries or sickness other than injuries received or sickness caused by the discharge of his duties, shall be paid, for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which shall be equal to the same percentage of such System Member's Normal Pension Base as the percentage thereof which would have been applicable to the calculation of his pension had he retired pursuant to Section 190.11 as of the date of his death, provided, however,

that the percentage of his Normal Pension Base shall not exceed 55% for the purposes of this subsection of this section.

(7) Additional Pension Amounts. Whenever any System Member or Retired Member shall die and leave surviving him, in addition to a qualified surviving spouse, a minor child or children or a dependent child or children of his marriage to the qualified surviving spouse, then such qualified surviving spouse shall be paid, but only while she is a qualified surviving spouse, an additional monthly pension in an amount which shall be equal to 25% of the amount of her pension as a qualified surviving spouse granted pursuant to any of the foregoing paragraphs of this subsection of this section while there is 1 minor child or dependent child, 40% thereof while there are 2 minor children or dependent children or a combination thereof, and 50% thereof while there are 3 or more minor children or dependent children or a combination thereof, and such additional monthly pension shall be the exclusive property of such qualified surviving spouse and not the property of any such minor child or dependent child.

Whenever any System Member or Retired Member shall die and leave surviving him, in addition to a qualified surviving spouse, a minor child or children or a dependent child or children of his marriage to a former spouse, then the guardian or guardians of the estate or estates of any such minor child or children or dependent child or children shall be paid, but only while the qualified surviving spouse is a qualified surviving spouse, a monthly pension in an amount which shall be equal to 25% of the amount of the pension of the qualified surviving spouse granted pursuant to any of the foregoing paragraphs of this subsection of this section while there is 1 minor child or dependent child, 40% thereof while there are 2 minor children or dependent children or a combination thereof, and 50% thereof while there are 3 or more minor children or dependent children or a combination thereof, and such monthly pension shall be the exclusive property of such minor child or children or dependent child or children and not the property of the qualified surviving spouse.

Whenever any System Member or Retired Member shall die and leave surviving him, in addition to a qualified surviving spouse, a minor child or children or a dependent child or children of his marriage to the qualified surviving spouse and a minor child or children or a dependent child or children of his marriage to a former spouse, then a monthly pension shall be paid, but only while the qualified surviving spouse is a qualified surviving spouse, in an amount which shall be equal to 25% of the amount of the pension of the qualified surviving spouse granted pursuant to any of the foregoing paragraphs of this subsection of this section while there is 1 minor child or dependent child, 40% thereof while there are 2 minor children or dependent children or a combination thereof, and 50% thereof while there are 3 or more minor children or dependent children or a combination thereof. The amount of such monthly

pension shall be divided by the number of minor children or dependent children and shall be adjusted accordingly whenever any minor child or dependent child shall cease to be such. The qualified surviving spouse shall be paid the portion of such monthly pension which shall be applicable to the number of her minor children or dependent children and the same shall be her exclusive property. The guardian or guardians of the estate or estates of the minor children or dependent children who are not those of the qualified surviving spouse shall be paid the portion of such monthly pension which shall be applicable to such minor children or dependent children and the same shall be the exclusive property of such children.

(8) Reinstatement of Pension of Reinstated Qualified Surviving Spouse. Any qualified surviving spouse who shall marry and thereby cease to be a qualified surviving spouse, shall be reinstated as a qualified surviving spouse as of the date upon which a judgment or decree shall become final dissolving such marriage upon any ground or declaring a void or voidable marriage to have been null and void or voided, provided, however, that such date shall be within 5 years from the date of the marriage ceremony. Such reinstated qualified surviving spouse shall be entitled to the reinstatement of her pension effective as of the date upon which such a judgment or decree shall become final but shall not be entitled to the payment of any pension for the period prior to such date and subsequent to the date of the marriage ceremony. The pension paid to any other Beneficiary or Beneficiaries during the period of the marriage or purported marriage of such reinstated qualified surviving spouse shall cease when her pension shall be reinstated, except as is otherwise provided in paragraph (7) of this subsection of this section. However, should such reinstated qualified surviving spouse thereafter be a party to another marriage ceremony, her pension as such shall cease and never again shall be reinstated regardless of whether such marriage ceremony shall result in a valid marriage or in a voidable or void marriage and whether or not the same legally shall be terminated.

(b) Pension for Minor Child or Children and Dependent Child or Children. Whenever any System Member or Retired Member shall die, without leaving a qualified surviving spouse, the guardian of the estate of his minor child or dependent child shall be paid, until he shall cease to be a minor child or dependent child, a monthly pension pursuant to paragraph (1), to paragraph (2), to paragraph (3), to paragraph (4), to paragraph (5), or to paragraph (6) of subsection (a) of this section, whichever shall be applicable. Whenever any such member shall die, leaving a qualified surviving spouse who thereafter shall cease to be a qualified surviving spouse, the guardian of the estate of his minor child or a dependent child shall be paid, until he shall cease to be a minor child or dependent child, a monthly pension pursuant to one of the aforementioned paragraphs of subsection (a) of this section,

whichever shall be applicable. In either of the foregoing events and if there were to be more than 1 minor child or dependent child, equal shares of such monthly pension shall be paid to the guardian or guardians of their estate or estates and shall be adjusted as each of them shall cease to be such in the manner set forth in paragraph (7) of subsection (a) of this section.

(c) Pension for Dependent Parent or Parents. Whenever any System Member or Retired Member shall die, without leaving a qualified surviving spouse or a minor child or dependent child, a monthly pension pursuant to paragraph (1), to paragraph (2), to paragraph (3), to paragraph (4), to paragraph (5) or to paragraph (6) of subsection (a) of this section, whichever shall be applicable, shall be paid to his dependent parent or parents or to the survivor of them until each such dependent parent shall cease to be such. Any dependent parent who shall cease to be such but who thereafter again shall become unable to pay his or her necessary living expenses without a pension shall be entitled to have his or her pension reinstated.

(d) Determinations With Respect to Cause of Death, Dependent Child and Dependent Parent. The Board shall have the same power as that which has been given to it by subsections (c) and (d) of Section 190.12 in order to determine: (1) the fact of whether a System Member's death was service-connected or nonservice-connected for the purposes of paragraphs (1) and (2) of subsection (a) of Section 190.13; (2) the fact of whether or not a child of a deceased System Member or Retired Member is a dependent child; and (3) whether or not any parent of a deceased System Member or Retired Member is a dependent parent. The Board also shall have the power to determine, from time to time, the fact of whether or not a child who had been determined by it to be a dependent child continues to be a dependent child, the fact of whether or not a parent who had been determined by it to be a dependent parent continues to be a dependent parent and the fact of whether or not a dependent parent who had ceased to be such thereafter shall have become entitled to have his or her pension reinstated.

Sec. 190.14. Cost of Living Adjustments to Certain Pensions.

(a) Determination of Cost of Living Increase or Decrease. The Board, before May 1st of each year commencing with the year 1967, shall determine the percentage of the annual increase or decrease in the cost of living as of March 1st of that year from March 1st of the preceding year, as shown by the consumer price index published by the Bureau of Labor Statistics for the area in which the City is located. If any such index were not to reflect the cost of living as of a particular March 1st then the index for the closest preceding date which shall have done so shall be used. If there were to be any change in the statistical method or the components which were used

in any such index from those which were used in any such index of the preceding year with which a comparison is to be made, then the Board, to the extent possible, shall adjust any such differences therein for the purpose of determining the percentage of increase or decrease in the cost of living.

(b) Adjustments to be Made in Pensions. Commencing as of July 1st of the year in which the Board shall determine the percentage of increase or decrease in the cost of living, the amounts of certain pensions, as hereinafter identified and upon the conditions hereunder stated therefor, shall be increased or decreased by reason of such determined percentage of increase or decrease in the cost of living but not to exceed, however, 2% in any given year. Such determined percentage of increase or decrease in the cost of living, as so limited, shall be applied to the amounts of such pensions which shall be payable for the preceding month of June, including any previous percentage of increase or decrease in the cost of living which had been made with respect thereto.

The percentage of increase or decrease in the cost of living first shall be applied to:

(1) The pension of any Retired Member who shall retire pursuant to Section 190.11, with less than 25 years of service, upon the July 1st following the date upon which he would have had 25 years of service if he had not retired prior thereto;

(2) The pension of any Retired Member who shall retire pursuant to Section 190.11, with 25 years of service or more, upon the July 1st following the effective date of his pension;

(3) The pension of any Beneficiary or Beneficiaries which shall be granted pursuant to paragraph (5) or to paragraph (6) of subsection (a) of Section 190.13 following the death, with less than 26 years of service, of a Retired Member who had been retired pursuant to Section 190.11 or of a System Member who had become eligible to retire pursuant thereto, upon the July 1st following the date upon which such Retired Member or such System Member, as the case may be, would have had 26 years of service if he, the Retired Member, had not retired prior thereto and had been alive on that date, or if he, the System Member, had been alive on that date.

(4) The pension of any Beneficiary or Beneficiaries which shall be granted pursuant to paragraph (5) or to paragraph (6) of subsection (a) of Section 190.13 following the death, with 26 years of service or more, of a Retired Member who had been retired pursuant to Section 190.11 or of a System Member who had become eligible to retire pursuant thereto, upon the July 1st following the effective date of the pension of such Beneficiary or Beneficiaries.

The percentage of increase or decrease in the cost of living shall be applied to the pension of a reinstated qualified surviving spouse, as reinstated pursuant to paragraph (8) of subsection (a) of Section 190.13, the same as if she theretofore had not ceased to be a qualified surviving spouse, includ-

ing any percentage of increase or decrease in the cost of living which had been applied to the pension of any minor child or children or dependent child or children who had been paid the pension after the qualified surviving spouse had ceased to be such and before she became a reinstated qualified surviving spouse.

The amount of any pension referred to in (1), (2), (3) and (4) hereof never shall be reduced, by reason of the application thereto of this subsection of this section, to an amount less than the amount thereof originally granted.

(c) Further provisions as to Adjustments. If the percentage of increase or decrease in the cost of living in any year, as determined by the Board, were to exceed 2% as compared with the cost of living as of March 1st of the preceding year, the percentage of increase or decrease in the cost of living in excess of 2% shall be carried over and added to or subtracted from the percentage of increase or decrease in the cost of living in the succeeding year, and such procedure shall be complied with from year to year.

Sec. 190.15. Effect of Receipt of Compensation.

For the purposes of this section, "compensation" is defined as every payment provided for by any general law providing benefits for injury, sickness or death caused by or arising out of employment, and also includes payments made to satisfy any claim for damages to the extent that such payments relieve of the obligation to pay compensation under any such general law. If, pursuant to general law, an award of compensation shall be made or compensation shall be paid on account of injury, sickness or death caused by or arising out of employment as a Department Member then, and in that event, the total amount of any pension granted pursuant to this Article shall be deemed to be, and shall be, reduced by the total amount of the compensation so awarded or so paid and the amount remaining after such reduction therefrom shall be deemed to be, and shall be, the pension so granted; provided, however, that any pension granted pursuant to Section 190.11 shall not be reduced by any compensation which shall be awarded or paid, nor shall any pension be reduced by any compensation which shall be awarded or paid to any Retired Member retired pursuant to Section 190.11 or to any System Member who shall die while eligible to retirement pursuant to said section. In the event that any such award shall be made or compensation shall be paid, any installment payments which shall be made pursuant to this Article shall be deemed to be, and shall be, payments of such award or compensation and shall be applied to the payment of any such award or compensation and any portion of the installment payments which shall not be so applied shall be deemed to be, and shall be, payments of the pension so granted. Pension installment payments shall be made only to the extent that the cumulative sum of the installment payments of pension provided for in this Article and accrued and paid shall exceed the cumulative

sum of the award or compensation paid. No deductions which shall be made from the salary of any System Member and deposited to the credit of the New System Service Pension Fund shall cover, directly or indirectly, the cost of any compensation but shall be applied only to the cost of pensions which shall be granted pursuant to Section 190.11.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 9th day of January, 1967.

(SEAL)

L. E. TIMBERLAKE
President of the Council of the City of Los Angeles
WALTER C. THIEL
City Clerk of the City of Los Angeles

and

WHEREAS, Said proposed amendment to the Charter of the City of Los Angeles as ratified by a majority of the electors voting thereon at said election on November 8, 1966, has been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the Members elected to both houses voting for the adoption of the resolution and concurring therein,* That said amendment to the Charter of the City of Los Angeles as ratified by the electors of said city, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment to, and as part of, the Charter of the City of Los Angeles.

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## CHAPTER 11

*Senate Concurrent Resolution No. 6—Relative to the Joint Legislative Committee for the Revision of the Penal Code.*

[Filed with Secretary of State January 31, 1967]

WHEREAS, The Joint Legislative Committee for the Revision of the Penal Code, created by Chapter 1797 of the Statutes

of 1963, was directed to conduct a study and appraisal of existing penal laws and related procedures and statutes, and to prepare and submit to the Legislature and Governor a revision of those laws; and

WHEREAS, The committee was further directed to submit a report and proposed draft to the Legislature and the Governor by February 1, 1967; and

WHEREAS, Due to the extensive and complex nature of the subject, the committee will not complete its study by the report date fixed by the Legislature, and requires additional time to do so; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Joint Legislative Committee for the Revision of the Penal Code is hereby directed to continue the study and other tasks undertaken by it pursuant to Chapter 1797 of the Statutes of 1963, and, for that purpose, may expend any funds that have been allocated to it by the Legislature or that may be so allocated to it in the future.

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## CHAPTER 12

*Assembly Concurrent Resolution No. 6—Relative to the selection of the Legislative Counsel of California.*

[Filed with Secretary of State February 1, 1967.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That pursuant to Section 10201 of the Government Code, George H. Murphy is selected Legislative Counsel of California.

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## CHAPTER 13

*Assembly Concurrent Resolution No. 12—Approving charter amendments to the Charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the seventh day of June 1966.*

[Filed with Secretary of State February 1, 1967]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the

certificate of the mayor and clerk of the council of the city as follows:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN IN ADOPTION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA ANA AT A SPECIAL MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE ELECTION HELD ON JUNE 7, 1966

State of California }
County of Orange } ss
City of Santa Ana }

We, the undersigned, Harry H. Harvey, Mayor of the City of Santa Ana, and Doris M. Brown, Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Santa Ana, in the County of Orange, State of California, is now and at all times herein mentioned was a municipal corporation, duly organized and existing under and pursuant to the provisions of a Charter adopted in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, by the electors of said City on the 4th day of November, 1952, and was thereafter duly approved by Assembly Concurrent Resolution No. 10 adopted by both the Assembly and the Senate of the State of California on January 8th, 1953.

That on the 21st day of March, 1966, the City Council of the City of Santa Ana passed and adopted Ordinance NS-838 calling for a Special Municipal Election to be held in the City of Santa Ana, California, on June 7, 1966, for the purpose of submitting to the electors of said City certain propositions proposing to amend sections of the Charter of the City of Santa Ana and to add Section 704.1 to said Charter, and setting forth the propositions to appear upon the ballot and containing the exact language of the sections as they will read if and after the same should be added or amended, and the language of the propositions to be placed upon the ballot; requesting the Board of Supervisors of the County of Orange to grant permission for and to order consolidation of the Special Election called to be held in the City of Santa Ana on June 7, 1966, with the Statewide election to be held on said date; authorizing the Board of Supervisors of Orange County to canvass the returns of said Special Election with said Statewide Election; further authorizing said Board of Supervisors to form the precincts of the City of Santa Ana, to fix the polling places, to appoint the precinct boards and provide for the expenses of said Election; that the election officers serving in said consolidated Election shall receive compensation for their services as fixed by the Board of Supervisors; and that the polls shall be open from 7:00 A.M. until 8:00 P.M.;

That the Board of Supervisors of Orange County regularly adopted a Resolution granting the request contained in said

Santa Ana City Ordinance NS-838 and consolidating said Special Municipal Election with the Statewide Election to be held June 7, 1966;

That on April 28, 1966, Notice of Proposed Amendments to the Charter of the City of Santa Ana was regularly published as required by law; and Notice that copies of the sections of said Charter proposed to be added or amended could be had by application therefor in Room 303, Third Floor, City Hall, Third and Main Street, Santa Ana, California, was published upon every day beginning April 28, 1966, and ending June 6, 1966; that Ordinance NS-838, providing for the holding of said Special Election in consolidation with the Statewide Election was regularly adopted on March 21, 1966, by the City Council of the City of Santa Ana, and published on March 26, 1966; that all notices required to be published were regularly published in the official newspaper of the City of Santa Ana in the time provided therefor by the laws of the State, the Charter of the City of Santa Ana, and the Constitution of the State of California; and that copies of said proposed amendments and propositions and the arguments submitted thereon were duly mailed to all electors in the manner and form required by law;

That the propositions as they appeared upon the ballot at said Election held June 7, 1966, and as they were voted upon by the Electors of the City of Santa Ana, read as follows:

Proposition 1A

| | | |
|---|---|---|
| 1A. Shall Section 401 of the Charter of the City of Santa Ana be amended to provide that no person may be nominated for or elected to the office of Councilman who has served two consecutive terms of four years each? | YES | |
| | NO | |

Proposition 2

| | | |
|---|---|---|
| 2. Shall Section 402 of the Charter of the City of Santa Ana be amended to provide that each member of the City Council shall receive a monthly salary of $300.00 as compensation for his services and that the member elected by the City Council to the office of Mayor shall receive an additional amount of $100.00? | YES | |
| | NO | |

Proposition 3

| | | |
|---|---|---|
| 3. Shall Section 406 of the Charter of the City of Santa Ana be amended by deleting the requirement that the City Council canvass the returns of municipal elections? | YES | |
| | NO | |

Proposition 4

| | | |
|---|---|---|
| 4. Shall Section 409 of the Charter of the City of Santa Ana be amended to require 24 hours notice of a Special Council Meeting to conform to State statute requirement and to allow the Mayor or a majority of the members of the City Council to order a Council meeting to be held at a designated location outside of the City Hall if they state the reason therefor in the written order and give notice of such change of location in the same manner and for the same time as is required for a special meeting? | YES | |
| | NO | |

Proposition 5

| | | |
|---|---|---|
| 5. Shall Section 421 of the Charter of the City of Santa Ana be amended to change from $2,000.00 to $4,000.00 the amount that the City Council may authorize the City Manager to bind the City on contracts in writing without advertising and without previous approval by the City Council of each specific item for payment for supplies, labor, and other valuable consideration? | YES | |
| | NO | |

Proposition 6

| | | |
|---|---|---|
| 6. Shall Section 602 of the Charter of the City of Santa Ana be amended to change the maximum amount of indebtedness the City may incur evidenced by general obligation bonds from ten percent to fifteen percent of the total assessed valuation for purposes of City taxation of all the real and personal property within the City? | YES | |
| | NO | |

Proposition 7

| | | |
|---|---|---|
| 7. Shall Section 704 of the Charter of the City of Santa Ana be amended and a new Section 704.1 be added to said Charter to delete subsection (i) from Section 704 and amend subsection (c) to provide approval of purchasing orders for encumbrance purposes only to remove the purchasing service from the control of the Director of Finance and place said purchasing service directly under the City Manager? | YES | |
| | NO | |

Proposition 8

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|---|---|---|
| 8. Shall Section 900 of the Charter of the City of Santa Ana be amended to delete the words "or the City Manager" to remove the Charter authority for the City Manager to appoint temporary committees to render counsel and advice? | YES | |
| | NO | |

Proposition 9

| | | |
|---|---|---|
| 9. Shall Section 901 of the Charter of the City of Santa Ana be amended to change from two-thirds to a majority of the City Council the vote necessary to appoint or remove a member of any City Board or Commission and to limit the service of each member of a Board or Commission to two consecutive terms of four years each? | YES | |
| | NO | |

Proposition 10

| | | |
|---|---|---|
| 10. Shall Section 911 of the Charter of the City of Santa Ana be amended to remove the provision that for one year after a member of the Personnel Board has ceased for any reason to be such a member he is not eligible to be elected to any City elective office? | YES | |
| | NO | |

Proposition 11

| | | |
|---|---|---|
| 11. Shall Section 1002 of the Charter of the City of Santa Ana be amended by adding a new subparagraph numbered 13 to the list of City employees in the Excepted Service, that is, employees who do not have Civil service employment security, so that no person employed to replace an employee of the City who had been ordered to active duty, enlisted, or drafted for military service during a national emergency or during declared war and until the time under Federal or California statutes when such replaced employee could return and demand his former employment, could gain a permanent status in the position of the replaced employee? | YES | |
| | NO | |

Proposition 12

| | | |
|---|---|---|
| 12 Shall Section 1007 of the Charter of the City of Santa Ana be amended to provide that no person who has been selected by examination and placed on an eligible list shall have his name certified with the top three names for a possible appointment more than four times from an eligible list resulting from any one examination, in place of the present Charter provision which limits such certification to three times? | YES | |
| | NO | |

That the Board of Supervisors of Orange County regularly caused the returns of said Election to be canvassed as provided for in their Resolution adopted March 29, 1966, and in Ordinance NS-838 of the City Council of the City of Santa Ana, and as a result of said canvass declared that the votes cast at said Special Election for and against said propositions show the total of all votes cast on each of said propositions and the total of said votes for and against each of said propositions to be, and said totals are, as follows:

| | Yes | No | Total |
|---|---|---|---|
| City of Santa Ana Proposition 1A | 18,907 | 6,785 | 25,692 |
| City of Santa Ana Proposition 2 | 9,158 | 15,885 | 25,043 |
| City of Santa Ana Proposition 3 | 12,722 | 10,514 | 23,236 |
| City of Santa Ana Proposition 4 | 18,299 | 5,617 | 23,916 |
| City of Santa Ana Proposition 5 | 10,211 | 14,292 | 24,503 |
| City of Santa Ana Proposition 6 | 6,314 | 17,362 | 23,676 |
| City of Santa Ana Proposition 7 | 9,894 | 12,945 | 22,839 |

| | Yes | No | Total |
|---|---|---|---|
| City of Santa Ana Proposition 8---- | 13,631 | 9,300 | 22,931 |
| City of Santa Ana Proposition 9---- | 14,250 | 9,176 | 23,426 |
| City of Santa Ana Proposition 10--- | 13,603 | 9,447 | 23,050 |
| City of Santa Ana Proposition 11--- | 15,840 | 7,368 | 23,208 |
| City of Santa Ana Proposition 12--- | 14,579 | 8,762 | 23,341 |

and that Propositions 2, 5, 6, and 7 failed to receive the affirmative vote of a majority of the electors voting thereon and said four Propositions were declared to have failed.

That said amendments to the Charter of the City of Santa Ana so prepared, proposed, noticed, submitted to, ratified and adopted by the electors of said City at said Special Municipal Election held on June 7, 1966, as hereinabove set out, were and are in words and figures as follows:

Section 401. City Council: Qualification of Members

To be eligible to hold the office of Councilman, a person must be a qualified elector of the City, and must be and have been for at least two (2) years immediately preceding the date of his election or appointment, a resident and registered elector of the City. He must also be a resident of the ward from which he is elected at the time he is elected and for a period of one (1) year prior to that time. In the event any councilman shall cease to be a resident of the ward from which he (or, in the case of an appointee, his predecessor) was elected his office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a councilman ceases to be a resident of the ward from which he (or, in case of an appointee, his predecessor) was elected solely because of a change in boundaries of any ward as in this Charter provided, he shall not lose his office by reason of such change. If a member of the City Council shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant and be so declared by the City Council.

No person shall be eligible for nomination for or election to the office of Councilman who has served two consecutive terms of four (4) years each. Short or partial terms shall not be considered.

Section 406. City Council: Judge of Elections and Qualifications of Members.

The City Council shall be the judge of the election and qualifications of its members as defined in Section 401 of this Article and shall meet on the first Tuesday after any municipal election at which members of the City Council are elected, declare the results thereof, and install elected members, if any.

Section 409. City Council: Meetings.

The City Council shall meet regularly and in special session at such times and in the manner as shall be prescribed by

ordinance and subject to the provisions of this Charter. The City Council shall hold regular meetings at least two times each month and may adjourn or readjourn any regular meeting to a certain date which shall be specified in the order of adjournment and, when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

Special meetings may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice delivered personally to each member of the City Council at least twenty-four hours before the time specified for the proposed meeting. If all members of the City Council shall give their consent, in writing, to the holding of a special meeting and such consent is on file with the Clerk of the Council at the time of the holding of such a special meeting, a special meeting shall also be validly called. A telegraphic communication from a member consenting to the holding of such a meeting shall be considered a consent in writing. Only such matters may be acted upon at any special meeting as are referred to in such written notice or consent.

All regular and special meetings of the City Council shall be held in the Council Chambers of the City Hall and shall be open to the public. The City Council may adjourn to another location within the City Hall as publicly announced. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place designated by the Mayor or, if he should fail to act, by a majority of the members of the City Council.

Any meeting of the City Council may be held at a designated location outside the City Hall if ordered by the Mayor or a majority of the members of the City Council. Notice of such change of location shall be given in the same manner and for the same time as is required for notice of a special meeting and shall contain a statement of the reason for the change of location.

Section 900. Appointive Boards and Commissions: In General.

The following enumerated appointive boards and commissions are here established and shall have the powers and duties contained in this article:

(a) Board of Recreation and Parks
(b) Planning Commission
(c) Personnel Board

The City Council may create by ordinance such other appointive boards or commissions as in its judgment are required and may grant to them powers and duties as are consistent with the provisions of this Charter. The City Council, by motion adopted by the affirmative votes of at least a majority

of its members, may appoint from time to time temporary committees as deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subjects within the jurisdiction of such authorities.

Section 901. Appointive Boards and Commissions: Appointments, Removals, Vacancies, Terms.

Except as otherwise specified in this Charter, the members of each of the appointive boards and commissions shall be appointed, and may be removed, by the City Council, subject in both appointment and removal by the affirmative votes of a majority of the members. Vacancies from whatever cause arising shall be filled in the same manner. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

The members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified, but in no event shall any person be eligible for reappointment who has served two consecutive terms of four years each. The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period.

Section 911. Personnel Board.

The Personnel Board shall consist of seven members to be appointed by the City Council from the qualified electors of the City. None of the members shall hold public office or employment or be a candidate for any other public office or position, be an officer of any local, state, or national partisan political club or organization, or, while a member of the Personnel Board or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City.

Section 1002. Competitive and Excepted Service.

The civil service of the City shall be divided into the Competitive Service and the Excepted Service.

(a) The Excepted Service shall comprise the following offices and positions:

1. The individual offices held by all elective officers;
2. The City Manager and Administrative assistants, if any;
3. The City Attorney and his legal assistants, if any;
4 The Director of Finance;
5. The Director of Personnel, if any;
6. One private secretary to the City Manager;
7. All posts as members of boards and commissions;
8. Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
9. Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety days;
10. Positions of any class or grade exempted from the Competitive Service for a maximum period of six months in any calendar year provided that the Personnel Board upon application of the City Manager and after public notice and hearings recommends to the City Council such exemption and the City Council grants such exemption by motion adopted by two-thirds of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;
11. Part-time positions or employments requiring less than twenty regular hours of employment per week;
12. School crossing guards;
13. All positions occupied by persons employed to replace employees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could demand his former position of employment under Federal or State statutes.

(b) The Competitive Service shall comprise all positions not specifically included by this Section in the Excepted Service.

(c) Any person who, on the effective date of this Charter, holds a position or employment included in the Competitive Service as defined in this Section or who is on an eligible or re-employment list for a position or class of position in such Competitive Service, shall retain all status previously held prior to the effective date of this Charter in such position, employment, eligible list, or re-employment list.

(d) The person holding the position of City Clerk, City Treasurer, or City Marshall, each formerly an elective officer, if he shall have served continuously in such position for the period of six months immediately prior to such effective date, shall assume regular status in the Competitive Service under this Charter—as to the person formerly holding the position of City Clerk, in the position of Clerk of the Council; as to the person formerly holding the position of City Treasurer, in a position having similar duties in the department headed

by the Director of Finance; and as to the person formerly holding the position of City Marshall, in a position of Chief of Police, the duties of which position shall be prescribed by the City Council by ordinance.

Section 1007. Eligible Lists, Certification, and Appointment. Upon completion of any examination, the City Manager shall cause to be prepared and shall approve an eligible list with the persons who passed such examination being listed in relative order of the points they received, from highest to lowest. Such eligible list shall remain in effect for two calendar years unless within such period, the City Manager, or such person under the City Manager having charge of personnel administration, shall not be able to certify for appointment the number of persons required under the provisions of this Section.

Upon receipt of notice of a vacancy in the Competitive Service, the City Manager or such person under the City Manager having charge of personnel administration, shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. The appointing power may appoint, of the three thus certified, whichever one in his opinion is best qualified for such position. No candidate may be certified more than four times for any one class or classified position from an eligible list resulting from any one examination.

If no eligible list for the classification exists, or an existing list for the classification contains less than the required three persons who are eligible and available for appointment, the City Manager, or such person under the City Manager having charge of personnel administration, shall so notify the appointing officer who may appoint one of the lesser number of persons or may make a temporary appointment to the vacancy, at his discretion. Such temporary appointment may not be for a longer period than one hundred and eighty calendar days after the first day of such temporary appointment, nor may temporary appointments be made to any position a cumulative total of more than one hundred and eighty calendar days in one calendar year following the first day on which the position is filled by a temporary appointment.

Upon appointment to a position in the Competitive Service, other than a temporary appointment, the person so appointed or promoted shall hold probationary status in such position and in the class to which it has been allocated. The duration of the period of probationary status shall be determined by the civil service rules and regulations provided for in this Article but in no instance shall extend over a period of more than one year. During such probationary period the employee may be rejected at any time without right of a hearing before the Personnel Board. When an employee has been retained continuously in probationary status for the required period, he shall achieve permanent status.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless he is dismissed from the service of the City in addition to the rejection, in which event he shall have the right of a hearing before the Personnel Board as to such order of dismissal in the manner prescribed in Section 1008 of this Article.

We further declare that the foregoing constitutes a true and correct statement of the proceedings had by the City of Santa Ana and the City Council of said City in the presentation of said amendments to the Charter of the City of Santa Ana and the election held thereon.

In witness whereof we have hereunto set our hands and affixed the official seal of the City of Santa Ana in Santa Ana, California, on this 29th day of September, 1966.

HARRY H. HARVEY, Mayor
DORIS M. BROWN
Clerk of the Council

and

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Santa Ana, as proposed to, and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Santa Ana.

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## CHAPTER 14

*Senate Concurrent Resolution No. 9—Approving amendments to the Charter of the City of Santa Cruz, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State February 1, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments here-

inafter set forth to the Charter of the City of Santa Cruz, a municipal corporation of the County of Santa Cruz, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Cruz } ss.
City of Santa Cruz

We, the undersigned, Eugene M. Fleming, Mayor of the City of Santa Cruz, and A. J. Miller, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Resolution No. NS-8375, adopted on August 9, 1966, duly and regularly proposed and submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Municipal Charter Amendment Election, consolidated by said Resolution No. NS-8375 with the Statewide General Election held in said City on November 8, 1966.

That said proposed amendments were published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 11th day of September, 1966, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said Special Municipal Charter Amendment Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on

said 8th day of November, 1966, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on each of the separate proposals numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, and 16 voted in favor thereof, and that a majority of the qualified voters voting on each of the separate proposals numbered 8 and 9 voted against said proposals.

That the Council of said City of Santa Cruz on December 27, 1966, officially confirmed the canvass of all ballots cast at said Special Municipal Charter Amendment Election, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendments voted in favor of the ratification of and did ratify proposals numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, and 16, and that said charter amendments were ratified.

That said charter amendments so ratified by the majority of the qualified voters of said City voting at said Special Municipal Charter Amendment Election are in words and figures following, to-wit:

Proposal No. 1:

By amending Section 801 of Article VIII thereof, to read as follows:

"Section 801. Appointment and Removal. The City Manager, City Clerk City Attorney, and City Controller, if any, shall be appointed by and may be removed by the affirmative votes of at least five (5) members of the Council. Except as otherwise provided in this Charter, and subject to the provisions of Article XI, all other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager."

Proposal No. 2:

By repealing Section 803 of Article VII which Section now reads as follows:

"Section 803. Appointments by City Manager. The City Manager shall appoint, and may remove, subject to the provisions of Article XI, the City Treasurer and Collector, City Engineer, Street Superintendent, Building Officer, Chief of Police, Chief of the Fire Department, Director of Recreation, Librarian, Superintendent of Water Works, and the heads of all other departments of the City.

Appointments of Recreation Director and Librarian shall be subject to the approval of their respective Boards or Commissions."

Proposal No. 3:

By amending Section 805 of Article VIII thereof, to read as follows:

"Section 805. City Manager Pro-Tem. The City Manager shall appoint, subject to the approval of the Council, one of

the other officers of the City to serve as Manager Pro-Tem during any temporary absence or disability of the City Manager. The Council may revoke its approval at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease. The City Manager Pro-Tem shall have no authority to appoint or remove any City officer or employee except with the formal approval of the Council."

Proposal No. 4:

By amending Section 806 of Article VIII thereof, to read as follows:

"Section 806. City Manager. Power and Duties. The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City, and he shall have power and be required to:

(a) Appoint and remove, subject to the Civil Service provisions of this Charter, all department heads of the City except as otherwise provided by this Charter, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City;

(b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;

(c) Prepare and submit to the City Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year;

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

(e) See that all ordinances are enforced;

(f) See that the provisions of all franchises, permits and privileges granted by the City are fully observed, and to report to the Council any violation thereof;

(g) Exercise general supervision over all privately owned public utilities operating within the City;

(h) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department, or agency or the City government and recommend them to the Council for adoption by ordinance;

(i) Examine, or cause to be examined, without notice, the conduct of any officer or employee of the City;

(j) Act as Personnel Director until the Council shall establish a separate office therefor;

(k) From time to time, in order to facilitate the prompt economical and efficient dispatch of City business, assign officers and employees from any department or office to perform

such duties or services in connection with any other department or office or to work in more than one such department or office;

(l) Perform such other duties as may be prescribed by this Charter or required of him by the City Council, not inconsistent with this Charter."

Proposal No. 5:

By amending Section 811 of Article VIII thereof, to read as follows:

"Section 811. City Clerk. Powers and Duties. The City Clerk shall be the Clerk of the Council. He shall have the power and be required to:

(a) Attend all meetings of the City Council and record and maintain a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;

(b) Maintain ordinance and resolution books, into which shall be recorded all City ordinances and resolutions with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(c) Be the custodian of the seal of the City;

(d) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(e) Attend to the publication of all ordinances and all public notices when so directed by the Council or City Manager;

(f) Have charge of all City elections;

(g) Perform such other duties as are required of him by law, ordinance, or direction of the City Manager."

Proposal No. 6:

By amending Section 813 of Article VIII thereof, to read as follows:

"Section 813. Director of Finance. Powers and Duties. There shall be a Department of Finance, the head of which shall be the Director of Finance Except as otherwise provided in this Charter, the Director of Finance shall have charge of the administration of the financial affairs of the City; and he shall have the power and be required to:

(a) Compile the budget expense and revenue estimates for the City Manager;

(b) Supervise and be responsible for the disbursement of all public moneys and have control over all expenditures to insure that budget appropriations are not exceeded.

(c) Maintain a general accounting system for the City government and each of its departments, offices and agencies;

keep books for and prescribe the financial forms to be used by each department, office, and agency; keep separate accounts for each item of the appropriations in the City budget, each of which account shall show the amount of the appropriation, the amount paid therefrom, the unpaid obligations against it, and the unencumbered balance; require reports of receipts and disbursements from each receiving and disbursing agency of the City government to be made daily or at such other intervals as he may deem expedient; prepare for the City Manager in July of each year a complete financial statement and report as of the end of the preceding fiscal year;

(d) Require and supervise keeping of current inventories of all property, real and personal, by the respective officers in charge thereof and periodically audit the same.

(e) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report;

(f) Collect all taxes, assessments, utility charges, license fees, and receive and have custody of all moneys receivable by the City from any source;

(g) Deposit all moneys received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds;

(h) Disburse moneys on demands properly audited in a manner provided for in this Charter;

(i) Audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government, and with the advise of the City Attorney, determine the regularity, legality, and correctness of such claims, demands or charges;

(j) Perform such other duties as are required of him by law, or ordinance, or direction of the City Manager."

Proposal No. 7:

By repealing Sections 814, 815, 816, 817 and 818 of Article VIII thereof, which Sections now read as follows:

"Section 814. City Engineer. Powers and Duties. To be eligible for appointment as City Engineer, the appointee shall have had at least five years' practice as a Registered Civil Engineer in the State of California, or shall be a Registered Engineer in the State of California with at least five years' previous experience in municipal engineering.

The City Engineer shall have the power and be required to;

(a) Supervise and be responsible for all City engineering work;

(b) Supervise and be responsible for the maintenance, properly indexed, of all maps, plans, profiles, thorough and correct field notes of all surveys, and other records and memoranda

belonging to the City and pertaining to his office and the work thereof;

(c) Prepare or approve all plans and specifications for construction of public works by or for the City; and

(d) Inspect all streets, sewers and drains while the same are in the course of construction; inspect, approve or reject all materials used in such construction, whether done by contract or otherwise, and pending investigations when necessary, stop all work thereof;

(e) On vacating the office, surrender to his successor all maps, plans field notes and other records and memoranda pertaining to the City's affairs.

Section 815. Street Superintendent. Powers and Duties. The Street Superintendent shall have the general care and supervision of all City streets, sewers and drains, bridges and parks and shall have power and be required to:

(a) Make frequent inspection of all streets and other public ways, sewers and drains, and bridges of the City;

(b) Receive and investigate all complaints as their condition and have charge of the enforcement of all laws and ordinances pertaining thereto;

(c) Superintend the cleaning, sprinkling, oiling and draining of streets and flushing of sewers and

(d) Perform such other services as are required of him by the City Manager, by ordinance or general laws and codes of this state.

Section 816. Building Officer. Powers and Duties. The Building Officer shall have charge of the supervision and inspection of all building construction, including plumbing, within the City and shall have power and be required to:

(a) Examine building plans in order to determine conformity with State laws and City ordinances, and issue building permits in connection therewith; and

(b) Enforce the laws and ordinances regulating the construction and maintenance of buildings and other structures.

Section 817. Electrical Superintendent. Powers and Duties. The Electrical Superintendent shall have charge of the inspection of all electrical installations and buildings within the City and shall have power and be required to:

(a) Examine all plans involving electrical construction or installation in order to determine conformity with State laws and City ordinances and issue electrical permits in connection therewith; and

(b) Enforce the laws and ordinances regulating the construction or installation and maintenance of electrical equipment in buildings and other structures.

Section 818. Superintendent of Water Works. Powers and Duties. The Superintendent of Water Works shall have charge of the administration, supervision and operation of the water system of the City, including sources, storage, and distribution of water, the construction of public works incident

thereto, and the maintenance of an efficient and economical service of said water system."

Proposal No. 10:

By amending Section 1032 of Article X thereof, to read as follows:

"Section 1032. Civil Service Commission. Powers and Duties. The Civil Service Commission shall have power and be required to:

(a) Act in an advisory capacity to the City Council and the City Manager on Personnel Administration;

(b) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of Civil Service rules and regulations;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager;

(d) Hear appeals of any person in the classified service relative to any suspension, demotion or dismissal and report in writing to the appointing power, City Manager and City Council, its findings, conclusions and recommendations;

(e) Periodically, at least once every year, make a study of salaries being paid by other public and private agencies, in order to ascertain whether the salaries being paid City employees for similar work are comparable, and to make recommendations with respect thereto to the City Council and City Manager;

(f) Perform such other duties with reference to personnel administration as the Council may require by ordinance or resolution."

Proposal No. 11:

By amending Section 1042 of Article X thereof, to read as follows:

"Section 1042. Recreation Commission. Powers and Duties. The Recreation Commission shall have power and be required to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to public recreation, including playgrounds, music and entertainment;

(b) Consider the annual budget of the Recreation Department during its preparation and make recommendations with respect thereto to the City Manager and the City Council;

(c) Assist in the Planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;

(d) Accept money, personal property or real estate, donated to the City for recreational purposes, subject to the approval of the Council."

Proposal No. 12:

By amending Section 1052 of Article X thereof, to read as follows:

"Section 1052. Airport Commission. Powers and Duties. The Airport Commission shall have power and be required to:

(a) Act in an advisory capacity to the Council in all matters pertaining to the Municipal Airport and to aviation policy matters generally to the extent that they affect the City;

(b) Consider and recommend to the City Council rules and regulations for the management and operation of the Municipal Airport."

Proposal No. 13:

By amending Section 1062 of Article X thereof to read as follows:

"Section 1062. Museum Commission. Power and Duties. The Museum Commission shall have power and be required to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to the Santa Cruz Museum and the maintenance thereof;

(b) Consider and recommend to the City Council appropriate means for the maintenance of the Museum;

(c) Accept money, personal property or real estate donated to the City for museum purposes, subject to the approval of the Council."

Proposal No. 14:

By repealing Sections 1071 and 1072 of Article X thereof, which Sections now read as follows:

"Section 1071. Flood Control and Stream Beautification Commission. There shall be a Flood Control and Stream Beautification Commission appointed by the City Council, consisting of nine members including the City Engineer and eight members from the qualified electors of the City, none of whom (except the City Engineer) shall hold any paid office or employment in the City Government.

Section 1072. Flood Control and Stream Beautification Commission. Powers and Duties.

The Flood Control and Stream Beautification Commission shall have power and be required to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to flood and erosion control and stream beautification.

(b) Consider and recommend to the City Council in collaboration with the Planning Commission the conclusions of the Commission as to the appropriate plans and means for the control of floods and erosion and the beautification and utilization of streams."

Proposal No. 15:

By amending Article XI thereof to read as follows:

"Civil Service

Section 1101. Merit Principle. Appointments and promotions of City Employees shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examination.

Section 1102. Fair Employment Practice. All citizens shall have equal opportunity to obtain and hold employment and to advance therein, from or under any board, department, officer or agency in this Charter enumerated or provided for, without discrimination because of race, religion, color, national origin or ancestry.

Section 1103. Right of Association and Petition. All employees of the City are to be free from interference, coercion and restraint in associating themselves together for their mutual benefit in connection with their public employment. They may designate representatives of their own choosing and collectively or individually they may exercise their right of petition to the City Council or to the board, officer or commission having jurisdiction of such matters concerning wages, hours or conditions of employment.

Section 1104. Classified Service. The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following offices and positions:

1. Members of the City Council;
2. City Manager; Assistant City Manager, if any; Assistant to City Manager and Personnel Director, if any;
3. City Attorney and any assistant or deputy;
4. City Clerk;
5. City Controller;
6. All members of boards and commissions;
7. Leader and members of any municipal band or orchestra;
8. Any position which is created for a special, part-time or temporary purpose, which would not exist for a period longer than one year. The Civil Service Commission may exempt any position for such period of time as it may determine by an affirmative vote of four-fifths of its members. Any exemption shall not affect the tenure of any person whose appointment has become final under the Classified Service; and
9. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

(b) The Classified Service shall comprise all positions not specifically included in this section in the Unclassified Service.

Section 1106. Classification. There shall be a Classification Plan of all positions in the Classified Service. The Personnel Director shall make periodic studies of such classification plan and recommend any changes he deems desirable.

Section 1108. Veterans. In all entrance examinations for positions in the Classified Service, veterans who attain a passing grade shall be allowed an additional five (5%) per cent of the maximum grade for such examination if the veteran seeks to enter the Classified Service of the City within five years immediately following honorable discharge from active military service. Veterans currently receiving compensation from the U. S. Veterans Administration for war-service-incurred disabilities shall be allowed ten (10%) per cent of the maximum grade without regard to date of discharge.

The term "veteran" means any citizen of the United States who has served on active duty in the armed forces of the United States in time of War or during period of military hostilities officially designated as such by the Congress of the United States.

Section 1109. Efficiency Ratings. A system of compulsory, periodic, at least annual, efficiency ratings shall be established by the Personnel Director for all employees in the Classified Service.

Section 1110. Appointments and Promotions. All appointments to vacancies in the Classified Service shall be appointed from the five highest ranked candidates on the eligible list established for each position in accordance with the City Personnel Rules and Regulations. All other appointments shall be made in accordance with City Personnel Rules and Regulations.

Promotions shall be on the basis of competitive examination and, wherever practical, shall be on the basis of ascertained merit.

Section 1111. Probation. All original and promotional appointments shall be for a probationary period. The probationary period shall be established by ordinance or resolution, and shall be for a period of not less than six (6) months for any position. During the probationary period, the officer or employee may be rejected at any time without right of appeal or hearing in any manner.

An officer or employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged for cause.

Section 1112. Abolition of Positions. Lay-Offs. Whenever it becomes necessary, in the opinion of the City Council, to abolish an office or position, or to reduce the number of officers or employees in a given class in the Classified Service and to discharge the officer or officers, employee or employees holding such position or positions for economy reasons or any similar cause, the City Council may do so by stating in its proceedings its reasons therefor. Should such office or position or positions be reinstated or any office or position or positions involving substantially the same duties be created or filled within one year, the officer or officers, employee or employees discharged shall be appointed thereto.

All lay-offs shall be governed by seniority in service and shall be in the reverse order of employment. Re-employment shall be in the reverse order of the lay-offs.

Section 1113. Suspension, Demotion and Dismissal. The City Manager and all officers having appointing power are vested with the right to exercise the disciplinary and removal powers in accordance with the City Personnel Rules and Regulations. Any officer or employee in the classified service, other than one serving a probationary period, shall have the right of appeal to the Civil Service Commission in the manner set forth in the City Personnel Rules and Regulations.

The decision of the Civil Service Commission shall be final.

Section 1114. Political Activities Prohibited. No person holding a position in the Classified Service nor on an eligible list shall seek or accept election, nomination or appointment as an officer or a political club or organization, nor shall such person take any active part in any municipal political campaign in behalf of or against any candidate for elective office in the City, or contribute thereto in behalf of any candidate, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any such persons from being or becoming a member of a political club or organization, or from attending political club or organization, or from attending political meetings, or from enjoying entire freedom from all interference in casting his vote, or from seeking election or appointment to public office. Upon becoming a candidate for public office, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

Section 1116. Contract for Performance of Administrative Functions. The City Council, upon recommendation of the City Manager, may contract with the governing body of any other city, or county within this state, or with any state department or other agency for the preparation and/or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administrative service.

Section 1118. Adoption of Rules and Regulations. The Civil Service System provided by this Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council upon recommendation of either the City Manager or Civil Service Commission."

Proposal No. 16:

By amending Section 1414 of Article XIV thereof, to read as follows:

"Section 1414. Competitive Bidding. Before making purchases of or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding, under such rules and regulations and with such exceptions as

the Council may prescribe in the ordinance setting up such rules and regulations."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Santa Cruz with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this 16th day of January, 1967.

EUGENE M. FLEMING
(SEAL) Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Santa Cruz as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of, the City of Santa Cruz.

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## CHAPTER 15

*Assembly Concurrent Resolution No. 9—Approving an amendment to the Charter of the City of Richmond, County of Contra Costa, State of California, ratified by the qualified electors thereof at a special election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State February 2, 1967]

WHEREAS, Proceedings have been held for the proposal, adoption and ratification of an amendment to the Charter of the City of Richmond, County of Contra Costa, State of Cali-

fornia, as hereinafter set forth in the certificate of the mayor and clerk of the city as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF RICHMOND OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Contra Costa } ss
City of Richmond }

We, the undersigned, Milton M. Spinner, Mayor of the City of Richmond, California, and Harlan J. Heydon, City Clerk of said City, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has been, ever since the year 1909, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 9th day of February, 1909, and approved by Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909, (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolution No. 8993 adopted September 12, 1966, duly and regularly submitted to the qualified electors of said City a certain proposal hereinafter referred to as Amendment-G to amend the Charter of the City of Richmond and to be voted upon by said qualified electors at a special election by said Resolution called for said purpose in said City on the 8th day of November, 1966, and the said Council by its aforesaid Resolution did request the Board of Supervisors of the County of Contra Costa to consolidate said special election for said purpose with the State General election to be held on the 8th day of November, 1966, and to canvass the returns of the vote thereon.

That on September 13, 1966, the Board of Supervisors of the County of Contra Costa consented to and ordered the consolidation of said special election with the State General election to be held on the 8th day of November, 1966.

That said Amendment-G was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Richmond; that said Amendment-G was published and advertised as aforesaid on the 26th day of September, 1966, and that said

publication was in The Independent, a newspaper of general circulation published daily except Sunday in the said City of Richmond and the official newspaper of said City, and in each edition thereof during the said day of publication; that said City of Richmond has a population of less than one hundred twenty-five thousand (125,000); that said publication on the 26th day of September, 1966, also contained a "Notice to Voters", wherein, among other things, was set forth the proposal that had been made for amendment of the Charter of said City in the manner therein set forth, to be voted upon at the general election to be held in said City on the 8th day of November, 1966; that from and after September 26, 1966, the City Clerk of the City of Richmond caused to be published in said official newspaper, daily except Sunday, up to and including the day fixed for said election, to wit:

"Notice of Availability

Copies of the proposed amendment of Article XI (Police and Firemen's Pension Fund) and Article XII (General Pension Fund) of the Charter of the City of Richmond to be voted upon November 8, 1966 are available upon request at the Office of the City Clerk. City Hall, Civic Center, Richmond, California."

and that continuously from September 26, 1966, up to and including November 8, 1966, there were available in the office of the City Clerk of the City of Richmond, City Hall, Richmond, California, copies of the full text of said amendment hereinafter referred to as Amendment-G.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Clerk caused copies of said Amendment-G to be printed in convenient pamphlet form and in type of not less than 10 points, and caused copies thereof to be mailed to each of the qualified electors of said city.

That in accordance with the provisions of the Charter of the City of Richmond, and in the manner provided by law, the said general election was duly and regularly held in said City after due notice was given and published, the day of election being on November 8, 1966, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforesaid proposed amendment in "The Independent", the official newspaper of said City.

That thereafter, said general election was duly and regularly held on Tuesday, November 8, 1966, and the Board of Supervisors of the County of Contra Costa, State of California, did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 23rd day of November, 1966, by resolution, duly declare and certify the results of said general election as determined from the canvass of the returns thereof.

That the said Council of the City of Richmond, did, by its Resolution numbered 9044, duly and regularly adopted on December 12, 1966, declare the results of said election on said proposal to amend the Charter of the City of Richmond and did accept the official notice of canvass of votes on said proposition, as certified by the Board of Supervisors, as aforesaid.

That at said general election, a majority of the qualified electors voting on said proposal to amend the Charter of the City of Richmond voted in favor of said amendment hereinafter set out, and the said Board of Supervisors of said County did by said Resolution dated November 23, 1966, find, determine and declare that the said proposed amendment to the Charter of the City of Richmond was ratified by a majority of the qualified electors of said City voting thereon, and the said Council of the City of Richmond, did, by its said Resolution numbered 9044, adopted December 12, 1966, accept the determination and declaration of the Board of Supervisors of said County that the said proposed amendment to the Charter of the City of Richmond was ratified by a majority of the qualified electors of said City voting thereon, as aforesaid.

That the vote on said Amendment-G as declared by Resolution No. 9044, of the Council of the City of Richmond was as follows:

| | | |
|---|---|---|
| Amendment-G | Yes | 13,189 |
| | No | 8,644 |

That said amendment to the Charter so ratified by the qualified electors of the City of Richmond at said general election was in words and figures as follows:

AMENDMENT-G (Words underlined to be added.) (Words in BOLD type to be deleted.)

First: To amend Section 16 of Article XI, entitled "Police and Firemen's Pension Fund" to read as follows:

"Sec. 16. All moneys for said Fund shall be paid into the city treasury and kept by the Director of Finance TREASURY in banks as are other public funds, in accordance with the laws of the State of California and the Charter of the City of Richmond. Said Fund shall be kept inviolate and no portion thereof shall ever be transferred to any other fund or used for any other purposes than those specified herein. Reserves in said Fund not needed in any fiscal year for current payments of pensions ordered by the Pension Board and expenses of the Board may, as directed by resolution of the Pension Board, be invested for the benefit of said Fund as hereinafter provided:

(a) In investments which are authorized by General Law for savings banks.

(b) In investments other than those specified in subdivision (a) hereof, including, but not limited to, corporate bonds and

securities, common stocks, preferred stocks, investments in real estate and investment trusts, provided that the total amount invested pursuant to this subdivision shall not exceed fifty per cent of the total amount of funds invested pursuant to this section, and provided further that the following conditions are met:

(1) Any stocks or other corporate securities in which funds are invested, except stocks of banks, insurance companies or mutual funds, shall be registered on a national securities exchange as provided by the Federal Securities Exchange Act.

(2) The total amount invested in common and preferred stocks shall not exceed at cost at the time of purchase twenty-five per cent of the total amount invested pursuant to this section.

(3) The total amount invested in the common and preferred stocks of any one company shall not exceed at cost at the time of purchase two per cent of the total amount invested pursuant to this section and shall not exceed five per cent of the outstanding preferred or common stock of that company.

(4) No funds shall be invested in the common stocks of any company unless it has paid cash dividends on such stocks in eight of the ten years immediately preceding its purchase by the Board.

(5) No funds shall be invested in the stocks or other securities of any company other than a bank or insurance company unless it has assets of at least one hundred million dollars ($100,000,000), or in the stocks or other securities of a bank or insurance company unless it has assets of at least fifty million dollars ($50,000,000).

(6) The total amount invested in real estate other than real estate owned by or leased to the City of Richmond, which amount may include land, buildings, land and buildings or real estate loans, shall not exceed twenty-five per cent of the total amount invested pursuant to this section and such investments shall be restricted to first trust deeds which are insured by the Federal Housing Administration or which are guaranteed by the Veterans Administration.

(c) The Board may, when making investments pursuant to subdivision (b) hereof, employ the services of competent investment counsel. AS OTHER PUBLIC FUNDS MAY BE INVESTED, IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA AND THE CHARTER OF THE CITY OF RICHMOND."

Second: To amend Section 16 of Article XII, entitled "General Pension Fund," to read as follows:

"Sec. 16. All moneys for said Fund shall be paid into the city treasury and kept by the Director of Finance TREASURER in banks as are other public funds, in accordance with the laws of the State of California and the Charter of the City of Richmond. Said Fund shall be kept inviolate and no portion thereof shall ever be transferred to any other fund or used for any other purposes than those specified herein. Reserves in said Fund not needed in any fiscal year for current payments of pensions ordered by the Pension Board and expenses of the Board may, as directed by resolution of the Pension Board be invested for the benefit of said Fund as hereinafter provided:

(a) In investments which are authorized by General Law for savings banks.

(b) In investments other than those specified in subdivision (a) hereof, including, but not limited to, corporate bonds and securities, common stocks, preferred stocks, investments in real estate and investment trusts, provided that the total amount invested pursuant to this subdivision shall not exceed fifty percent of the total amount of funds invested pursuant to this section, and provided further that the following conditions are met:

(1) Any stocks or other corporate securities in which funds are invested, except stocks of banks, insurance companies or mutual funds, shall be registered on a national securities exchange as provided by the Federal Securities Exchange Act.

(2) The total amount invested in common and preferred stocks shall not exceed at cost at the time of purchase twenty-five per cent of the total amount invested pursuant to this section.

(3) The total amount invested in the common and preferred stocks of any one company shall not exceed at cost at the time of purchase two per cent of the total amount invested pursuant to this section and shall not exceed five per cent of the outstanding preferred or common stock of that company.

(4) No funds shall be invested in the common stocks of any company unless it has paid cash dividends on such stocks in eight of the ten years immediately preceding its purchase by the Board.

(5) No funds shall be invested in the stocks or other securities of any company other than a bank or insurance company unless it has assets of at least one hundred million dollars ($100,000,000), or in the stocks or other securities of a bank

or insurance company unless it has assets of at least fifty million dollars ($50,000,000).

(6) The total amount invested in real estate other than real estate owned by or leased to the City of Richmond, which amount may include land buildings, land and buildings or real estate loans, shall not exceed twenty-five per cent of the total amount invested pursuant to this section and such investments shall be restricted to first trust deeds which are insured by the Federal Housing Administration or which are guaranteed by the Veterans Administration.

(c) The Board may, when making investments pursuant to subdivision (b) hereof, employ the services of competent investment counsel. AS OTHER PUBLIC FUNDS MAY BE INVESTED, IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA AND THE CHARTER OF THE CITY OF RICHMOND."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Richmond with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Richmond to be affixed this 3rd day of January, 1967.

MILTON M. SPINNER
Mayor of the City of Richmond

(SEAL)

Attest:
HARLAN J. HEYDON
Clerk of the City of Richmond

I, Harlan J. Heydon, do hereby certify as follows:

I am the duly appointed, qualified and acting City Clerk of the City of Richmond and that the foregoing is a true and correct copy of the Certificate of Ratification of Electors of the City of Richmond of a Certain Charter Amendment, which certificate was duly made by the Mayor of the City of Richmond and the City Clerk of the City of Richmond on January 3, 1967.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Richmond this 3rd day of January, 1967.

HARLAN J. HEYDON
Clerk of the City of Richmond

(SEAL)

and

WHEREAS, Said proposed amendment to the Charter of the City of Richmond as ratified by a majority of the electors voting thereon at said election on November 8, 1966, has been submitted to the Legislature of the State of California for ap-

proval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to both houses voting for the adoption of the resolution and concurring therein,* That said amendment to the Charter of the City of Richmond as ratified by the electors of said city, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment to, and as part of, the Charter of the City of Richmond.

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## CHAPTER 16

*Assembly Concurrent Resolution No. 19—Approving amendments to the Charter of the City of Culver City, a municipal corporation of the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State February 2, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Culver City, a municipal corporation of the County of Los Angeles, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF CULVER CITY OF CERTAIN CHARTER AMENDMENTS

State of California }
County of Los Angeles } ss
City of Culver City }

We, the undersigned, Dan Patacchia, Mayor of the City of Culver City, County of Los Angeles, State of California, and Agnes V. Christensen, City Clerk and Ex-Officio Clerk of said City Council of the City of Culver City, do hereby certify and declare as follows:

That the City of Culver City, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was, a city having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since January 21, 1947, and is now organized and acting under a Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of

such City at a special election held for that purpose on the 7th day of January, 1947, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of January, 1947, (Statutes 1947, page 3386).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on its own motion the Council of the City of Culver City, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of Culver City certain proposals for the amendment of the Charter of said City, to be voted upon by said qualified electors at a Special Municipal Election consolidated with the statewide General Election held, as provided for by law, in said City on the 8th day of November, 1966, which said proposals were designated as Proposed Charter Amendments.

That the City Council at its regular meeting held on the 2nd day of September, 1966, by Resolution No. CS-5650, adopted by a four-fifths vote of said City Council, submitted to the electors of said City of Culver City at a Special Municipal Election to be held in said City on the 8th day of November, 1966, ordered consolidated with the statewide General Election held on said date, the propositions of the adoption of said proposed Charter amendments framed by the legislative body of said City, which proposed Charter amendments are set out in said Resolution and designated as Proposed Charter Amendments "X" and "Y" to the Charter of the City of Culver City, California.

That said proposed Charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution of the State of California, in the Evening Star-News, a daily newspaper of general circulation, printed, published and circulated in said City of Culver City.

That pursuant to the law in such cases made and provided, the said proposed amendments were submitted to the qualified electors of said City for their ratification at said Special Municipal Election, consolidated with said statewide General Election, and that at said Election, a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify said proposed amendments "X" and "Y" to the Charter of said City, hereinafter fully set forth.

That pursuant to the request of the City Council of the said City of Culver City, the Board of Supervisors of the County of Los Angeles caused the returns of said election to be duly canvassed as provided by law, and that at said Special Municipal Election a majority of the qualified electors voting upon said proposed charter amendments "X" and "Y" voted in favor of them and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of the County of Los Angeles, California.

That said Amendments to the Charter, designated as Proposition "X" and Proposition "Y", are in words and figures as follows:

"Charter Amendment No. 1: Shall Section 800 of the Charter of the City of Culver City be amended to provide that the five members of the Board of Education shall take office on the thirteenth day following the day of the election at which they were elected, rather than on the 1st day of July as at present; and shall Section 1300 of the Charter of said City be amended to provide that the election of members of the Board of Education shall be held on the third Tuesday in April in odd numbered years except as said date may be modified by the Education Code of the State of California, rather than the present date of election, i.e., the third Friday in May in odd numbered years, and further that the Board of Education shall canvass the election returns, rather than having the ballots canvassed by the County officers as at present?"

"Charter Amendment No. 2: Shall Sections 906 and 910 of the Charter of the City of Culver City be amended to provide that the Planning and Park Commissions shall consist of five members rather than the present nine members, and further that the membership of these Commissions shall be reduced as the existing terms of office of the present members expire or terminate, leaving finally five members on each Commission?"

That the applicable Charter Sections shall be worded as follows:

"Section 800. Number and Term. The Board of Education shall consist of five (5) members, elected from the School District at large, for a term of four (4) years commencing on the thirteenth day following the day of the election at which they were elected."

"Section 1300. General Municipal Elections. General Municipal Elections for the filling of all elective offices, other than the Board of Education, shall be held in said City on the second Tuesday in April in each even numbered year.

The election of members of the Board of Education shall be held in said City on the third Tuesday in April in odd numbered years, except as said date may be modified by the Education Code of the State of California.

School District elections shall be held in the same manner as is provided in the Education Code of the State of California for the election of school trustees, except that the Board of Education shall canvass the election returns at a meeting held not less than three (3) days nor more than ten (10) days after the date of election. The secretary of said Board shall, immediately after the results of the election are official as declared by the Board of Education, issue a certificate of election for each duly elected member and serve the same personally or by mail upon each such person.

Expenses for Board of Education elections shall be paid by the School District."

"Section 906. Planning Commission. There shall be a City Planning Commission, consisting of five members, to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government."

"Section 910. Park Commission. There shall be a Park Commission, consisting of five members, to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

The membership of the Park and Planning Commissions shall be reduced as the existing terms of office of the present members expire or terminate, leaving finally five members on each Commission."

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendments to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Culver City to be affixed hereto this 29th day of December, 1966.

(CITY SEAL)

DAN PATACCHIA
Mayor of the City of
Culver City, California

Attest:
AGNES V. CHRISTENSEN
City Clerk

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Culver City as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Culver City.

## CHAPTER 17

*Assembly Concurrent Resolution No. 1—Relative to the death of Montivel A. Burke.*

[Filed with Secretary of State February 6, 1967.]

WHEREAS, The Members of the Legislature have learned with deep sorrow of the death of Montivel A. Burke, former Member of the Assembly; and

WHEREAS, Montivel A. Burke was born in West Virginia and came as a child to California, where he attended Tulare California High School and was graduated from Stockton Business College; and

WHEREAS, He was active in the oil business and later acquired extensive interests in the fields of real estate, building contracting, and industrial banking, being one of the founders and president of Peoples Thrift of Alhambra; and

WHEREAS, Among his civic accomplishments were numbered appointments to the Alhambra Board of Education in 1933 and to the Board of Civil Service Trustees in 1941, and election to the Alhambra City Commission, by virtue of which he served as liaison member of the City Planning Commission, as a member of the Alhambra Emergency Hospital Board, as a member of the Board, Los Angeles County Sanitation District, and as a Director of the Los Angeles County Division, League of California Cities; and

WHEREAS, While serving as Mayor of Alhambra in 1944 he was elected to the Assembly from the 53rd District and thereafter was reelected for an unprecedented nine successive terms from his particular district; and

WHEREAS, As Assemblyman, Mr. Burke had variously served as Chairman of the California Commission on Interstate Cooperation, Chairman of the Assembly Committees on Crime and Correction, Legislative Procedure, and Engrossment and Enrollment, Vice Chairman of the Assembly Committees on Municipal and County Government and Public Utilities and Corporations, and member of the Committees on Civil Service and State Personnel, Industrial Relations, Finance and Insurance, Fish and Game, Governmental Efficiency and Economy, Manufacturing, Mining and Oil Industry, Transportation and Commerce, and Military and Veterans Affairs; and

WHEREAS, Mr. Burke, upon retirement from the Assembly, was appointed a member of the Los Angeles Board of Supervisors Special Study Commission on Judicial Procedures, on which he was serving at the time of his passing; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the Legislature do hereby express their deep sorrow at the passing of Montivel A. Burke, an outstanding son and servant of California, and extend their sincere condolences to his devoted and bereaved family; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to his son, Talmage V. Burke, and to his daughter Mrs. Norma Jean Evans.

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## CHAPTER 18

*Senate Concurrent Resolution No. 10—Approving an amendment to the Charter of the County of San Bernardino, State of California, voted for and ratified by the qualified electors of the county at an election held therein on the eighth day of November 1966.*

[Filed with Secretary of State February 8, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and clerk of the county, as follows:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF SAN BERNARDINO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY ON THE EIGHTH DAY OF NOVEMBER, 1966.

Preamble

Be it known that:

WHEREAS, The County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the seventh day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California, on the seventh day of April, 1913; (Statutes 1913, page 1652, et seq.), and

WHEREAS, On the twenty-second day of August, 1966, the Board of Supervisors of said San Bernardino County, by Ordinance No. 1309, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County a certain amendment to the charter of said County by the submission of a certain proposal for such amendment to said electors at a special election to be held and conducted on the eighth day of November, 1966, for ratification or rejection, and further ordered that

said special election be consolidated with the General Election to be held on said day and that all precincts established, and all election officers appointed for said General Election should be the precincts and the election officers for said special election and that said election officers should conduct said election and make return thereof according to law; that all applicable provisions of Section 7½ of Article XI of said Constitution were complied with; and

WHEREAS, The Board further duly ordered that said proposal should be forthwith published ten times in a daily newspaper of general circulation, printed, published and circulated in said County; and in said proposal, said proposed amendment was set forth in full and at length, and was and is in the words and figures hereinafter set forth; and

WHEREAS, Thereafter said proposal was duly published in full and at length in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published, and circulated in said County, for ten times, and on the following dates, to-wit: September 12th to September 21st, 1966, inclusive, and as often during said time as said newspaper was regularly published; and said General Election at which said proposal was submitted to the vote of the qualified electors of said County was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and

WHEREAS, Said Board of Supervisors duly prescribed the form and title of said proposal to be printed on the General Election ballot to be used at said General Election for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title the said proposal appeared on said ballot; and

WHEREAS, The Registrar of Voters of said San Bernardino County mailed a printed copy of said proposed amendment enclosed in an envelope with a sample ballot to each qualified elector within said County of San Bernardino at least ten days prior to the eighth day of November, 1966; and

WHEREAS, At said election said proposal was duly submitted to the vote of the qualified electors of said County as Proposition A and appeared on the ballot at said election in the following form, to-wit:

| | | |
|---|---|---|
| A | County Charter Amendment Charter Amendment Number Twenty-Four of the County of San Bernardino Proposal submitted by the Board of Supervisors of the County of San Bernardino, State of California, to amend the Charter of the County of San Bernardino as follows: Shall Article V of the Charter of the County of San Bernardino, relating to requirements and procedures for audits, reports, and accounts, be amended? | YES<br>NO |

and

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of County charters; and

WHEREAS, The returns of said General Election held in the County of San Bernardino on the said November 8, 1966, at which election said proposal was submitted to the vote of the qualified electors of said County, were made to and canvassed by the Registrar of Voters of said County of San Bernardino, as ordered by said Board of Supervisors, and duly certified to the Board of Supervisors, and it appeared therefrom and was so declared by the Board of Supervisors that at said election a majority of the qualified voters voting thereon voted in favor of Proposition A; and said Board of Supervisors thereupon ordered and declared that said Proposition A was ratified; and

WHEREAS, Said Proposition so ratified as amendment to said County Charter by the electors of the County of San Bernardino, at said General Election held on November 8, 1966, is now submitted to the Legislature of the State of California, for approval, or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, The undersigned, Daniel D. Mikesell, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and V. Dennis Wardle, County Clerk and ex-officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendment to said Charter of said County, so ratified by the majority of the electors voting thereon at said General Election held on the eighth day of November, 1966, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

Charter Amendment Number Twenty-four

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twenty-Four, amending Article V to read as follows:

"Article V

Reports and Accounts

Section 1. Each county officer or employee in charge of any office, department, service or institution of the county,

each officer of a judicial district, each judge, or the clerk, secretary, or other administrative officer of each court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the Board of Supervisors or for which the Board is ex-officio the governing body shall, within five days or within an extension of time allowed by the Board, after entering upon the discharge of the duties of his office, make and file with the Auditor a complete detailed inventory of all property belonging or pertaining to his office, received by him from his predecessor. The Auditor shall keep a 'Property Account' for each such officer or employee, who shall be charged with all property received by him from his predecessor and all property thereafter received; and such officer or employee shall be officially responsible for all property so charged to him until the same shall properly be consumed, disposed of, or accounted for as authorized or provided for by the Board of Supervisors or properly delivered to his successor.

Section 2. Every such officer or employee shall annually, as of the date and within the time specified by the Board of Supervisors, make and file with the Auditor an inventory showing in detail all county property in his possession or in his charge and shall report in detail what property of or pertaining to his office has during such period been lost, destroyed, consumed, transferred and to whom, or otherwise disposed of.

Section 3. Every such officer or employee shall monthly, within five days after the expiration of each calendar month, make and file with the Auditor an account for such month, showing in detail all moneys received by him, in his official capacity, from any and all sources, during such month, and also, showing, in detail, the disposition of any and all moneys received by him during such month.

Section 4. It shall be the duty of the Auditor to examine and audit each and all such reports and accounts as received by him, and if it shall appear to him that any such report or account is erroneous, or not sufficiently full, complete or detailed, he shall forthwith, in writing direct the attention of the officer or employee making such report or account to such apparent error or insufficiency, and require from such officer or employee such correction or such new or supplemental or further report or account as the Auditor shall deem proper; and it shall be the duty of such officer or employee to comply forthwith with such requirement of the Auditor.

Section 5. The Auditor shall not issue his warrant for the salary of any officer or employee whose duty it is to make reports and accounts to the Auditor as aforesaid, until after such reports and accounts shall have been made to the Auditor and accepted by him.

Section 6. It shall be the duty of the Auditor to make thorough audits from time to time, and not less than annually, of all books, accounts, money, and securities of all depart-

ments, offices, boards, institutions, and special districts under the control of the Board of Supervisors, of the methods of keeping the accounts, and of the existence and effectiveness of internal controls in the transacting of the business of such departments, offices, boards, institutions, and special districts. It shall be the duty of the Auditor to file with the Board of Supervisors from time to time, and not less than annually, written reports as to the condition of accounts and records of all departments, offices, boards, institutions, and special districts under the control of the Board of Supervisors with such comments and recommendations as he shall deem proper to promote efficiency and economy; and it shall be his duty in such reports to point out particularly any known or apparent misconduct, neglect, or failure in regard to official duty. It shall also be the duty of the Auditor to make special examinations and reports as to any particular office or officer whenever directed so to do by the Board of Supervisors.

Section 7. The Auditor and the officer or employee in charge of each department, office, board, institution, or special district shall jointly prescribe in writing, subject to the approval of the Board of Supervisors, such rules, regulations, forms and methods as to the keeping of the accounts thereof as they shall deem necessary. The Auditor shall prescribe in writing such rules and regulations, subject to the approval of the Board of Supervisors, and forms and methods as to making the reports and accounts hereinbefore provided by this Article as he shall deem necessary; and it shall be the duty of each and every such officer or employee to comply therewith.

Section 8. It shall be the duty of the Board of Supervisors to employ from time to time, and not less than annually, an accountant, licensed by the State of California, whose duty shall be to make a thorough audit and report as to the condition of the accounts and records of the Auditor's office. Additionally, in the event of succession to the office of Auditor of a new person through election or appointment, the Board of Supervisors shall contract for the independent audit of that office in the manner hereinbefore provided to commence within 15 days after the new Auditor assumes office or as soon thereafter as may be practicable. The Board may, whenever it shall deem it necessary or expedient so to do, employ an accountant, licensed by the State of California, to audit and report as to any other office or officer, independent of and in addition to any report or account made, or required to be made, by the Auditor."

And we further certify hereby that the facts set forth in the preamble of this certificate preceding said amendment to said Charter are true,

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California, to approve said amendment to said Charter as a whole, and to take other and further

steps and proceedings as may be necessary to perfect such approval.

In witness whereof, We have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 16th day of January, 1967.

(SEAL)

DANIEL D. MIKESELL, Chairman
of the Board of Supervisors,
San Bernardino County, State
of California

Attest:
V. DENNIS WARDLE, County Clerk
and Ex-officio Clerk of the
Board of Supervisors, San Ber-
nardino County, State of California
By MARTIN SPONSLER
Deputy

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the County of San Bernardino, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of the County of San Bernardino.

# CHAPTER 19

*Assembly Concurrent Resolution No. 11—Approving an amendment to the Charter of the County of San Mateo, State of California, ratified by the qualified electors of the county at a general election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State February 9, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of an amendment to the Charter of the County of San Mateo, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and clerk of the county as follows:

State of California }
County of San Mateo } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF SAN MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON TUESDAY, THE 8TH DAY OF NOVEMBER, 1966

Be it known that:

WHEREAS, The County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, a corporate, and a political subdivision of the State of California, and is now and has been, since the twenty-eighth day of January, 1933, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighth day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the twenty-eighth day of January, 1933; and

WHEREAS, The Board of Supervisors of said County, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by Resolution No 22956, adopted August 25, 1966, duly propose to the qualified electors of said county, designated in said resolution and order as proposed County Charter Amendment lettered A, and ordered that said amendment be submitted to the qualified electors of said county at the general election, to be held in said county on Tuesday, the 8th day of November, 1966, which date was fixed in said resolution as the day for holding said general election; and

WHEREAS, Said proposed charter amendment lettered A was published for ten times in the San Mateo Times, a daily newspaper of general circulation, printed, published and circulated in said County, to-wit: on September 12, 13, 14, 15, 16, 17, 19, 20, 21, and 22, 1966; and

WHEREAS, Said general election, at which said proposed amendment was submitted to the qualified electors of said county, was not less than 30 nor more than 60 days after publication of said proposed amendment, as aforesaid; and

WHEREAS, A copy of the proposed charter amendment proposition, and a sample ballot containing said proposition, was mailed to every qualified elector in said County of San Mateo; and

WHEREAS, Thereafter the County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said County, on the 2nd day of December, 1966, did duly declare the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election held on the said Tuesday, the 8th day of November, 1966, 111,462 votes were cast in favor of said proposed charter amendment lettered A and 50,173 votes were cast against said proposed charter amendment lettered A; and

WHEREAS, Said proposed charter amendment lettered A was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said Proposition A appeared on the official ballot and on the voting machine as follows:

Proposition A
San Mateo County Charter Amendment

Authorizes the Board of Supervisors to determine which officers, employees or applicants for employment with County must be residents of the County. Eliminates mandatory residence requirement for most officers and employees; and

WHEREAS, Said charter amendment lettered A so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

PROPOSITION A

That Section 9 of Article XIII of the County Charter be amended to provide that only certain officers and employees

need reside in the County of San Mateo unless otherwise provided by the Board of Supervisors.

Section 9 shall read as follows:

9. Residential Requirements. All elective officers, members of Boards and Commissions, and such other employees as may be designated by the Board of Supervisors shall reside in the County of San Mateo during service in such offices or employment.

That Section 6 of Article XIV of the Charter be amended by deleting the requirement that applicants for employment must have been residents of the County of San Mateo for one year.

Section 6 shall read as follows:

6. Examinations. The Commission shall contract with the California State Personnel Board to provide for and conduct all examinations and supply eligibility lists for all classes of employment in the classified service. In the event that the State Personnel Board fails to provide such service it shall be the duty of the Commission to provide for and conduct such examinations and supply eligibility lists.

No person shall be refused permission to participate in any examination upon the basis of race, color, religious or political opinions or affiliations, or union membership.

Eligibility lists resulting from examinations for all classes of positions except laborers shall remain in existence for at least one year and may be extended for an additional period of one year in the discretion of the commission.

Within the discretion of the commission examinations for laborers may be restricted to tests of physical fitness and eligibility lists for such positions may be declared open and continuous.

State of California }
County of San Mateo } ss:

We, the undersigned, T. Louis Chess Chairman of the Board of Supervisors of the County of San Mateo, State of California, and John A. Bruning, County Clerk and ex-officio Clerk of the Board of Supervisors of the said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of San Mateo, submitted to the electors of said County at a general election held in said county on said Tuesday, the 8th day of November, 1966, has been compared by us, and each of us, with the proposed amendment lettered A set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board

of Supervisors of the County of San Mateo this 27th day of December, 1966.

T. LOUIS CHESS
(SEAL) Chairman, Board of Supervisors of the County of San Mateo, State of California.
JOHN A. BRUNING
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, State of California.

and

WHEREAS, Said proposed amendment to the Charter of the County of San Mateo as ratified by a majority of the electors voting thereon at said election on November 8, 1966, has been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provision of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein,* That said amendment to the Charter of the County of San Mateo, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as part of, the Charter of the County of San Mateo.

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## CHAPTER 20

*Assembly Concurrent Resolution No. 18—Approving amendments to the Charter of the City of Petaluma, a municipal corporation of the County of Sonoma, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State February 9, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Petaluma, a municipal corporation of the County of Sonoma, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO CHARTER OF THE CITY OF PETALUMA, CALIFORNIA

State of California
County of Sonoma
City of Petaluma

We, the undersigned, Helen Putnam, Mayor of the City of Petaluma, and Lillian Nommsen, City Clerk of the City of Petaluma, do hereby certify and declare as follows:

That the City of Petaluma is a Municipal Corporation in the County of Sonoma, State of California, and is now, and at all times hereinafter referred to, was a City containing a population of more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Petaluma is now organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on June 10, 1947, and approved by the Legislature of the State of California by concurrent Resolution No. 64 filed with the Secretary of State on June 20, 1947.

That in pursuance of Section 8, Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Petaluma, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Petaluma, proposal for amendments of the Charter of said City to be voted upon by said qualified electors at a special election held in said City on the 8th day of November, 1966.

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in the Argus Courier, a newspaper of general circulation printed and published at and within the City of Petaluma, County of Sonoma, State of California, and the official newspaper of said City.

That the election at which said proposed charter amendments were voted upon was, by resolution, set and called for the 8th day of November, 1966, and consolidated with the General Election.

That thereafter the Board of Supervisors of the County of Sonoma under contract with the City Council of the City of Petaluma did, in the manner provided by law, duly and regularly canvass the returns of said election and that the County Clerk of the County of Sonoma did duly certify the results of said canvass to the City of Petaluma.

That at said election held on the 8th day of November, 1966, three (3) charter amendments were submitted to the electorate of the City of Petaluma and said proposed charter amendments were ratified and adopted by a majority of said City; that said proposed charter amendments so ratified by the electors of the City of Petaluma proposed to amend Sections 46, 67 and 68 of the Charter of the City of Petaluma to read as follows:

"Section 46. Ordinance Required in Certain Cases: No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than $3,000.00 for the appropriation, acquisition, sale or lease of real property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

"Section 67. Progressive Payments on Contracts. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time ninety percent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety percent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

"Section 68. Public Work and Purchases to be Done and Made by Contract: The erection, improvement and repair of all public buildings and works, all street and sewer work, and all work in or about streams, bays, or waterfronts, or in or about embankments or other works, for the protection against overflow and erosion, where the total cost thereof exceeds the sum of $3.000 00 shall be done by contract, after calling for bids, as hereinafter provided, or may be done under the supervision of the City Council or a committee thereof, or a department of public works, created by the Council. In all said work to be done by contract and in furnishing or purchasing any supplies and/or material for the same or for any other use by the City, when the expenditure required for the same exceeds the sum of $3,000.00, the contract therefor shall be awarded to the lowest responsible bidder, after advertising for sealed proposals for the work or materials contemplated by publishing a notice of such advertisement for sealed proposals one in the Official Newspaper at least five (5) days prior to the award of such contract. Such notice shall distinctly and specifically state the work contemplated to be done and/or the materials contemplated to be purchased. Provided, however, the Council may reject any and all bids, if deemed excessive, and re-advertise for bids or provide for the work to be done by the City Council, or a committee thereof, or a department of public works created by the City Council. In case no bid is received, the Council may likewise provide for the work to be done by it, or by a committee thereof, or a department of public works.

That we have compared the foregoing amendments with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That in all matters and in all things pertaining to said Charter amendments, all the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Petaluma to be affixed hereto this 20th day of December, 1966.

HELEN PUTNAM
(SEAL) Mayor, City of Petaluma

Attest:
LILLIAN NOMMSEN
City Clerk

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Petaluma as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Petaluma.

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## CHAPTER 21

*Senate Joint Resolution No. 1—Relative to naming the forebay dam and reservoir of the San Luis Dam and Reservoir in honor of J. E. O'Neill.*

[Filed with Secretary of State February 9, 1967.]

WHEREAS, The San Luis Dam and Reservoir under construction as a joint federal-state project as part of the San Luis Unit of the Central Valley Project and as part of the State Water Facilities is of vital importance to the State of California; and

WHEREAS, The late J. E. O'Neill, the first President of the Board of Directors of Westlands Water District, was dedicated to the early authorization and construction of the San Luis Unit for the benefit of all of the people; and

WHEREAS, Without the dedicated leadership and efforts of J. E. O'Neill over a period of some 20 years, the San Luis Unit would not now be under construction; and

WHEREAS, J. E. O'Neill contributed to the general welfare of the San Joaquin Valley and the State of California through his active and aggressive civic efforts in other fields and areas; and

WHEREAS, It is not possible to describe all of the great efforts and benefits conferred by this dedicated public benefactor; and

WHEREAS, It is fitting and proper that a memorial be dedicated to J. E. O'Neill and that his name especially be identified in some permanent fashion with the San Luis Unit to which he contributed so much; and

WHEREAS, The City of Los Banos, the Los Banos Rotary Club, the Los Banos Lions Club, the Los Banos Chamber of Commerce, and the County of Merced's board of supervisors have all adopted resolutions indicating their support of the proposal to name the forebay dam and reservoir of the San Luis Dam and Reservoir in honor of J. E. O'Neill; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the Secretary of the Interior and the Director of Water Resources to take the necessary steps toward naming the forebay dam and reservoir of the San Luis Dam and Reservoir in honor of J. E. O'Neill; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Interior, and to the Director of Water Resources.

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## CHAPTER 22

*Assembly Concurrent Resolution No. 17—Relating to the leasing of the Del Mar Racetrack.*

[Filed with Secretary of State February 14, 1967 ]

WHEREAS, The 22nd District Agricultural Association has received bids for a 20-year lease of the Del Mar Racetrack which is under its jurisdiction; and

WHEREAS, The terms under which this lease is obtained by the successful bidder are of vital concern to this Legislature,

not only from the standpoint of its responsibility for the general welfare and proper conduct of state institutions, such as the 22nd District, but also because such terms can vitally affect the revenue the state will receive from the operation of this track; and

WHEREAS, If the lease is for the extended period of 20 years as proposed, the effect of selecting one bidder over another involves several millions of dollars; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the 22nd District Agricultural Association is hereby directed to take all steps necessary to insure that any lease of the district's Del Mar Racetrack is awarded only to the highest bidder for such lease; and be it further

*Resolved,* That the state agencies whose approval is required for such a lease, and particularly the Department of General Services, are requested not to approve any lease which has not been awarded to the highest bidder for such lease, unless the awarding of the lease to such highest bidder is found not to be in the best interests of the state; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit copies of this resolution to the Board of Directors of the 22nd District Agricultural Association, to the Director of General Services, to the Director of Agriculture, and to the California Horse Racing Board.

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## CHAPTER 23

*Senate Concurrent Resolution No. 11—Approving an amendment to the Charter of the County of Sacramento, State of California, voted for and ratified by the qualified electors of said county at a special election held therein on the 7th day of June, 1966.*

[Filed with Secretary of State February 14, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment hereinafter set forth to the Charter of the County of Sacramento, State of California, as set forth in the certificate of the chairman and clerk of the board of supervisors of said county, as follows:

### CERTIFICATE OF FACTS

WHEREAS, the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which

Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

WHEREAS, the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolution adopted the 14th day of March, 1966, duly propose to the qualified electors of said County of Sacramento, an amendment to the Charter of said County, designated as proposed County Charter Amendment A, and ordered that said proposed amendment be submitted to the said qualified electors of said County at a special election to be held on the 7th day of June, 1966; and

WHEREAS, said amendment so proposed was published ten times on the following dates, to wit: April 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, 1966, inclusive, in The Sacramento Union, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento; and

WHEREAS, said Board of Supervisors of said County did, by Ordinance designated as Ordinance No. 910, duly adopted on the 14th day of March, 1966, order the holding of a special county election on the 7th day of June, 1966, which special election was consolidated with the primary state election held on said date; said Ordinance was published for five times in The Sacramento Union, a daily newspaper, printed, published and circulated in said County, on the following dates, to wit: April 1, 2, 3, 4 and 5, 1966; and

WHEREAS, said special election was held in said County of Sacramento on the 7th day of June, 1966, which said day was not less than thirty days nor more than sixty days after said proposed amendment to said County Charter had been published for ten times in The Sacramento Union; and

WHEREAS, the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said special election, as determined from the canvass of the returns thereof; and

WHEREAS, at said special election held on the 7th day of June, 1966, said proposed County Charter Amendment A was ratified by a majority of the electors of said County voting thereon; and

WHEREAS, said Charter Amendment A so ratified by the electors of said County of Sacramento, is now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is and shall,

if so approved by said Legislature, be in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT A

That Subsection (k) of Subdivision (3) of Section 45-A of Article IX of the Charter be amended to read as follows:

(k) If an elective officer or officers shall appoint anyone from the classified list to a position in the unclassified list, upon being released from such position, through no fault of his or her own, such person shall be placed back in the classified list, and returned to his or her former position and classification.

The classified service shall comprise all positions not specifically included by this section in the unclassified service, provided that, in the case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported by the Commission, together with the reasons therefor, to the County Executive, to be approved by the Board of Supervisors.

No person shall be permitted to take an examination for the classified service who has not been a resident of the County of Sacramento for one year prior to the closing date for filing the application therefor; but the Civil Service Commission may waive the residence requirement whenever it determines that it is in the public interest to do so.

That as to said Amendment to the Charter of the County of Sacramento, State of California, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

State of California }
County of Sacramento } ss.

We, the undersigned, James Phelan, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Betty Meyer, Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of Sacramento, submitted to the electors of said County at a Special Election held on the 7th day of June, 1966, which Special Election was consolidated with the Primary State Election held on said date, has been compared by us, and each of us, with the proposed amendment set forth in the said Resolution adopted by said Board

of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 4th day of January, 1967.

JAMES PHELAN
Chairman of the Board of Supervisors
of Sacramento County, California

(SEAL)

Attest:
BETTY MEYER
Clerk of the Board of Supervisors of the
County of Sacramento, State of California

Endorsed:
Filed January 4, 1967
Board of Supervisors
By BETTY MEYER
Clerk of the Board

State of California
County of Sacramento

I, Betty Meyer, Clerk of the Board of Supervisors of the County of Sacramento, in and for the said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original on file and of record in my office, and the same is a full, true and correct copy of such original with the endorsements thereon, and of the whole thereof.

Attest my hand and the seal of said Board of Supervisors, this January 10, 1967.

BETTY MEYER
Clerk of the Board of Supervisors

and

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein*, That the amendment to the Charter of the County of Sacramento as proposed to, and adopted and ratified by, the electors of the county, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as amendment to, and as part of the Charter of, the County of Sacramento.

## CHAPTER 24

*Senate Concurrent Resolution No. 7—Relating to the retirement of Ford A. Chatters from the State Personnel Board.*

[Filed with Secretary of State February 15, 1967.]

WHEREAS, It has come to the attention of the Members of the Legislature that Ford A. Chatters retired from the State Personnel Board December 31, 1966, after more than 20 years of distinguished service; and

WHEREAS, A native of Michigan, where he attended school and first became interested in printing, when he came west to California and settled in Lindsay, Mr. Chatters became a linotype operater on the Lindsay Gazette; and

WHEREAS, Later, as a newspaper and advertising man, he still found time to continue his education at the University of Southern California; and

WHEREAS, After World War I, when he enlisted in the 26th Division and served overseas, he returned to Lindsay and organized the Lindsay American Legion in 1919 and served as its commander and became editor and publisher of the Lindsay Gazette; and

WHEREAS, He worked in the Legislature during the 1921 and 1923 sessions, handled publicity in 1927 for the California Farm Bureau Federation and, during the 1929 session of the Legislature, he handled the news end of the Central Valley Water Project; and

WHEREAS, As a member of the Assembly of the State of California, from 1933 to 1936, he was one of the coauthors of the Central Valley Water Act; and

WHEREAS, He was appointed to the State Board of Education for a four-year term in 1937, and was named a temporary member of the State Personnel Board in 1943; and

WHEREAS, He became a member of the Board of Trustees for the College of the Pacific in 1945, was secretary of the California Highway Commission in 1946–1947, and in 1947 and again in 1957 was reappointed to a full 10-year term on the State Personnel Board; and

WHEREAS, Mr. Chatters has contributed greatly to the raised public confidence in the State Personnel Board by his objectivity, friendliness, fairness, thoughtful suggestions, breadth of vision, and, in particular, his decisive leadership as the board's president for five years; and

WHEREAS, Mr. Chatters has found time to be active in a multitude of other activities, including helping to organize the Orange Belt Scenic Highway Association, the promotion of the Orange Blossom Festival, the Boy Scouts and YMCA Councils, the Lindsay Kiwanis Club, and the California Newspaper Publishers Association, of which he was president in 1930; and

WHEREAS, Mr. Chatters is deserving of the highest commendations for his long, distinguished, and meritorious service to the people of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legislature take this occasion to congratulate Mr. Chatters upon his retirement and extend their gratitude for the excellent services Mr. Chatters has rendered the State of California; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to send a suitably prepared copy of this resolution to Mr. Ford A. Chatters.

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## CHAPTER 25

*Senate Joint Resolution No. 4—Relative to a clearance permit for construction of the Sonoma Creek Bridge.*

[Filed with Secretary of State February 17, 1967 ]

WHEREAS, The Division of Highways of the Department of Public Works of the State of California has proposed a new bridge over Sonoma Creek on State Highway 37; and

WHEREAS, The California Highway Commission has budgeted one million four hundred thousand dollars ($1,400,000) for replacement of the present bridge and plans are ready; and

WHEREAS, The Division of Highways has applied to the United States Army Corps of Engineers for a permit for the construction of the bridge with a clearance of 24 feet above MHHW, and the United States Army Corps of Engineers has held a public hearing and is now considering the clearance subject; and

WHEREAS, The Senate Fact Finding Committee on Transportation and Public Utilities has held a public hearing and determined from the testimony at the hearing that a clearance of 24 feet above MHHW will best serve the needs of waterborne traffic and highway traffic utilizing the bridge, and agreement has been reached between Sonoma County and the Division of Highways that such a clearance is desirable; and

WHEREAS, In order to receive federal aid primary funds for the bridge construction, the Corps of Engineers must issue a permit; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the United States Army Corps of Engineers is respectfully requested to grant a permit for the construction of the bridge with a clearance of 24 feet above MHHW to the Division of Highways of the Department of Public Works of the State of California; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit a copy of this resolution to the Chief of Engineers, United States Army Corps of Engineers.

## CHAPTER 26

*Assembly Concurrent Resolution No. 31—Relative to the passing of George A. Clarke.*

[Filed with Secretary of State February 22, 1967.]

WHEREAS, The Members of this Legislature were deeply saddened to learn of the passing of George A. Clarke, former Member of the Assembly; and

WHEREAS, George A. Clarke was born in Bishop, Inyo County, and served two single terms, in 1912 and 1922 in the Assembly of the State of California from the old 47th District; and

WHEREAS, After moving to Merced he represented the old 31st District of Merced and Madera Counties continuously from 1938 to 1955; and

WHEREAS, During his many years in the Assembly, Mr. Clarke was chairman of the Assembly Agriculture Committee; and

WHEREAS, Throughout his long service Mr. Clarke was a member of the Committees on Livestock and Dairies, Conservation, Planning and Public Works, and Ways and Means; and

WHEREAS, Mr. Clarke was chairman of the Northern California Subcommittee on the Joint Legislative Committee on Agriculture and Livestock Problems; and

WHEREAS, He was a member of the Interstate Cooperation Commission; and

WHEREAS, Mr. Clarke, always interested in farming, stockraising and mining, devoted the whole of his life to bettering the lot of the farmer, the rancher and the miner; and

WHEREAS, Mr. Clarke, in pursuing his interest in agriculture, served two terms as president of the Merced County Farm Bureau; and

WHEREAS, Mr. Clarke, a lifelong Mason, was honored in 1953 by the California Grand Lodge for 50 years continuous membership in the Masons; and

WHEREAS, The State of California is privileged indeed to have had men of the caliber of George A. Clarke serve it so long and so well; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of this Legislature express their deepest sorrow to Kenneth and Warren Clarke and to Mrs. Enid N. Cartwright and Mrs. Verna L. Frohwerk, upon the passing of their father, George A. Clarke; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the sons and daughters of George A. Clarke, Kenneth G. Clarke, Warren C. Clarke, Mrs. Enid N. Cartwright, and Mrs. Verna L. Frohwerk.

# CHAPTER 27

*Assembly Concurrent Resolution No. 20—Relative to discriminatory trade barriers against California wines.*

[Filed with Secretary of State February 22, 1967.]

WHEREAS, Grapes and wine constitute one of the major agricultural industries of the State of California, and California produces approximately 85 percent of all wine produced in the United States; and

WHEREAS, The grape and wine and allied industries employ many thousands of people; and

WHEREAS, The Constitution of the United States sets forth basic principles which seek to make the United States a single union and to set up a single national economy and to assure the products of every lawful industry access to the market of each of the states; and

WHEREAS, The United States has also declared a foreign policy to foster the elimination of trade barriers by reducing tariffs in cooperation with the European Common Market countries and others; and

WHEREAS, The states of the United States cannot constitutionally erect discriminatory barriers against the free movement of products of other states in interstate commerce, except in the case of wines and alcoholic beverages; and

WHEREAS, Many states have by legislation and regulation erected discriminatory barriers against California wines which include the levying of higher taxes on California wines than are placed upon local wines, and the imposition of restrictions on distribution and marketing of California wines which are not imposed upon local wines, so that the entrance of California wine into their markets and the distribution thereof are severely restricted; and

WHEREAS, The United States is founded on the principle of free commerce among the states, and citizens of each state should be free to select the products they desire to purchase, at fair prices and under reasonable conditions, without undue favoritism for local products; and

WHEREAS, The State of California, its political subdivisions, its industries and its citizens expend many millions of dollars for goods produced in other states; and

WHEREAS, In consonance with the basic principles upon which this country was founded. other states should afford nondiscriminatory treatment to California products; and

WHEREAS, Unless relief is given from the present and ever-increasing trade barriers being erected by several of the states, the grape and wine industry and economy of the State of California will suffer great and irreparable harm; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature of the State of California respectfully urges the governors and legislatures of the states, which by statute or regulation discriminate in favor of their own wine industries in tax levies and by discriminatory restrictions on distribution, initiate early action to eliminate such discriminations; and be it further

*Resolved*, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the governors and legislatures of the states which practice the discriminations referred to in this resolution.

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## CHAPTER 28

*Assembly Joint Resolution No. 2—Relative to discriminatory trade barriers against California wines.*

[Filed with Secretary of State February 22, 1967]

WHEREAS, Grapes and wine constitute one of the major agricultural industries of the State of California, and California produces approximately 85 percent of all wine produced in the United States; and

WHEREAS, The grape and wine and allied industries also enhance the economic welfare of the state by the employment of many thousands of people; and

WHEREAS, The Constitution of the United States sets forth basic principles which seek to make the United States a single union and to set up a single national economy and to assure the products of every lawful industry access to the markets of all states; and

WHEREAS, The United States has also declared a foreign policy to foster the elimination of trade barriers by reducing tariffs in cooperation with the European Common Market countries and other; and

WHEREAS, The states of the United States cannot constitutionally erect discriminatory barriers against the free movement of products of other states in interstate commerce, except in the case of wines and alcoholic beverages; and

WHEREAS, Many states have by legislation and regulation erected discriminatory barriers against California wines which include the levying of higher taxes on California wines than are placed upon local wines, and the imposition of restrictions on distribution and marketing of California wines which are not imposed upon local wines, so that the entrance of California wine into their markets and the distribution thereof are severely restricted; and

WHEREAS, Congressional discussions clearly indicate that by the adoption of the 21st Amendment it was intended not to permit discriminatory treatment by one state of the products

of another state, but only to protect the integrity of each state in the matter of regulating the importation and sale of alcoholic beverages by such states; and

WHEREAS, The United States is founded on the principle of free commerce among the states, and citizens of each state should be free to select the products they desire to purchase, at fair prices and under reasonable conditions, without undue favoritism for local products; and

WHEREAS, Unless relief is given from the present and ever increasing trade barriers being erected by several of the states, the grape and wine industry of California and the economy of the State of California will suffer great and irreparable harm; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully requests the Congress of the United States to take cognizance of these discriminatory practices by the several states and proceed in such a manner as it may deem appropriate to cause the elimination of trade barriers by the several states of the Union against California wines; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 29

*Senate Concurrent Resolution No. 18—Relative to congratulating Walter L. Scratch on his retirement.*

[Filed with Secretary of State February 27, 1967.]

WHEREAS, Walter L. Scratch has announced his retirement from journalism, after over 40 years of service and is ending his illustrious career with the Santa Monica Evening Outlook; and

WHEREAS, Mr. Scratch entered the newspaper business in 1926 upon his graduation, magna cum laude, from the University of Michigan, where he majored in journalism; and

WHEREAS, He was a city hall reporter for the Glendale Press in 1927, then shifting to The Honolulu Star Bulletin, of Hawaii where he married the former Patty Switzer and became the city editor of that newspaper; and

WHEREAS, Mr. Scratch returned to California and was Sunday editor for the Oakland Tribune for eight years, and in 1946 became managing editor of the Hollywood Citizen News, and was soon promoted to assistant to the editor and served in that capacity for 17 years; and

WHEREAS, For the past five years Mr. Scratch has been political editor for the Santa Monica Evening Outlook, pro-

viding its readers with a piercing insight to the local, state, and national political scene; and

WHEREAS, Walter L. Scratch has upheld the distinctiveness and integrity of his profession and has pursued his calling with vigor, probity and loyalty; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members thereof extend their heartiest congratulations to Walter L. Scratch upon the occasion of his retirement; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Walter L. Scratch and his wife Patty.

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## CHAPTER 30

*Senate Concurrent Resolution No. 19—Relative to commending Claude Minard.*

[Filed with Secretary of State February 27, 1967.]

WHEREAS, It has come to the attention of the Members of the Senate that former Assemblyman Claude Minard has recently resigned his position as General Counsel and Chief Legislative Representative of the California Railroad Association; and

WHEREAS, A member of a pioneer family who settled in Fresno in the 1870's, Claude Minard graduated from Fresno High School in 1919, received an A.B. degree from Stanford University in 1923, and received his Doctor of Jurisprudence degree from Stanford University in 1926; and

WHEREAS, Mr. Minard opened his law office in Fresno in September, 1926, and late the following year was appointed Deputy District Attorney by the late Glen DeVore, Fresno County's District Attorney and later Mayor; and

WHEREAS, In 1934, Mr. Minard was elected to the California State Assembly serving one term (1935) in the lower house of the Legislature before receiving an appointment as Executive Secretary of the California State Bar by its Board of Governors; and

WHEREAS, In July, 1941, Mr Minard resigned his position with the State Bar to become Director of the California Railroad Association, a position he held until 1957, when he was appointed General Counsel and Chief Legislative Representative for the railroad association; and

WHEREAS, He served with the United States Army in Europe in 1943 and 1944 on the staff of the Allied Force Headquarters, and Supreme Headquarters in London and he spent a year on the staff of the War Department in Washington following his service in Europe; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legisla-

ture commend Claude Minard for his contribution to his community, state and nation and wish him many happy future years; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Mr. Claude Minard.

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## CHAPTER 31

*Assembly Concurrent Resolution No. 32—Approving amendments to the Charter of the County of Alameda, State of California, voted for and ratified by the qualified electors of said county at an election held therein on the seventh day of June, 1966.*

[Filed with Secretary of State February 27, 1967 ]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the County of Alameda, State of California, as set forth in the certificate of the chairman and clerk of the board of supervisors of said county, as follows:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 7TH DAY OF JUNE, 1966.

### Preamble

BE IT KNOWN THAT:

WHEREAS, the County of Alameda, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January, 1927, (Stats. 1927, pp. 2029); and

WHEREAS, the Board of Supervisors pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, by its Resolution No. 116219 adopted March 25th, 1966, duly proposed and ordered submitted to

the qualified electors of said County of Alameda at the election to be held in said County on the 7th day of June, 1966, proposed amendments to the Charter of the County of Alameda, and duly ordered that said proposals should be forthwith published for ten times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in said County of Alameda, which said proposals were set forth in full and at length, and were, and are, in words and figures hereinafter set forth; and

WHEREAS, thereafter the said proposed amendments to the Charter of said County of Alameda were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: April 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 1966, and said election at which said proposals were submitted to the vote of qualified electors of said County was not less than thirty (30) days nor more than sixty (60) days after publication of said proposals as aforesaid; and

WHEREAS, subsequent to the adoption of Resolution No. 116219 above mentioned, said Board of Supervisors by Resolution No. 116652, adopted May 3, 1966, duly prescribed the form and titles to be printed on the election ballot to be used at said election on June 7, 1966, for the submission of said proposals, which said form and title is hereinafter set forth, and in which said form and under which said title said proposals appeared on said ballot; and

WHEREAS, at said election said proposals were duly submitted to the vote of the qualified electors of said County and appeared on the ballot at said election in the following form, to wit:

Amendments to the Charter of the
County of Alameda

| | | | |
|---|---|---|---|
| A | Shall a new Section 20.5 be added to the Charter of the County of Alameda to authorize the Board of Supervisors to suspend an elected County officer who has been charged by information or indictment with a felony related to misconduct in office, pending the trial of such charges, and specifying the procedure to accomplish such suspension? | YES | |
| | | NO | |

| | | | |
|---|---|---|---|
| B | Shall the Civil Service provisions of the Charter of the County of Alameda be amended to increase the minimum notice period for holding competitive Civil Service examinations from 10 days to 25 days, by amending Section 36(b) of said Charter? | YES | |
| | | NO | |

| | | | |
|---|---|---|---|
| C | Shall the Civil Service provisions of the Charter of the County of Alameda be amended to increase the preferential credit allowed to disabled veterans on entrance examinations from 5 points to 10 points and to decrease the preferential credits on promotional examinations from 5 to 3 points for disabled veterans and from 5 points to 1 point for all other veterans, by amending Section 39 of said Charter? | YES | |
| | | NO | |

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|---|---|---|---|
| D | Shall the Civil Service provisions of the Charter of the County of Alameda be amended to extend the time within which a Civil Service employee may appeal an order of dismissal, suspension or reduction in rank or compensation from 5 days to 10 working days, by amending Section 40 of said Charter? | YES | |
| | | NO | |

| | | | |
|---|---|---|---|
| E | Shall Section 35 of the Charter of the County of Alameda relating to the unclassified Civil Service, which now provides that the Sheriff may appoint six confidential deputies in the unclassified Civil Service who do not acquire Civil Service tenure and serve at his pleasure, be amended to remove the authorization of the Sheriff to appoint such deputies in the unclassified Civil Service? | YES | |
| | | NO | |

| | | | |
|---|---|---|---|
| | Shall Section 38 of the Charter of the County of Alameda which now provides for blanketing into the County classified civil service with tenure of all County employees, except those specifically enumerated as being unclassified, who had held their positions for six months or longer prior to January 18, 1927, the effective date of the Charter, be amended to delete this obsolete provision and to provide that hereafter when a position now in the unclassified Civil Service is by Charter amendment or by action of the Board of Supervisors included in the classified Civil Service, any employee who has held such position for one year prior to the effective date of such action shall be blanketed into the classified Civil Service with tenure? | YES | |
| F | | NO | |

and

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, returns of said county election held in the County of Alameda on the 7th day of June, 1966, at which said election said proposals were duly submitted to the vote of the qualified electors of said County, were made to and canvassed by the County Clerk of the County of Alameda, who is duly authorized, and said County Clerk did certify the same to the Board of Supervisors of said County, and the Clerk of said Board of Supervisors duly entered on the records of said Board of Supervisors on the 30th day of June, 1966, in Minute Book, Reel 19, Image 126, a statement of the results of said canvass and said election; and

WHEREAS, a majority of the qualified electors voting thereon at said election voted in favor of the adoption of said amendments to the Charter of the County of Alameda; and

WHEREAS, said amendments so ratified by the electors of said County of Alameda at said election held on June 7, 1966, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

Now, THEREFORE, the undersigned Robert E. Hannon, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack G. Blue, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of the said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said Charter of said County so ratified by the majority of the electors voting thereon at said election held on the 7th day of June, 1966, as submitted to said electors are in words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSAL "A"

To Add a New Section 20.5 to the Charter of the County of Alameda to Authorize the Board of Supervisors to Suspend an Elected County Officer Who Has Been Charged by Information or Indictment With a Felony Related to Misconduct in Office, Pending the Trial of Such Charges, and Specifying the Procedure to Accomplish Such Suspension,

by amending said Section 20.5 of the Charter to read as follows, to wit:

"Section 20.5. The Board of Supervisors shall have the authority to suspend an elected county officer who has been charged by information or indictment with a felony related to misconduct in office, pending the trial of such charges.

Such authority to suspend shall be exercised by the adoption by resolution of the Board of Supervisors of a declaration of intention to suspend such official, which declaration shall set forth the grounds upon which such action is proposed to be taken and specify the time and place of the meeting at which the Board of Supervisors will meet to consider such action, which hearing shall be held not less than 5 days after the adoption of such resolution. The Clerk of the Board of Supervisors shall immediately furnish a copy of such resolution to such officer by delivering it to him personally, or by mailing a copy thereof by registered mail to his official business address and to his residence address.

If the charges are sustained by not less than a majority of the members of the Board of Supervisors, such officer shall be suspended forthwith without compensation pending the trial of such charges, and the Board of Supervisors shall appoint a qualified person to discharge the duties of the office during the period of such suspension, and require the person so appointed to furnish an official bond in an amount to be fixed by the Board of Supervisors."

PROPOSAL "B"

To Amend the Civil Service Provisions of the Charter of the County of Alameda to Increase the Minimum Notice Period for Holding Competitive Civil Service Examinations From 10 Days to 25 Days,

by amending Section 36(b) of said Charter, to read as follows, to wit:

"Section 36: It shall be the duty of the Civil Service Commission: . . . (b) To provide for the preparation and holding of competitive examinations in order to test the relative fitness of all applicants for appointment to or promotion in the classified Civil Service; provided, however, that noncompetitive qualifying examinations may be given to incumbents with tenure in positions which are reclassified or reallocated, and that the name of each incumbent who qualifies in such qualifying examination shall be placed on an eligible list and the said incumbent shall be appointed subject to probation to the reclassified or reallocated position, anything in this Charter to the contrary notwithstanding. Adequate notice but not less than twenty-five days notice shall be given of each competitive examination."

PROPOSAL "C"

To Amend the Civil Service Provisions of the Charter of the County of Alameda to Increase the Preferential Credit Allowed to Disabled Veterans or Entrance Examinations From 5 Points to 10 Points and to Decrease the Preferential Credit on Promotional Examinations From 5 Points to 3 Points for Disabled Veterans and From 5 Points to 1 Point for All Other Veterans,

by amending Section 39 of said Charter, to read as follows, to wit:

"Section 39: Any person who has served in the armed forces of the United States during a war or campaign as defined by Section 18973 of the Government Code of the State of California and who has been discharged or released under honorable conditions, who shall become eligible for certification from eligible lists by attaining the passing mark established for the examination shall be given one of the following preferential credits which added to his rating on such examination shall constitute his total rating:

(a) In entrance examinations: Disabled Veterans, 10 points; All other Veterans, 5 points;

(b) In promotional examinations: Disabled Veterans, 3 points; All other Veterans, 1 point.

For the purpose of this section 'disabled veteran' means any veteran as defined herein who is currently declared by the United States Veterans Administration to be ten percent or more disabled as a result of his service."

PROPOSAL "D"

To Amend the Civil Service Provisions of the Charter of the County of Alameda to Extend the Time Within Which a Civil Service Employee May Appeal an Order of Dismissal, Suspension or Reduction in Rank or Compensation From 5 Days to 10 Working Days,

by amending Section 40 of said Charter to read as follows, to wit:

"Section 40: Any officer or employee in the classified civil service may be removed, suspended or reduced in rank or compensation by the appointing authority, after appointment or promotion is complete, by an order in writing, stating specifically the reasons therefor. Said order shall be filed with the Civil Service Commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. Such employee may reply in writing to said order within ten days from the date of filing said order with the Civil Service Commission. Any person removed, suspended or reduced in rank or compensation, may, within ten working days after presentation to him of the order of removal, suspension or reduction as hereinabove provided, appeal to the Civil Service Commission from such order. The Commission shall within two weeks from the filing of said appeal, commence the hearing thereof, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him."

PROPOSAL "E"

To Amend Section 35 of the Charter of the County of Alameda, Relating to the Unclassified Civil Service, Which Now Provides That the Sheriff May Appoint Six Confidential Deputies in the Unclassified Civil Service Who Do Not Acquire Civil Service Tenure and Serve at His Pleasure, Be Amended to Remove the Authorization of the Sheriff to Appoint Such Deputies in the Unclassified Civil Service,

by amending Section 35 of said Charter to read as follows, to wit:

"Section 35. The Civil Service of the County is hereby divided into the unclassified and the classified service. The unclassified service shall include:

"(a) All officers elected by the people, and their Chief Deputies.

"(b) All assistants, deputies and other employees in the office of the District Attorney.

"(c) All appointive boards and commissions.
"(d) Members of the County Board of Education.
"(e) Law Library Trustees.
"(f) Members of the Civil Service Commission.
"(g) All persons serving the County without compensation.
"(h) Not to exceed two confidential employees in the office of the Board of Supervisors.

"The classified service shall comprise all positions not specifically included by this Charter in the unclassified service, provided that in the case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended, but no such suspension shall be reported by the Commission, together with the reasons therefor, to the Board of Supervisors."

PROPOSAL "F"

To Amend Section 38 of the Charter of the County of Alameda Which Provides for Blanketing Into the County Classified Civil Service With Tenure of All County Employees, Except Those Specifically Enumerated as Being Unclassified, Who Had Held Their Positions for Six Months or Longer Prior to January 18, 1927, the Effective Date of the Charter, to Delete This Obsolete Provision and to Provide That Hereafter When a Position Now in the Unclassified Civil Service Is by Charter Amendment or by Action of the Board of Supervisors Included in the Classified Civil Service, Any Employee Who Has Held Such Position for One Year Prior to the Effective Date of Such Action Shall Be Blanketed Into the Classified Civil Service With Tenure,

by amending Section 38 of said Charter, to read as follows, to wit:

"Section 38. When a position now in the unclassified Civil Service is by Charter amendment or by action of the Board of Supervisors included in the classified Civil Service, any employee who has held such position for one year prior to the effective date of such action shall be blanketed into the classified Civil Service and shall hold his position until discharged, reduced, promoted or transferred in accordance with the provisions of the Charter relating to Civil Service."

We hereby certify that the facts set forth in the Preamble of this certificate preceding said amendments to said Charter are, and each of them is, true; and for and on behalf of said County of Alameda we, being duly authorized, do hereby request the Legislature of the State of California to approve said amendments to said Charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 7th day of February, 1967.

(SEAL)

ROBERT E. HANNON
Chairman of the Board of Supervisors of the County of Alameda, State of California
JACK G. BLUE
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California.
By JACK POOL
Chief Clerk

Attest:
JACK G. BLUE
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California.
By JACK POOL
Chief Clerk

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it.

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the County of Alameda as proposed to, and adopted and ratified by, the electors of the county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of, the County of Alameda.

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## CHAPTER 32

*Senate Joint Resolution No. 6—Relative to oil drilling in the Santa Barbara Channel and the imposition by the United States of reasonable conditions, restrictions and limitations appertaining thereto.*

[Filed with Secretary of State February 27, 1967.]

WHEREAS, The United States government, through the Bureau of Land Management of the Department of the Interior, has recently advertised for and opened bids for an offshore

"drainage" lease in the Carpinteria area of the County of Santa Barbara without special restrictions or limitations as to the number or location of oil platforms or other conditions concerning aesthetics or related matters; and

WHEREAS, Said lease was made without any public discussion with Santa Barbara County or City officials as to possible restrictions; and

WHEREAS, It is possible that an additional portion of the area offshore of Santa Barbara County may be leased, and oil drilling platforms constructed in the tide and submerged lands; and

WHEREAS, The coastal areas of Santa Barbara County, including those of the City of Carpinteria, the City of Santa Barbara, and the unincorporated communities of Summerland, Montecito, Hope Ranch and Goleta, as well as the University of California, are choice scenic areas with great investments in residential, cultural, tourist and commercial properties and consideration should be given to assuring that construction of oil drilling and similar structures is compatible with the scenic beauty of such area; and

WHEREAS, The State of California, by Section 6873.2 of the Public Resources Code, enacted in 1955, requires the State Lands Commission to consult and cooperate with cities or counties in similar circumstances with the object of the preservation of natural beauty; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the United States government not to make leases with respect to the tide or submerged lands in or around the Santa Barbara Channel, or in or around the chain of Channel Islands, without a full discussion with state, county and city officials concerning restrictions which should be imposed to preserve as far as practicable the natural beauty of the area; and be it further

*Resolved,* That the Legislature of the State of California respectfully requests the Bureau of Land Management of the United States government to consult and cooperate with the City of Santa Barbara, the County of Santa Barbara, and all other cities and communities adjacent to the channel area, in preserving the natural beauty of the Santa Barbara Channel and of the shoreline in said county and the cities therein to the extent reasonably possible and necessary, by making such provisions as are necessary to assure that any construction is compatible with the scenic beauty of such area; and further by imposing reasonable and feasible conditions and restrictions upon the design and appearance of such structures; and be it further

*Resolved,* That the Secretary of the Senate send copies of this resolution to the Honorable Lyndon B. Johnson, President of the United States, the Honorable Stewart L. Udall,

Secretary of the Interior of the United States, the Honorable Charles H. Stoddard, Director of the Bureau of Land Management of the United States, the Honorable Thomas H. Kuchel, United States Senator, the Honorable George Murphy, United States Senator, the Honorable Charles M. Teague, Member of Congress, and the executive officer and members of the State Lands Commission of the State of California.

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## CHAPTER 33

*Assembly Concurrent Resolution No. 29—Approving an amendment to the Charter of the City of Dairy Valley, a municipal corporation of the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on the 10th day of January, 1967.*

[Filed with Secretary of State March 1, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment hereinafter set forth to the Charter of the City of Dairy Valley, a municipal corporation of the County of Los Angeles, State of California, as set forth in the certificate of the city clerk of said city, as follows:

CERTIFICATE OF CITY CLERK OF THE CITY OF DAIRY VALLEY RE RATIFICATION OF CITY CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Dairy Valley

The undersigned, Agnes Hickey, City Clerk of the City of Dairy Valley, California, and ex-officio Clerk of the City Council of said City, does hereby certify and declare as follows:

That the undersigned said Agnes Hickey was at all times herein mentioned the Clerk of the legislative body of the City and City Clerk of said City of Dairy Valley; that heretofore and prior to the 2nd day of November, 1966, the said City Council of the City of Dairy Valley did cause to be framed that certain proposed charter amendment to its City Charter as hereinafter set forth, and on the 2nd day of November, 1966, at a regular meeting of said City Council of said City, said City Council by Resolution No. 66-44 adopted by unanimous vote of said City Council, all members being present, ordered the proposition for the adoption of said proposed charter amendment to be placed on the ballot at the special election ordered in the City of Dairy Valley for the 10th day

of January, 1967, for the purpose of submitting said proposition to the electors of said City of Dairy Valley; that said proposed charter amendment of the City of Dairy Valley was filed in the office of the City Clerk of Dairy Valley on the 2nd day of November, 1966; that said Resolution No. 66-44 further ordered and directed that the City Clerk give such notice of said election and proposed charter amendment in time, form and manner as required by law;

That said proposed charter amendment was published pursuant to said order in the Community Advocate on the 16th day of November, 1966, said newspaper being of general circulation in said City of Dairy Valley; that a further notice was published in the Long Beach Press Telegram, said newspaper being of general circulation in said City of Dairy Valley, on the 19th day of November, 1966, and on each day thereafter until the day fixed for said election, stating that copies of the said proposed charter amendment could be had upon application therefor; that the date of such publication in the Community Advocate was within fifteen (15) days after the said proposed charter amendment was filed in the office of said Clerk of said City Council; that the date set for the submission to the electors of said proposed charter amendment, to wit, January 10, 1967, was not less than forty (40) days nor more than sixty (60) days after the completion of said advertising in said Community Advocate as aforesaid;

That said election was duly and regularly held on the 10th day of January, 1967, and that at said election a majority of the qualified voters voting thereon voted in favor of each of the said proposed charter amendments and for the ratification and adoption thereof;

That the said City Council of the City of Dairy Valley at a meeting duly held on January 18, 1967, at the time and in the form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter amendment and for the adoption thereof, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Dairy Valley voting thereon, as follows, to wit:

Proposition A:

| | |
|---|---|
| Votes in favor of the adoption and ratification of said proposed charter amendment: | 202 |
| Votes against the adoption and ratification of said proposed charter amendment: | 109 |

That said election was held in accordance with the election laws of the State of California relating to and governing such special municipal elections within said State, so far as ap-

plicable, and in other respects in strict accordance with the general laws of the State of California;

That said charter amendment so prepared, proposed, submitted, ratified and adopted as herein set forth is in the words and figures following, to wit:

PROPOSITION A:
PROPOSED CHARTER AMENDMENT

Section 100 of the Charter of the City of Dairy Valley is hereby amended to read as follows:

Section 100. Name and Boundaries. The name of this City shall be "City of Cerritos" and said City shall continue to be a municipal corporation under such name. Whenever the term "City" or "City of Dairy Valley," the former name of this City, shall appear in this Charter or in any contract, ordinance, resolution, order or other document or action of this City, said term shall refer to and mean the City of Cerritos. The boundaries of the City shall be the boundaries as established at the time the Charter of this City took effect or as such boundaries may have been, or be, changed thereafter in the manner authorized by law.

I do further certify and declare that the foregoing constitutes a full, true, and correct statement of the actions and proceedings had by the City of Dairy Valley and the City Council of said City, in the matter of the framing, proposal, and submission of said proposed charter amendment for the government of the City of Dairy Valley, and in calling, voting upon, and canvassing the returns and declaring the results of said election.

In witness whereof, I have hereunto set my hand and hereto affixed the seal of said City of Dairy Valley, this 25th day of January, 1967.

AGNES HICKEY
(SEAL) City Clerk of the City of Dairy Valley, California.

and

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Dairy Valley as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Dairy Valley.

# CHAPTER 34

*Assembly Concurrent Resolution No. 36—Relative to Judge Roger Alton Pfaff.*

[Filed with Secretary of State March 1, 1967 ]

WHEREAS, Judge Roger Alton Pfaff was born and raised in Sigourney, Iowa, and taught school in Iowa for two years before entering college; and

WHEREAS, Judge Pfaff attended the University of Oregon, was selected by the faculty as a member of a three-man goodwill tour of the countries of the Pacific Basin sponsored by Governor Meier, and received a B.S. in 1932; and

WHEREAS, He attended law school for one year at the University of Washington and completed his legal education at the School of Jurisprudence, University of California at Berkeley; and

WHEREAS, He entered private practice in Los Angeles and in 1940 was elected in the primaries on both the Republican and Democratic tickets to the California Legislature, serving until after Pearl Harbor; and

WHEREAS, Judge Pfaff entered the armed forces holding a reserve commission as first lieutenant, served in the African, European and CBI theaters of war, and was appointed Acting Chief of the Counter-espionage Branch of the Office of Strategic Services, being honorably discharged as a lieutenant colonel; and

WHEREAS, He reentered private practice after the war and was appointed to the Municipal Court of Los Angeles by Governor Earl Warren and then to the Superior Court by Governor Goodwin Knight; and

WHEREAS, While Judge Pfaff sat as Presiding Judge of the Los Angeles Municipal Traffic Safety Courts, he brought about many outstanding improvements in its procedures and operation, receiving national recognition for his efforts and appearing as the subject of a Reader's Digest article; and

WHEREAS, Judge Pfaff has been presiding in the Conciliation Court and the Consolidated Domestic Relations and Conciliation Court for the past five years and has reformed and reorganized this court until it has become a nationally recognized model for domestic relations courts; and

WHEREAS, Judge Pfaff has been the recipient of many awards from his fellow members of the bar and from many national and community organizations; and

WHEREAS, He has been appointed to numerous legal and governmental conferences and committees including, most recently, the 1964 Advisory Committee on Family Life and Law (as chairman), the 1966 Governor's Commission on the Family, and the 1965–1966 Family Law Section of the American Bar Association (as chairman); and

WHEREAS, He has participated actively in the affairs of the community and the Episcopal Church, serving for nine years as president of the Cancer Prevention Society of Los Angeles, for five years as chairman and vice chairman of all layman's work for the Episcopal Church, Diocese of Los Angeles and for six years as chairman of the citizens committee constructing the MacArthur Monument among numerous other positions; and

WHEREAS, Judge Pfaff will be honored for his many contributions to the legal profession and the law and to the Los Angeles community and the State of California at a testimonial dinner on March 9, 1967; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members honor and commend Judge Roger Alton Pfaff, a former member of this Legislature, for his many dedicated and outstanding contributions to his community and for his incisive and inspired contributions to the improvement of justice and human relations in California and in the nation; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Honorable Roger Alton Pfaff.

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## CHAPTER 35

*Senate Concurrent Resolution No. 15—Relative to adjournment of the Legislature for recess and to reassembling the Legislature after said recess, fixing the date for said adjournment and said reassembling.*

[Filed with Secretary of State March 2, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the 1967 Regular Session of the Legislature of the State of California shall adjourn for a recess at 5:00 p.m. on March 17, 1967, and shall reassemble at 3:00 p.m. on March 27, 1967.

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## CHAPTER 36

*Assembly Concurrent Resolution No. 37—Relative to the death of Assemblyman Charles Edward Chapel.*

[Filed with Secretary of State March 2, 1967.]

In memoriam:

CHARLIE CHAPEL

Now, comrades, look where'er you may,
You shall not find for many a day

A man who loved so well to tell
The meaning of the civic mind.
His words were under rein and bit
To serve a brilliant master wit
Which sought to render peace from strife
By carefully examining life.
How often he would take this floor
To speak of friends beyond that door
Through which we all must go;
And always he would ask the grace
Of God to usher through that place
The soul of one he loved to know.
Then let us here this man revere
Through faith that makes us brothers,
And all believe he will receive
That grace he sought for others.

WHEREAS, It was with great sadness that the Members of the Legislature learned of the death on February 20, 1967, of their friend and colleague, Assemblyman Charles Edward Chapel; and

WHEREAS, A native of Iowa, Charles E. Chapel attended the State University of Iowa, Missouri University, and the United States Naval Academy, earning bachelor of arts and bachelor of science degrees in engineering; and

WHEREAS, By virtue of his natural ability and vast knowledge of the various phases of engineering, he quickly attained success as a licensed professional mechanical engineer; and

WHEREAS, A man of many and varied interests and talents, he also achieved success in the following additional careers: professor of aeronautical and mechanical engineering at Polytechnic College of Engineering, 1941; educational director, U.S. Army Air Corps School of Motorless Flight (Gliders), Twentynine Palms, 1942; Senior aeronautical engineer and general superintendent, customer relations, U.S. Navy and U.S. Air Force Schools for Consolidated-Vultee Aircraft Corporation, 1942–45; motion picture producer, U.S. Air Force training films, B-32, 1944–45; chief, research and development, Northrop Aeronautical Institute, 1945–48; and consulting engineer for aircraft and space research corporations since 1948; and

WHEREAS, He attained nationwide renown as a prolific writer on aviation, firearms, electronics, police science, and various other topics, authoring a multitude of books and the amazing total of more than 4,000 published magazine and newspaper articles and coauthoring two dictionaries, three encyclopedias, and one text on biology; and

WHEREAS, He rendered superlative service to his country in the Army, Navy and Marine Corps, receiving medals for exemplary service in China and Nicaragua; and

WHEREAS, He was first elected to the Assembly in 1950, and during his long career in the Legislature he acquired a repu-

tation as a legislator of ability, integrity and foresight who possessed the courage to vote his convictions; and

WHEREAS, Both his speech and his writings were characterized by great wit, which he used effectively in legislative debate and in his sparkling reports to his constituents; and

WHEREAS, He was the author of many important measures which proved of great value to the people of this state, was especially well known for his crusades against communism and increased taxes, and served with distinction on numerous committees, including Military and Veterans Affairs, Public Utilities and Corporations, of which he was chairman, Revenue and Taxation, and Transportation and Commerce; and

WHEREAS, He was a prominent and active member of numerous civic and fraternal organizations, including the Masons, Fraternal Order of Eagles, Shrine, Benevolent and Protective Order of Elks, Loyal Order of Moose, and Veterans of Foreign Wars; and

WHEREAS, One of the outstanding legislators of our time, a leader in both the public and private sectors of our national life, Charles E. Chapel will be sorely missed by his countless friends and admirers; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members hereby pay tribute to the memory of their colleague, Charles Edward Chapel, and extend their sincere and heartfelt condolences to the members of his family; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to his widow, Dorothy, and to his children, Joanne, Nancy, Charles, and his stepson, Richard Young.

## CHAPTER 37

### *Assembly Joint Resolution No. 1—Relative to renaming the Tehama-Colusa Canal.*

[Filed with Secretary of State March 8, 1967.]

WHEREAS, Will S. Green came and settled the town of Colusa with his uncle, Charles Semple, in 1850, and was a Member of the Assembly of California in 1869 when he drafted "Green's Land Law," and was later appointed Treasurer of the State of California by Governor Budd; and

WHEREAS, Will S. Green became known as "the Father of Irrigation in the Sacramento Valley" because of his lifelong, tireless efforts to promote irrigation projects on the west side of the Sacramento Valley; and

WHEREAS, Will S. Green even expended his own money on surveys and feasibility studies of proposed irrigation routes on the west side of the Sacramento Valley; and

WHEREAS, In 1863, Will S. Green proposed a series of levees and canals for reclamation and irrigation projects involving the Sacramento and Feather Rivers, Butte and Putah Creeks and extending as far south as Suisun; and

WHEREAS, In the early 1880's, Will S. Green proposed an irrigation system with an intake near Red Bluff which can be described as the precursor of today's Tehama-Colusa Canal project; and

WHEREAS, In view of his contribution to irrigation in the Sacramento Valley, the Legislature of the State of California believes it is fitting and proper that the Tehama-Colusa Canal be renamed for Will S. Green; and

WHEREAS, The Legislature of the State of California recognizes that confusion may result in attempts to obtain appropriations for the present canal project and extension of said canal from the proposed renaming, if said change is not made without due consideration to this problem; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully urges, at an appropriate time, the renaming of the Tehama-Colusa Canal as the Will S. Green Canal; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 38

*Assembly Concurrent Resolution No. 43—Relative to the 25th anniversary of the United States Navy Seabees.*

[Filed with Secretary of State March 8, 1967.]

WHEREAS, It has come to the attention of the Members of the California Legislature that the United States Navy Seabees are celebrating their 25th anniversary during March 1967, culminating a colorful and productive era in the defensive bulwark of this nation; and

WHEREAS, The Seabees were founded in March 1942 when Admiral Ben Moreell arranged with American labor union leaders to have skilled men assist in the reconstruction of Pearl Harbor; and

WHEREAS, The Seabees are self-sufficient units geared to move at a moment's notice and although their primary mission is to build airstrips, piers, cantonments, roads, field hospitals and covered storage areas, they dig and man their own bunkers, and patrol and fight beside other United States troops when the occasion arises; and

WHEREAS, Within their motto "Construimus, Batuimus—We Build, We Fight" is embraced a motivating spirit which characterizes the Seabees in their role as an important arm of national defense; and

WHEREAS, The gallant Seabees traditionally boast "Can Do" and throughout their vital roles in World War II, the Korean conflict, and the Vietnam conflict, upholding and defending the rights of free people, they have brought their spirit and technical skills to the service of freedom; and

WHEREAS, Many of the outstanding members of the Seabees are citizens of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the California Legislature commend the United States Navy Seabees on their 25th anniversary and acknowledge the outstanding work and contributions the gallant members of the Seabees, both past and present, have performed in the defense of freedom throughout the world; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Department of Navy, Naval Facilities Engineering Command.

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## CHAPTER 39

### *Senate Joint Resolution No. 7—Relative to motor vehicle inspection.*

[Filed with Secretary of State March 9, 1967.]

WHEREAS, Proposals for the adoption of a system of compulsory motor vehicle inspection in California have been made from time to time, over a period of about 30 years; and

WHEREAS, The Assembly Committee on Transportation and Commerce studied the subject of compulsory motor vehicle inspection in the State of California pursuant to House Resolution No. 150 of the 1961 Legislature; and

WHEREAS, The committee report submitted to the 1963 Legislature recommended that because of inconclusive results obtained from the committee's intensive and detailed nationwide survey on the effect of compulsory periodic inspection, that other approaches to increased traffic safety, such as an increase in the application of currently authorized roadside vehicle inspections, be considered prior to adoption of a system of compulsory periodic inspection; and

WHEREAS, The California Legislature in 1965 passed legislation to substantially increase the number of uniformed California Highway Patrolmen and to establish a system of random roadside vehicle safety inspections; and

WHEREAS, Since this system of roadside inspection was put into effect in late 1966, information concerning the effective-

ness of the program cannot be accumulated for some time; but preliminary reports indicate public acceptance and support; and

WHEREAS, The National Highway Safety Agency has recently announced draft standards requiring each state to have a system of compulsory periodic motor vehicle inspection; and

WHEREAS, If this federal standard becomes final, California will have to abandon its current roadside safety inspection program after tremendous cost without adequate opportunity to evaluate the program; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the National Highway Safety Agency be requested to recognize and approve the California random roadside inspection program, and that final federal standards for motor vehicle inspection and maintenance be drafted to include the California system; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Secretary of Transportation, the Administrator of the National Highway Safety Agency, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 40

*Assembly Concurrent Resolution No. 28—Relative to redevelopment in the City of Fresno.*

[Filed with Secretary of State March 13, 1967]

WHEREAS, The City of Fresno, and the County of Fresno, acting through the Redevelopment Agency of the City of Fresno, have been awarded advance funds of $459,000 by the Department of Housing and Urban Development for the study of a 1,895-acre general neighborhood renewal area of West Fresno; and

WHEREAS, Most of the culturally, socially, and economically disadvantaged residents of Fresno reside in the West Fresno area to be covered by the study; and

WHEREAS, The Health and Welfare Agency of the State of California has ordered the closing of the Fresno multiservice center which has offered hope and encouragement to many of the residents of West Fresno and surrounding agricultural areas; and

WHEREAS, In the development of its study of the general neighborhood renewal area, the Redevelopment Agency of the City of Fresno will open neighborhood centers to improve communications between the West Fresno community and the Redevelopment Agency and for other reasons relating to efforts to upgrade the West Fresno community; and

WHEREAS, The neighborhood centers offer a way to retain the substance if not the form of the multiservice centers; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That all agencies of the State of California having offices in Fresno relating to employment, rehabilitation, and other areas of human need are requested to direct their supervisory personnel in Fresno to communicate immediately with the Redevelopment Agency of the City of Fresno to express their willingness to assist and cooperate in filling the void which will be left by the closing of the Fresno multiservice center; and be it further

*Resolved*, That the aforesaid agencies of the State of California are requested to make every effort to assign personnel from their current staffs to work in the neighborhood centers on a regular full- or part-time basis in order to assist in meeting the needs of the disadvantaged people of Fresno and surrounding areas; and be it further

*Resolved*, That the aforesaid agencies of the State of California are encouraged to seek the advice, counsel, and cooperation of the agencies of the City of Fresno and the County of Fresno to develop intake procedures which fully reflect the determination of all levels of government to work together toward the common goal of helping people to help themselves; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Fresno County Board of Supervisors, the Fresno City Council, and to the Administrator of the Health and Welfare Agency and the Director of the State Department of Employment

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## CHAPTER 41

*Assembly Concurrent Resolution No. 47—Relative to the demise of M. Philip Davis.*

[Filed with Secretary of State March 16, 1967.]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature learned of the recent death of M. Philip Davis, former Assemblyman of the 60th District; and

WHEREAS, Mr. Davis' business, cultural and political activities were legion; and

WHEREAS, He owned and was president of two radio stations, KWIZ in Santa Ana and KLOK in San Jose, and he was board chairman of Blue Goose Growers, Inc., and the owner-operator of Citrus Farm Operations with holdings across the nation; and

WHEREAS, Mr. Davis was Assemblyman from the 60th District from 1945 to 1948; and

WHEREAS, While he was an Assemblyman he was responsible for legislation which established the U.C.L.A. medical school

and was generally concerned with furthering the growth of U.C.L.A. as the fine institution of higher education which it is today; and

WHEREAS, Mr. Davis was the southern area administrator for the State Alcoholic Control Board; and

WHEREAS, He was a delegate to the Republican National Convention in 1956 and was statewide coordinator for William Knowland's campaign for Governor in 1958; and

WHEREAS, Mr. Davis was statewide cochairman, along with Ronald Reagan, for Barry Goldwater's presidential campaign in 1964; and

WHEREAS, Mr. Davis was president of the Otis Art Institute's board of governors; and

WHEREAS, He was past president of the U.C.L.A. Alumni Association; and

WHEREAS, He was chairman of the executive committee for the California Institute for Cancer Research; and

WHEREAS, He leaves his wife, Carolyn Lyle Davis; two sons, David and Philip; a daughter, Barbara; his mother, Mrs. Maybelle Davis of Los Angeles; two sisters, Mrs. Maybelle Andersen and Mrs. Elizabeth Welch and his brother, W. Thomas Davis with whom he practiced law; and

WHEREAS, The State of California is both deeply grateful to have had men of the caliber of M. Philip Davis to serve her and deeply saddened to lose such men; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the Legislature express their deepest sympathy to Carolyn Lyle Davis, the widow of M. Philip Davis, upon the untimely death of her beloved husband and to his entire family; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit a suitably prepared copy of this resolution to Carolyn Lyle Davis.

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## CHAPTER 42

*Assembly Joint Resolution No. 5—Relative to imports of milk products.*

[Filed with Secretary of State March 16, 1967.]

WHEREAS, Pending legislation before the 90th Congress would limit imports of butterfat or nonfat milk solids in excess of the respective average annual quantities which were admitted for consumption during the five calendar years 1961 through 1965; and

WHEREAS, Competition from foreign countries, whose standards of quality and health are often far below those in the United States, can be disastrous to domestic milk producers unless properly controlled, and

WHEREAS, The dairy industry of this country constitutes a paramount industry, which not only provides substantial and

required revenues for the country as a whole, and a means of livelihood for many of its population, but also furnishes essential foods that are vital to the public health and welfare; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the California State Legislature respectfully memorializes the Congress of the United States to enact legislation limiting imports of butterfat or nonfat milk solids; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 43

### *Senate Concurrent Resolution No. 24—Relative to Law Day USA.*

[Filed with Secretary of State March 27, 1967.]

WHEREAS, May 1st marks the 10th Anniversary of Law Day USA and is a special day celebrated throughout the country in recognition of our national heritage of individual freedom under law; and

WHEREAS, It is an occasion for recognition by Americans of the great rights secured to them under law and the attendant duties and responsibilities which these rights entail and whose purpose is to make more meaningful to Americans—especially the youth of the nation—their heritage of individual freedom under law, to foster increased respect for law and the courts which protect the rights of all citizens, and to emphasize the basic values of the rule of law in the United States as contrasted with the rule of force and fear under communism; and

WHEREAS, The day has been set aside by Congress and by proclamation of the President to remind us that adherence to the rule of law is basic in our society, essential to the welfare of every citizen and to the stability and vitality of the nation; and

WHEREAS, The theme for the observance of Law Day is established in a statement made by the nation's 25th President, Theodore Roosevelt, in a message to Congress in 1904, "No man is above the law, and no man is below it," which reflects the basic aim of Law Day USA to strengthen the quality of justice and to increase reliance upon law and independent courts in resolving the issues which confront us as individuals and as a people; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members urge Governor Ronald Reagan to proclaim May 1, 1967, as Law Day USA through-

out this state and call upon all citizens to join in its observance through appropriate ceremonies, programs and educational activities, and they especially urge that schools, churches, the courts, civic and service clubs, and the media of public information, participate in this observance; and be it further

*Resolved*, That the Secretary of the Senate be directed to transmit a copy of this resolution to Governor Reagan.

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## CHAPTER 44

*Senate Concurrent Resolution No. 25—Relative to adoption of the Joint Rules of the Senate and Assembly.*

[Filed with Secretary of State March 27, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the following rules be adopted as the Joint Rules for the 1967 Regular Session:

### Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the rules of each house.

### Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

### Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

### Bills and Resolutions

### Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions.

### Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the federal government.

### Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

## Preparation and Introduction of Bills

### Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient

### Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

### Introduction of Bills

8.3. No bill shall be introduced after the 100th calendar day of a regular session except as follows:

(a) A written notice of intention to introduce a bill, a copy of the bill and a digest prepared pursuant to Rule 8.5 shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house. The notice and digest shall be printed in the Journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(c) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Digest of Bills Introduced

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it. The digest shall be printed on the bill as introduced upon the lower part of the first page thereof.

Digest of Bills Amended

8.6. Whenever a bill is amended in either house, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill as amended with any material changes in the digest indicated by the use of appropriate type.

Errors in Digest

8.7. If a material error in a printed digest referred to in Joint Rule 8.5 or 8.6 is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided in Joint Rule 10 for amendments to bills He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

## Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

## Heading of Bills

10.7. No bill shall indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill shall contain the words "By request" or words of similar import.

## Consideration of Bills

10.8. At a regular session, no bill shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced except this provision and the limitation contained in subdivision (a) of Section 8 of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill's introduction.

(c) If the Rules Committee recommends that said waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Hearing of Bills

10.9. At the 1967 Regular Session each bill introduced prior to February 1 shall be set for hearing and heard by the committee to which it was first assigned in the house of origin on or before May 1, and each bill introduced on or after February 1 and prior to adoption of these rules shall be set for hearing and heard by the committee to which it has been first assigned in the house of origin within 90 calendar days after introduction. Each bill introduced on and after the date on which these rules are adopted for the 1967 Regular Session shall be set for hearing and heard by the committee to which it has been first assigned in the house of origin within 60 calendar days after introduction. If a bill is not so heard by such committee, the committee shall return the bill to the house and the bill shall not be acted upon by either house. If an author so requests in writing, a bill shall not be set for hearing and shall be returned to the house and not acted upon by either house.

As used in this rule, "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

This rule does not apply to bills first assigned to the Committee on Finance or the Committee on Ways and Means.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories, the Legislative Digest and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories, the Legislative Digest and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of the sum of two hundred and twenty-five dollars ($225) at a regular session or such sum as may be fixed by the Joint Committee on Legislative Organization at an extraordinary session. No more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of the Senate, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

Legislative Digest and Legislative Index

13.1. The Legislative Counsel shall provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs

of such printing shall be paid from the legislative printing appropriation.

13.3. The Legislative Counsel shall compile and prepare for publication a summary digest of legislation passed at each regular and extraordinary session, which digest shall be prepared in a form suitable for inclusion in the publication of statutes. The digest shall be printed as a separate legislative publication on the order of the Joint Committee on Legislative Organization and may be made available to the public in such quantities and at such prices as the Joint Committee on Legislative Organization may determine.

13.5. The Legislative Counsel shall prepare for publication from time to time a cumulative statutory record. The statutory record shall be printed as a legislative publication on the order of the Secretary of the Senate or the Chief Clerk of the Assembly.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A Daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

### Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete history.

### Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

## Record of Bills

### Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

### Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure or a measure as to which the 30-day limitation prescribed by subdivision (a) of Section 8 of Article IV of the Constitution has been dispensed, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

Consent Calendar

22.2. Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as "consent calendar bills." Any consent calendar bill which is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the second reading

file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

### Consideration of Bills on Consent Calendar

22.3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the Daily File.

## Passage and Enrolling of Bills

### Passage of Bills Preceding the Recess

23. No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days, prior to the commencement of the 30-day recess of the two houses of the Legislature at a regular session required by Section 3 of Article IV of the Constitution, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

### Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) refuse to concur in amendments to the bill made by the other house, and when the other house has been notified of such refusal to concur, a conference committee shall be appointed for each house in the manner prescribed by these rules. The Committee on Rules in the case of the Senate and the Speaker in the case of the Assembly shall each appoint a committee of three (3) on conference, and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken.

Committee on Conference

28.1. The Committee on Rules and the Speaker, in appointing a committee on conference, shall each select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

Whether a member has voted with the majority or minority on the point about which the difference has arisen is determined by his vote on the appropriate roll call, as follows:

(1) In the Assembly—

(a) The roll call on the question of final passage of a Senate bill amended in the Assembly when the Senate has refused to concur with the Assembly amendments;

(b) The roll call on the question of concurrence with Senate amendments to an Assembly bill.

(2) In the Senate—

(a) The roll call on the question of final passage of an Assembly bill amended in the Senate when the Assembly has refused to concur with the Senate amendments.

(b) The roll call on the question of concurrence with Assembly amendments to a Senate bill.

Meetings and Reports of Committees on Conference

29. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly. The chairman of the committee on conference for the house of origin of the bill shall arrange the time and place of meeting of the conference committee and shall prepare or direct the preparation of reports. It shall require an affirmative vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee on conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. The committee on conference shall report to both the Senate and Assembly. Such report is not subject

to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill. It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of each house to adopt any conference report affecting any bill which contains an item or items of appropriation which are subject to subdivision (d) of Section 12 of Article IV of the Constitution. The report of a conference committee shall be in writing, and a copy of any amendments proposed in the report shall be placed on the desk of each member of the house before it is acted upon by the house.

The vote on concurrence or upon the adoption of such conference report shall be deemed the vote upon final passage of such bill.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during rollcall, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Measures

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

## MISCELLANEOUS PROVISIONS

### Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

### Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 29(k) of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34 Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation or effect of a bill or other legislative measure which is then pending before the Legislature or of any amendment made or proposed to be made to such bill or measure, he is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

A copy of any letter prepared by the Legislative Counsel for the sole purpose of advising a Member of a conflict between two or more bills as to the sections of law being amended, repealed, or added shall be submitted to the chairman of the committee to which each such bill has been referred.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform that requester and each subsequent requester that such a resolution is being, or has been, prepared, and he shall inform them of the name of the member for whom the resolution was, or is being, prepared.

## Memorial Resolutions Regarding Members and Former Members of the Legislature

34.2. Whenever the death of a Member of the Legislature or a former member whose service was particularly notable, or any other person who has rendered exceptional service to society or has been unusually prominent in public life occurs, a concurrent resolution may be used as a memorial resolution in respect thereto. In all other instances a Senate resolution or a House resolution, or both, shall be used as a memorial resolution with respect to the deaths of other persons. In all cases a Senate resolution or a House resolution, or both, shall be used to congratulate any person or organization upon the occurrence of any significant event or achievement.

## Expense of Members

35. As provided in Section 8902 of the Government Code, each Member of the Legislature is entitled to reimbursement for living expenses while in attendance at sessions of the Legislature, or while traveling to and from or in attendance at a committee meeting, or while attending to any legislative function or responsibility as authorized or directed by legislative rules or the rules committee of the house of which he is a member at the same rate as may be established by the State Board of Control for other elected state officers. Each Member shall be reimbursed for travel expenses incurred in traveling to and from a session of the Legislature, or when traveling to and from a meeting of a committee of which he is a member, or when traveling pursuant to any other legislative function or responsibility as authorized or directed by legislative rules or the rules committee of the house of which he is a member at the rate prescribed by Section 8903 of the Government Code.

As provided in Section 4 of Article IV of the Constitution, members shall receive five cents per mile for traveling to and from their homes in order to attend reconvening following the thirty-day recess after a regular session.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon such certification the Controller shall draw his warrants in payment of the allowances to the respective members.

## Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

No living expenses shall be allowed in connection with service upon a legislative committee for a day where the member is entitled to reimbursement for expenses due to attendance at a session of the Legislature. The chairman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairmen thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairmen thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the state

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36 1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and

dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

### Appointment of Committees

36.5. The provisions of this rule shall apply whenever a joint interim committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

### Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the state, and of the organization and functions of the state, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between regular sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancies occurring between regular sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this pro-

vision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not re-elected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or pursuant to Section 11 of Article IV of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislalative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the

nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

Registration of Legislative Representatives

37.5. In addition to the duties hereinabove prescribed the Legislative Analyst is directed, so long as he is designated to be "clerk" or "secretary" pursuant to Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the Joint Rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

38. Adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. All regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Legislative Organization

40. The Joint Committee on Legislative Organization is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, and two Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered and acted upon.

(d) The operation of the Legislature, and the committees thereof, and the means of coordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the state in the performance of its duties.

(h) To expend such funds as may be made available to it to carry out the functions and activities related to the legislative affairs of the Senate and Assembly.

(i) To appoint a chief administrative officer of the committee, who shall have such duties relating to the administrative, fiscal and business affairs of the committee as the

committee shall prescribe. The committee may terminate the services of the chief administrative officer at any time.

(j) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The committee shall succeed to, and is vested with, all of the powers and duties of the State Capitol Committee, the Joint Committee on Interhouse Cooperation, the Joint Legislative Committee for School Visitations, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the Chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Interim Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within 30 days after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction

Joint Committees

43. Concurrent resolutions creating joint committees of the Legislature and concurrent resolutions allocating moneys from the contingent funds of the Assembly and Senate to such committees shall be referred to the Committees on Rules of the respective houses.

Conflict of Interest

44. (a) No Member of the Legislature shall, while serving as such, have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state.

(b) No Member of the Legislature shall, during the term for which he was elected:

(1) Accept other employment which he has reason to believe will either impair his independence of judgment as to his official duties or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties;

(2) Willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or use any such information for the purpose of pecuniary gain;

(3) Accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his appearing, agreeing to appear, or taking any other action on behalf of another person regarding a licensing or regulatory matter, before any state board or agency which is established by law for the primary purpose of licensing or regulating the professional activity of persons licensed, pursuant to state law; provided, that this rule shall not be construed to prohibit a member who is an attorney at law from practicing in such capacity before the Workmen's Compensation Appeals Board or the Commissioner of Corporations, and receiving compensation therefor, or from practicing for compensation before any state board or agency in connection with, or in any matter related to, any case, action, or proceeding filed and pending in any state or federal court; and provided that this rule shall not act to prohibit a member from making inquiry for information on behalf of a constituent before a state board or agency, if no fee or reward is given or promised in consequence thereof; and provided that the prohibition contained in this rule shall not apply to a partnership in which the Member of the Legislature is a member if the Member of the Legislature does not share directly or indirectly in the fee resulting from the transaction; and provided that the prohibition contained in this rule shall not apply in connection with any matter pending before any state board of agency on the operative date of this rule if the affected Member of the Legislature is attorney of record or representative in the matter prior to such operative date;

(4) Receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance or other matter related to the legislative process, except fees for speeches or published works on legislative subjects and except, in connection therewith, reimbursement of expenses for actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of California;

(5) Participate, by voting or any other action, on the floor of either house, or in committee or elsewhere, in the enactment or defeat of legislation in which he has a personal interest, except as follows:

(i) If, on the vote for final passage by the house of which he is a member, of the legislation in which he has a personal interest, he first files a statement (which shall be entered verbatim on the journal) stating in substance that he has a personal interest in the legislation to be voted on and notwithstanding such interest, he is able to cast a fair and objective vote on such legislation, he may cast his vote without violating any provision of this rule;

(ii) If the member believes that, because of his personal interest, he should abstain from participating in the vote on the legislation, he shall so advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation without any entry on the journal of the fact of his personal interest. In the event a rule of the house, requiring that each member who is present vote aye or nay is invoked, the presiding officer shall order the member excused from compliance and shall order entered on the journal a simple statement that the member was excused from voting on the legislation pursuant to law.

(c) A person subject to this rule has an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state or a personal interest, arising from any situation, within the scope of this rule, if he has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state or a personal interest, arising from any situation, within the scope of this rule, if any benefit or detriment accrues to him as a member of a business, profession, occupation, or group to no greater extent than any other member of such business, profession, occupation, or group.

(d) A person subject to the provisions of this rule shall not be deemed to be engaged in any activity which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, arising from any situation, or to have

a personal interest, arising from any situation, within the scope of this rule, solely by reason of any of the following:

(1) His relationship to any potential beneficiary of any situation is one which is defined as a remote interest by Section 1091 of the Government Code or is otherwise not deemed to be a prohibited interest by Section 1091.1 or 1091.5 of the Government Code.

(2) Receipt of a campaign contribution regulated, received, reported, and accounted for pursuant to Division 8 (commencing with Section 11500) of the Elections Code, so long as the contribution is not made on the understanding or agreement, in violation of law, that the person's vote, opinion, judgment, or action will be influenced thereby.

(e) The enumeration in this rule of specific situations or conditions which are deemed not to result in substantial conflicts with the proper discharge of the duties and responsibilities of a legislator or legislative employee or in a personal interest shall not be construed as exclusive.

The Legislature in adopting this rule recognizes that Members of the Legislature and legislative employees may need to engage in employment, professional, or business activities other than legislative activities, in order to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of the chapter. However, in construing and administering the provisions of the rule, weight should be given to any coincidence of income, employment, investment, or other profit from sources which may be identified with the interests represented by those sources which are seeking action of any character on matters then pending before the Legislature.

(f) No employee of either house of the Legislature shall, during the time he is so employed, commit any act or engage in any activity prohibited by any part of this rule.

(g) No person shall induce or seek to induce any Member of the Legislature to violate any part of this rule.

(h) Violations of these rules are punishable as provided in Section 8926 of the Government Code.

### Joint Legislative Ethics Committee

45. (a) The Joint Legislative Ethics Committee is hereby created. The committee shall consist of three Members of the Senate appointed by the Senate Committee on Rules and three Members of the Assembly appointed by the Speaker of the Assembly. Of the three members appointed from each house, at least one from each house shall be a member of the political party having the largest number of members in that house and at least one from each house shall be a member of the political party having the second largest number of members in that house. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee shall be

filled in the manner provided for in these rules for other committees. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not reelected at the general election.

(b) The committee is authorized to make rules governing its own proceedings. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall by a resolution adopted by a vote of two members of the committee from each house of the Legislature define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and the Senate in the same manner that such funds are made available to other joint committees of the Legislature.

(d) The committee shall have power, pursuant to the provisions of this rule, to investigate and make findings and recommendations concerning alleged violations by Members of the Legislature of the provisions of Rule 44.

(e) Any person may: (a) file with the committee a verified complaint in writing which shall state the name of the Member of the Legislature alleged to have committed the violation complained of, and which shall set forth the particulars thereof, or (b) file a complaint concerning the alleged violation by a Member of the Legislature with the district attorney of the appropriate county.

If a person files a complaint with respect to any alleged violation by a Member of the Legislature with the committee, he may not thereafter file a complaint to institute a criminal prosecution for such violation until the committee has rendered its report or until a period of 120 days has elapsed since the filing of the complaint. If a complaint is filed with the appropriate district attorney by any person concerning an alleged violation by a Member of the Legislature of any provision of Rule 44, such person may not thereafter file a complaint with respect to such alleged violation with the committee.

If a complaint is filed with the committee, the committee shall promptly send a copy of the complaint to the Member of the Legislature alleged to have committed the violation complained of, who shall thereafter be designated as the respondent.

No complaint may be filed with the committee after the expiration of six months from the date upon which the alleged violation occurred.

(f) If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, it shall dismiss the complaint and notify the complainant and respondent thereof. If the committee determines

that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, the committee shall promptly investigate the alleged violation and, if after such preliminary investigation, the committee finds that probable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. If, after the preliminary investigation, the committee finds that probable cause does not exist for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event the committee shall notify the complainant and respondent of its determination.

(g) After the complaint has been filed the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is to be held pursuant to subdivision (f) the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code. All of the provisions of Chapter 4, except Section 9410, shall be applicable to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee and who believes that testimony has been given which adversely affects him, shall have the right to testify or, at the discretion of the committee, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains.

(k) After the hearing the committee shall state its findings of fact. If the committee finds that the respondent has not violated any provisions of Rule 44, it shall order the action dismissed, and shall notify the respondent and complainant thereof and shall also transmit a copy of the complaint and the fact of dismissal to the Attorney General and to the district attorney of the appropriate county. If the committee finds that the respondent has violated any provisions of Rule 44, it shall state its findings of fact and submit a report thereon to the house in which the respondent serves, send a copy of such findings and report to the complainant and respondent, and the committee shall also report thereon to the Attorney General and to the district attorney of the appropriate county.

(*l*) Nothing in this chapter shall preclude any person from instituting a prosecution for violation of any provision of Rule 44 unless such person has filed a complaint with the committee concerning such violation, in which case such person may not file a complaint with the district attorney of the appropriate county to institute a criminal prosecution for such violation until the committee has made its determination of the matter or a period of 120 days has elapsed since the filing of the complaint with the committee.

(m) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of the provisions of Rule 44 while such complaint is pending.

(n) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries or hearings of the committee under this rule shall be deemed confidential and shall not be open to inspection by any person other than a member of the committee, an employee of the committee, or a state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or to the district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession material to any matter pending before the Attorney General or the district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public records and open to public inspection Any employee of the committee who divulges any matter which is deemed to be confidential by this subdivision is punishable as provided in Section 8953 of the Government Code

(o) All actions of the committee shall require the concurrence of two members of the committee from each house.

(p) The committee may render advisory opinions to Members of the Legislature with respect to the provisions of Rule 44 and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion.

## CHAPTER 45

*Assembly Concurrent Resolution No. 45—Relative to the ninth annual meeting of the National Conference of State Legislative Leaders.*

[Filed with Secretary of State March 29, 1967.]

WHEREAS, The National Conference of State Legislative Leaders, an organization devoted exclusively to the problems facing the state legislatures of all of our states, will hold its ninth annual meeting in the fall of this year; and

WHEREAS, It would be a great privilege for the State of California to host this meeting which studies the great problems with which the states must contend; and

WHEREAS, California, the state with the most population in our great country, faces most of the challenges that have to be met by her sister states; and

WHEREAS, The City of San Francisco would be a most comfortable and colorful place in which to hold this important meeting; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Members of the California Legislature do hereby respectfully request the executive committee of the National Conference of State Legislative Leaders to hold the national conference's ninth annual meeting, which is scheduled in the fall of 1967, in San Francisco, California; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the president and to the other members of the executive committee of the National Conference of State Legislative Leaders.

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## CHAPTER 46

*Senate Concurrent Resolution No. 28—Approving the Charter of the City of Los Alamitos, County of Orange, State of California, ratified by the qualified electors of the city at a special election held therein on the sixth day of September 1966.*

[Filed with Secretary of State April 11, 1967.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the Charter of the City of Los Alamitos, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CHARTER CERTIFICATE

State of California }
County of Orange } ss.
City of Los Alamitos }

We the undersigned, Charles H. Long, Mayor of the City of Los Alamitos, State of California, and James M. Smith, City Clerk of the City of Los Alamitos, State of California, and ex officio Clerk of the City Council of said city, do hereby certify and declare as follows:

That the undersigned, James M. Smith, was at all times herein mentioned the Clerk of the legislative body of the City of Los Alamitos and the City Clerk of the said city of Los Alamitos; that heretofore and prior to the 1st. day of July, 1966, the said City Council of the City of Los Alamitos did cause to be framed a proposed charter for its own government and on the 12th day of July, 1966, at a regular meeting of said City Council of said City, the City Council, by Resolution No. 265 adopted by the unanimous vote of all its members present, all five members being present, ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at the special municipal election ordered in the City of Los Alamitos for the 6th day of September, 1966, for the purpose of submitting said proposition to the electors of the City of Los Alamitos, and which resolution ordered that said charter be filed with the City Clerk of the City of Los Alamitos; that said proposed charter of the City of Los Alamitos, consisting of pages 1 to 20 inclusive, was filed in the office of the City Clerk in the City Hall at Los Alamitos, California, and said Resolution further ordered that the adoption of the charter should be submitted to the electors at said special municipal election held on the 6th day of September, 1966, and directed that said City Clerk publish said proposed Charter in the News-Enterprise, the official newspaper of the said city, which is a newspaper of general circulation printed and published in the City of Los Alamitos.

That said proposed Charter was published pursuant to said order in the Los Alamitos News-Enterprise on the 28th day of July, 1966, that the date set for the submission to the electors of said proposed charter, to wit: September 6, 1966, was not less than forty days nor more than sixty days after the completion of the advertising in said official paper as aforesaid.

That until the day fixed for the election upon said charter, there was advertised in the Los Alamitos News-Enterprise, a notice that copies of said charter were available at the office of the City Clerk in the City Hall of the City of Los Alamitos and could be secured upon application therefore at said office; that such copies were so available.

That the population of the City of Los Alamitos is more than 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said election was duly and regularly held on the 6th day of September, 1966, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter and for the ratification and adoption thereof.

That said City Council of the City of Los Alamitos, at a meeting duly held on September 13 1966 at the time and in the form and manner required by law and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Los Alamitos voting thereon, as follows, to wit:

Votes in favor of the ratification of said proposed charter ---------- 601

Votes against the ratification of said proposed charter 341

That said Charter so prepared, proposed, submitted, ratified and adopted is in words and figures following, to wit:

"The Charter of the City of Los Alamitos"

CITY OF LOS ALAMITOS

(SEAL)

CITY CHARTER

Adopted By A Vote Of The People 9/6/66

Proposed Charter of City of Los Alamitos

CHARTER OF THE CITY OF LOS ALAMITOS

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## THE CHARTER OF THE CITY OF LOS ALAMITOS

We, the people of the City of Los Alamitos, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

### Article I Name and Seal

Section 100. Name of the City: The municipal corporation now existing and known as the City of Los Alamitos shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Los Alamitos.

Section 101. Seal. The City shall have an official seal which may be changed from time to time by ordinance. The present official seal shall continue to be the official seal of the City until changed in the manner stated.

## Article II Succession

Section 200. Rights and Liabilities: The City of Los Alamitos shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the obligations, debts, contracts and liabilities that now exist agains this municipality.

Section 201. Ordinances: All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed amended, changed or superseded by proper authority.

Section 202. Continuance of Contracts and Public Improvements: All contracts entered into by the City, or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, at the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Section 203. Pending Actions and Proceedings: No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 204. Present Officers and Employees: Each person who, at the time this Charter takes effect, holds an office of the City shall continue to hold the same office under this Charter for the term for which he was elected or appointed and until his successor is elected or appointed, and is qualified under this Charter. All employees of the City at the time this Charter takes effect shall continue to perform the duties of their respective employment subject to this Charter and ordinances, resolutions, orders, rules and regulations now existing or hereafter enacted. The rates of compensation of all officers and em-

ployees of the City in effect at the time this Charter takes effect shall remain in effect until lawfully changed.

Section 205. Emergency Powers: Notwithstanding any general or special provision of this Charter, the Council, in order to insure continuity of governmental operations, in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty:

(a) To provide for prompt and temporary succession to the powers and duties of all City officers, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and

(b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to the financing thereof. "In the exercise of the powers herein conferred, the City Council, in all respects, shall conform to the requirements of this Charter except that at such times they may make purchases and enter into contracts without calling for bids or giving notice therefor, to the extent the emergency requires such action."

Section 206. Effective Date of Charter: This Charter shall take effect upon its approval by the Legislature.

## Article III Boundaries

Section 300. Boundaries: The boundaries of the City of Los Alamitos shall be the boundaries at the time this Charter takes effect and as may be changed from time to time in the manner allowed by law.

## Article IV Powers of the City

Section 400. Powers: The City shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter and in the Constitution of the State. Nothing in this Charter shall be construed to prevent or restrict the City from exercising or acting pursuant to, and the City is hereby authorized to exercise and act pursuant to, all rights, powers, privileges and procedures heretofore or hereafter established, granted or prescribed by any law of the State or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under said Constitution, unless the exercise thereof, or action pursuant to, is expressly prohibited by this Charter. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions of this section.

Section 401. Procedures: The City shall have the power to and may act pursuant to any procedures established by this Charter, or, by state law where not in conflict with this Charter,

## Article V Elective Officers

Section 500. Elective Officers: The elective officers of the City of Los Alamitos shall consist of a City Council of five (5) or seven (7) members as hereinafter provided.

Section 501. Eligibility: To be eligible to hold the office of councilman the person must meet the requirements as set forth in the state law of the State of California, and, if the Council is divided into districts as hereinafter provided, he shall also be a resident and elector of the district within the City of Los Alamitos wherein he lives for a period of six months prior to the date his nomination papers are filled.

Section 502. Vacancies: A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council of a qualified person under the laws of the State of California and the then applicable provisions of this Charter. Such appointee to serve for the remainder of the unexpired term and until his successor qualifies.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes or as provided in Section 1404, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of his district, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within sixty (60) days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy pursuant to the state law of the State of California and the requirements of this Charter.

Section 503. Compensation: As compensation for their services, the Councilmen shall each receive compensation at the respective rates in effect at the time this Charter becomes effective, provided that these rates of compensation may be changed by the majority vote of the electors of the City voting for such change in accordance with the State law of the State of California. Provided further that the respective rates may also be changed according to any other applicable provision of the state law of the State of California.

## Article VI The Council

Section 600. Powers: All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 601. Composition: The Council shall consist of five (5) council members as provided in this Charter, unless and until the Council is divided into districts or the Council is increased to seven (7) members as herein provided, in which case, the Council shall consist of seven (7) members. One (1)

of the council members shall be Mayor. Each council member, including the Mayor, shall have the right to vote on all questions coming before the Council. The Mayor shall be the presiding officer of the Council.

Section 602. Election of Mayor: The council members shall elect one of its members to act as Mayor. Said election shall be by a roll call vote or, if determined by the majority of the Council then present, a secret ballot.

Section 603: Duties of the Mayor: The Mayor, in addition to the powers and duties prescribed and allowed by the State law of the State of California and as prescribed elsewhere in this Charter, shall have the power and duty:

(a) To report to the Council from time to time on the affairs of the City and to recommend for its consideration such matters as he may deem expedient.

(b) To be the official head of the City for all ceremonial purposes.

(c) To assume the primary but not the exclusive responsibility for interpreting to the people the policies, programs and needs of the City government and for informing the people of any major change in policy or program.

(d) To exercise and perform such other powers and duties as may be delegated to or required of him by this Charter or by the Council if not inconsistent with the provisions of this Charter or the State law of the State of California.

Section 604. Election of Mayor Pro Tempore: The council members shall elect one of its members to act as Mayor Pro Tempore. Said election shall be by a roll call vote, or, if determined by the majority of the Council then present, a secret ballot.

Section 605. Duties of the Mayor Pro Tempore: In the event of temporary absence or disability of the Mayor or during such period as a vacancy exists, the Mayor Pro Tempore shall preside at Council meetings, shall perform the other duties of the Mayor and perform such other duties as the Council may assign to him.

Section 606. Term of Mayor and Mayor Pro Tempore: The Mayor and Mayor Pro Tempore shall serve at the pleasure of the Council; however, the position of Mayor and Mayor Pro Tempore shall be reviewed after each general election.

Section 607. Meetings: The Council shall hold regular meetings at such times as may be prescribed by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour fixed in the order of adjournment, and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. Special meetings may be held as provided by law.

Section 608. Place of Meeting: All meetings of the Council shall be open to the public, and shall be held in the Council Chambers in the City Hall or in such place to which any such meeting may be adjourned; provided, that if by reason of fire, flood or other emergency it shall be unsafe or impractical to

meet at the regular meeting place, the Council may for the duration of the emergency meet at some other place designated in writing by the Mayor, or if he fails to act, by a majority of the Council.

Section 609. Study Sessions: The City Council of the City of Los Alamitos may at its prerogative hold study sessions (which shall not constitute a meeting within the Ralph M. Brown Act) to review the work to be performed by the Council and to be kept informed. No action shall be taken by the City Council, within the meaning of said Act, at a study session. Before holding a study session, the Council shall:

(a) Either announce the time, date and place at an open meeting of the Council;

(b) Or post notice in three (3) designated places in the City;

(c) Or publish notice in a newspaper of general circulation in the City, and

(d) Post such notice on the door of the Council chambers

A study session shall be open to the public.

The form of notice and the necessary time calling for a study session shall conform to the rules and regulations necessary for calling a special meeting of the City Council as prescribed by the State law of the State of California.

Section 610. Proceedings and Quorum: A majority of the then members of the Council shall constitute a quorum for the transaction of business at any meeting, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe. In the event all members of the Council are absent from any meeting, the City Clerk may declare the same adjourned to a stated day and hour in the manner provided by law. The Council shall judge all returns of City elections. It shall establish rules for the conduct of its proceedings and may evict any member or any other person for disorderly conduct at any meeting and may prosecute any member or other person for such conduct.

Each member of the Council and the City Clerk shall have the power to administer oaths and affirmations in any investigation or proceedings pending before the Council. The Council shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses and the production of documents and other evidence, to examine witnesses under oath and to take and hear evidence, in relation to any matter pending before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of any subpoena or the refusal to testify upon other than legal grounds shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable.

No action for the payment of money shall be taken at other than a regular or adjourned regular meeting.

The City Clerk shall call the roll and cause the ayes and noes to be entered in the minutes upon demand of any member or in the case of any action for the adoption of an ordinance, the payment of any money, the incurring of any debts, the appointment or removal of any officer, the granting of any franchise, the disposing of or leasing of City property, and the ordering or confirmation of any assessment for public improvements.

Section 611. Citizen Participation: At each meeting the Council shall, if requested, grant any person, personally or through counsel, reasonable opportunity to present grievances or offer suggestions for the betterment of City affairs, subject to such rules for orderly procedure as the Council or its presiding officer may prescribe.

Section 612. Ordinances and Resolutions: The enacting clause of ordinances adopted by the Council shall be substantially as follows: "The City Council of the City of Los Alamitos does ordain as follows:"

All ordinances and resolutions shall be signed by the Mayor or in his absence, the Mayor Pro Tempore, and attested by the City Clerk or in his absence, the Deputy City Clerk.

The adoption of ordinances and resolutions, the publication of ordinances and resolutions, the effective date of ordinances and resolutions, including urgency ordinances, shall be governed by the State law of the State of California.

Section 613. Codification of Ordinances: Any or all ordinances of the City which have been adopted and published in the manner required at the time of their adoption may at any time be compiled, consolidated, and rearranged as an ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the adoption of an ordinance for that purpose. Such code need not be published in the manner prescribed for other ordinances but not less than three (3) copies thereof shall be on file in the office of the City Clerk, for the use and examination of the public, for at least ten days prior to the adoption of such code. Ordinances or portions of ordinances so codified shall be deemed repealed as of the effective date of such code. Following the adoption of such code, amendments to the code shall be adopted and published as ordinances. The codification of some ordinances pursuant to this section shall not prevent the later codification of other ordinances in the same manner.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section. Maps, charts, diagrams and similar material pertaining to or a part of any ordinance may also be adopted by reference in the same manner.

Section 614. Ordinances. Violation. Penalty: A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine and imprisonment or other penalty for the violation of any City ordinance shall be the same as is provided in the laws of the State of California for the violation of an ordinance of a general law city as the laws of the State now provide or as they may hereafter be amended.

## Article VII City Manager

Section 700. City Manager: There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at the pleasure of the City Council, provided, however, that he shall not be removed from office except as provided in this Charter. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of accepted practice in respect to the duties of his office as herein set forth.

Section 701. Residence: The City Manager need not be a resident of the City at the time of his appointment, but he shall establish his residence within the City within ninety days after his appointment, unless such period is extended by the City Council, and thereafter maintain his residence within the City during his tenure of office.

Section 702. Eligibility: No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after he has ceased to be a member of the City Council:

Section 703. Compensation and Bond: The City Manager shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution. The City Manager shall furnish a corporate surety bond conditioned upon the faithful performance of his duties in such form and in such amount as may be determined by the City Council.

Section 704. Powers and Duties: The City Manager shall be the administrative head of the City Government. Except as otherwise provided in this Charter, he shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, subject to the provisions of this Charter, the City Manager shall have power and be required to:

(a) Appoint, and he may promote, demote, suspend or remove, all department heads, officers and employees of the City except elective officers and those department heads, officers and employees the power of whose appointment is vested by this Charter in the City Council. He may authorize the head of any

department or office to appoint or remove subordinates in such department or office. In case of the appointment or removal of any department head, the City Manager shall first review such appointment or removal with the City Council and obtain its approval. Officers appointed by the Council can only be removed by the Council.

(b) Prepare the budget annually, submit to the City Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of each fiscal year, a complete report on the finances and administrative activities of the City for the preceding fiscal year.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may to him seem desirable.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare rules and regulations governing the contracting for purchasing, inspection, storing, inventory, distributing and disposal of all supplies, materials and equipment required by any office, department or agency of the City Government and recommend them to the City Council for adoption by ordinance, and administer and enforce the same after adoption.

(g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City are enforced.

(h) Exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his jurisdiction.

(i) Perform such other duties consistent with this Charter as may be required by him of the City Council.

Section 705. Meetings: The City Manager shall be accorded a seat at all meetings of the City Council and of all boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. He shall receive notice of all special meetings of the City Council, and of all boards and commissions.

Section 706. Acting City Manager: The City Manager may appoint an Acting City Manager to act in his behalf during his absence. Any such appointment by the City Manager shall be with the approval of the City Council; said approval to be given at the next meeting. If the position of City Manager becomes vacant or the City Manager is absent or is incapacitated to such an extent he cannot perform his duties, then the Council may appoint an acting City Manager until the position of City Manager is filled.

Section 707. Removal: The City Manager shall not be removed from office during or within a period of ninety (90) days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City

Manager may be removed at a regular meeting of the City Council and upon the affirmative votes of a majority of the members of the City Council. At least thirty (30) days prior to the effective date of his removal, the City Manager shall be furnished with a written notice stating the Council's intention to remove him and the reasons therefor. Within seven (7) days after receipt of such notice, the City Manager may by written notification to the City Clerk, request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty (30) day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of his intended removal, the City Council may suspend him from duty, but his compensation shall continue for sixty (60) days. In removing the City Manager, the City Council shall use its uncontrolled discretion, and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

Section 708. Noninterference with Administrative Service: Except as otherwise provided in this Charter, no individual member of the Council shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or his removal therefrom. Except for the purpose of inquiry, or report, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. This section shall not apply to any officer appointed by the City Council or the members of his department.

## Article VIII Other Officers, Departments and Employees and Provisions Relating to Officers Generally

Section 800. Officers: The other officers of the City of Los Alamitos shall be a City Clerk, a City Treasurer, a City Attorney and a City Manager. The City Manager shall be appointed by the City Council and have the powers and duties as set forth in this Charter. The City Clerk and City Treasurer shall be appointed by the City Council and subject to the rights, powers and duties as set forth in this Charter. The City Attorney shall be appointed by the City Council and serve at their pleasure.

Section 801. Administrative Departments: The City Council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the

several offices and departments of the City as established by this Charter, and for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. Each new department created by the City Council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the City Manager as set forth in this Charter.

The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter. The City Council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Section 802 City Clerk, Powers and Duties: The City Clerk shall have power and be required to:

(a) Attend all meeting of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with a certificate of the Clerk annexed to each thereof stating the same to be the original or a corrected copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; to keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books in which a record shall be made of all written contracts and fidelity and performance bonds.

(d) Be the custodian of the Seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.

(f) Be ex officio assessor, unless the City Council has availed itself or does in the future avail itself of the provisions of the general laws of the State relative to any assessment of property and the collection of the City taxes, if any, by county officers, or if the City Council by ordinance provides otherwise.

(g) Be responsible for the conduct of all City elections.

(h) Deputize other persons to assist in carrying out the duties of the City Clerk.

(i) Perform such other duties consistent with this Charter and as may be required by ordinance or resolution of the City Council.

Section 803. Treasurer: There shall be a treasurer who shall have power and shall be required to:

(a) Collect any license fees or other revenues of the City, or for whose collection the City is responsible and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City Government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council or if no such resolution be adopted, then in such depository as selected by the City Treasurer, and in compliance with all the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse monies on proper warrants in the manner provided for in this Charter.

(d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

(e) Perform such other duties consistent with this Charter and as may be required by ordinance or resolution of the City Council.

Section 804. City Attorney, Powers and Duties: To become eligible for City Attorney or Assistant City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California and shall have engaged in the practice of law for at least three years prior to his appointment. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all City officers in matters of law pertaining to their office.

(b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, except the prosecution of criminal actions, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party, for any act arising out of his employment or by reason of his official capacity.

(c) Attend all regular meetings of the City Council and give his advise and opinions in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by and all bonds given to, the City, endorsing his approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Perform such other duties consistent with this Charter and as may be required by ordinance or resolution of the City Council.

## Article IX Election of Council Members and Councilmanic Districts

Section 900. Election Under Existing Law: The City Council members of the City of Los Alamitos shall, until the City of Los Alamitos is divided into districts as herein set

forth, be elected at large under the then existing and applicable laws of the State of California.

Section 901. Division Into Districts: The City of Los Alamitos shall upon reaching an area of five (5) square miles or more, and 18,000 population or more, divide itself into seven (7) councilmanic districts as provided in this Charter.

Section 902. Composition of Districts: The City Council by ordinance, after the completion of the requirements as set forth in Section 901 of Article IX of this Charter, shall divide the City into seven (7) councilmanic districts to be effective before and after the next general municipal election. Said division shall not be changed for at least a period of two (2) years after the effective date of the ordinance so dividing the City into district. The division of the district shall be based upon the following factors:

(a) The major requirement is that the population of the districts shall be as nearly equalized as possible.

(b) The districts shall be as nearly compact in shape as possible.

Section 903. Redefining of districts: The City shall, when necessary to comply with the requirements herein stated for councilmanic districts, redefine and establish said districts so as to comply with said requirements. At least every five (5) years the City Council shall review said districts to determine whether or not they comply with said requirements. No redistricting shall be required within three (3) years after the last districting.

Section 904. Election of Council Members: If the requirements of Section 901 of Article IX have been fulfilled and there still remains more than one (1) year before the next general municipal election, the City Council shall, as soon as practicable, call a special election and elect two (2) council members (thereby increasing the Council to seven (7) members at large from any area annexed after July 1, 1966 and the effective date of this Charter whose terms shall be until the next general election.

At the next general municipal election, following the effective date of this Charter and each fourth year thereafter, there shall be elected to the City Council for a term of four (4) years, one (1) member each from districts 1, 3, 5 and 7 and at the general election held in 1970 and each fourth year thereafter there shall be elected to the City Council for a term of four (4) years, one (1) member each from districts 2, 4 and 6. In the original districting ordinance required by Section 902 of Article IX, the residency of the present Council members whose terms expire in 1970, shall be included in District 2, 4 and 6 respectively.

Section 905. Voting for Council Members: Upon completion of the requirements of Section 901 of Article IX, each Council member shall be elected by the City at large and the candidate from each district receiving the highest number of votes from the City at large shall be elected to the City Coun-

cil and represent his district upon qualifying in all other respects under the provisions of this Charter and the law of the State of California.

Section 906. General Municipal Elections: The election of officers, except members of the Board of Education, and for such other purposes as the City Council may prescribe, shall be held in the City on the second Tuesday in April in each even numbered year. The first such general municipal election shall be held on the second Tuesday in April, 1968.

Section 907. Electors Signing Petitions: The electors signing any petition for the nomination of any person to the office of Councilman shall be residents of the district from which such person is to be nominated or has been elected. Only the names of electors who are residents of such district shall be counted in determining the sufficiency of any such petition.

Section 908. Election Under State Law: Elections in all other respects not otherwise provided for in this Charter shall be governed by the State law of the State of California.

## Article X Appointive Boards and Commissions

Section 1000. In General: The City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 1001. Present Existing Boards and Commissions: All boards and commissions now existing and duly authorized in the City of Los Alamitos and the members thereof, shall continue until the normal expiration of their term or according to the ordinances or actions of the Council creating such boards and commission or the appointment thereof.

Section 1002. Appropriations: The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 1003. Appointments. Terms: The number of members to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each of such boards or commissions shall be appointed and shall be subject to removal, by motion of the City Council adopted by a majority vote. The members thereof shall be appointed from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government and shall serve until their respective successors are appointed and qualified.

Section 1004. Composition of Boards and Commissions: All boards and commissions shall be organized and conducted pursuant to the terms creating them. In the event that the ordinance establishing such boards and commissions does not specify the manner, the time of meetings and the composition thereof, said boards and commissions shall be organized and

run according to acceptable and general standards then existing for similar boards and commissions and according to state law of the State of California.

Section 1005. Compensation. Vacancies: The members of boards and commissions shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three (3) consecutive meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

## Article XI Retirement

Section 1100. Retirement: The City Council by appropriate action may make provisions for a retirement program.

Section 1101. Vote By Employees: Any program established by the City Council shall be voted upon and agreeable to a majority of the City employees who will be affected by the retirement program.

## Article XII Fiscal Administration

Section 1200. Fiscal Year: The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 1201. Annual Budget: Preparation by the City Manager. At such date as he shall determine, the City Manager shall obtain from each department head estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as he may deem advisable.

Section 1202. Budget. Submission to City Council: At least thirty-five (35) days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing, by at least one insertion in a newspaper of general circulation within the

City. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten (10) days prior to said hearing.

Section 1203. Budget. Public Hearing: At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1204. Budget. Adoption: After the conclusion of the public hearing the City Council shall make any revisions of the proposed budget that it may deem advisable and shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1205. Budget Appropriations: From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by a majority vote so as to authorize the transfer of unused balances appropriated for one department to another department or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

The City Manager is authorized to make budgetary revisions among departmental appropriations. The City Manager is fully authorized to transfer monies and to expend monies and/or all funds, for departments and activities as he may determine necessary to insure the proper operation and control of City business, except that no such transfers shall be made in contravention to State law or City ordinances or exceed in total amount appropriated for each department or as amended by the City Council.

Section 1206. Contracts on Public Works: Every project involving an expenditure of more than Five Thousand Dollars ($5,000.00) for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids. Projects for the construction, resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph, and the bid-

ding requirements of the State of California, if such work is performed by a City or County of Orange Department.

All bids must be accompanied by either a certified or cashier's check, or a bidder's bond executed gy a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may readvertise at its discretion.

The City Council, after rejecting bids, or if no bids are received, may declare and determine that in its opinion, based on estimates approved by the City Manager, the work in question may be purchased more economically on the open market, and after the adoption of a resolution to this effect by a majority vote of the Council, the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by resolution passed by an absolute majority of the Council and containing a declaration of the facts constituting such urgency.

Section 1207. Taxation. This City shall have the power and be subject to the same limitations with respect to taxation as a general law city of California.

Section 1208. Disbursement of Funds: The City Manager shall have the power and the duty to supervise, and be responsible for, the disbursement of all monies and of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government; with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges; and draw warrants upon the City Treasurer for all claims and demands audited and approved as provided in this Charter, specifying the purpose for which drawn and the fund from which payment is to be made.

Section 1209 Claims and Demands of State Procedure: Procedures prescribed by the State Legislature governing the presentation, consideration and enforcement of claims against

chartered cities or against officers, agents and employees thereof shall apply to the presentation, consideration and enforcement of claims against the City.

Section 1210. Demands Against the City: All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the City Manager within one hundred (100) days after the last item of the account or claim accrued. The City Manager shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasurer therefor, payable out of the proper fund, otherwise he shall reject it Objections of the City Manager may be overruled by the City Council and the warrant ordered drawn. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council, which after examining the matter, may approve or reject a demand in whole or in part.

If a demand is one for an item not included within an approved budget appropriation it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment

## Article XIII Initiative, Referendum and Recall

Section 1300 In General: The powers of the initiative and referendum and of the recall of elected City officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended or superseded, governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City insofar as such provisions are not in conflict with the provisions of this Charter.

## Article XIV Definitions and Miscellaneous

Section 1400. Definitions: Unless the provision of the context requires otherwise, the following terms as used in this Charter shall have the following meaning:

(a) "Shall" is mandatory and "may" is permissive.

(b) "City" is the City of Los Alamitos and "office", "department", "board", "commission", "officer", "department head", or "employee" is an office, department, board, commission, officer, department head or employee, as the case may be, of the City of Los Alamitos.

(c) "County" is the County of Orange.

(d) "State" is the State of California.

(e) "He" is synonymous with "she".

Section 1401. Violations: The violation of any provision of this Charter or of any ordinance of the City shall constitute

a misdemeanor, and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. Any such violation shall upon conviction be punishable by a fine of not exceeding five hundred ($500.00) dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1402. Severability: If any provision of this Charter or the application thereof to any person or circumstances is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 1403. Headings: The headings given in this Charter to articles and sections thereof shall not affect the scope, meaning or intent of the provisions of this Charter.

Section 1404. Absence From the State: Any Council member may leave the State for a period not exceeding sixty (60) days without permission of the City Council upon filing

Section 1405. Publication: Notwithstanding any provisions of the law of the State of California or provisions of this Charter, if the City Council determines by motion that the required publication of any ordinance or resolution would jeopardize the health, safety or welfare of the citizens of the City of Los Alamitos and that time does not permit the publication due to the lack of a daily newspaper being published and circulated within the City of Los Alamitos then such ordinance or resolution shall be posted in three (3) public places within the City of Los Alamitos designed by the City Council and also posted on or near the door of the Council Chambers.

Section 1406. Nepotism: The Council shall not appoint any person to any salaried position in the City government who is a relative by blood or marriage within the second degree of any member of the Council, nor shall the City Manager nor any officer or department head appoint any relative of his within such degree to any such position.

Section 1407. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Section 1408. Illegal Interest in Contracts: No member of the Council or other officer or department head of the City shall have any financial interest in any contract, sale or transaction to which the City is a party if having such interest constitutes a violation of the State law pertaining to interest in contracts. Any such person having any such prohibited interest shall be guilty of a misdemeanor, and upon conviction thereof,

in addition to such penalties as may be imposed by the Court, such person shall forfeit his office. Any contract, sale or transaction in which there shall be any such prohibited interest shall become void at the election of the City when so declared by resolution of the Council.

Section 1409. Combination of Offices and Departments: Where the positions are not in fact incompatible, the Council may, subject always to the restrictions of this Charter, combine under one officer or person the powers and duties of two or more offices or departments created or authorized by this Charter.

Section 1410. Oaths: The City Clerk shall be responsible for administering all oaths as required by the State law, this Charter or ordinance.

Section 1411. Validity: If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Publish: News-Enterprise, July 28, 1966.

That said election was held in accordance with the election laws of the State of California relating to and governing elections in cities.

CHARLES H. LONG
(SEAL) Mayor of the City of Los Alamitos
Attest:
JAMES M. SMITH
City Clerk of the City of Los Alamitos
Dated: March 17, 1967

and

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the Charter of the City of Los Alamitos, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, as the Charter of the City of Los Alamitos.

# CHAPTER 47

*Assembly Concurrent Resolution No. 22—Relative to an examination and audit of the financial condition of the University of California.*

[Filed with Secretary of State April 12, 1967 ]

WHEREAS, Section 9 of Article IX of the California Constitution reposes in the Regents of the University of California full powers of organization and government of the university, subject, however, to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds; and

WHEREAS, A knowledge of the financial structure and practices of the university being essential for the Legislature to intelligently and adequately insure compliance with the terms of the endowments of the university and the security of its funds, it is therefore necessary that an independent complete examination and audit of the financial condition of the University of California be conducted; and

WHEREAS, A need for knowledge of the financial structure and practices of the university is an essential part of the more comprehensive need for a thorough knowledge of the functions and structure of the system of higher education in California to allow the Legislature to intelligently make decisions concerning all aspects of higher education in the state; and

WHEREAS, For this purpose, the Joint Committee on Higher Education has been directed to conduct a study of the segments of the California system of higher education which includes such an examination of the financial aspects of higher education in the state and the sources and uses of revenue available both to the state and to the segments of the higher education system; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Auditor General, in cooperation with and as part of the comprehensive study by the Joint Committee on Higher Education, is hereby directed to examine and audit the financial structure and practices of the University of California and to report his findings and conclusions thereon to the Joint Committee on Higher Education for transmittal to the Legislature not later than the fifth legislative day of the 1968 Regular Session of the Legislature; and be it further

*Resolved*, That the sum of fifty thousand dollars ($50,000) is hereby made available from the Contingent Funds of the Assembly and Senate to the Joint Committee on Higher Education for the purpose of contracting with the Joint Audit Committee for studies of the Auditor General pursuant to this resolution; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Auditor General.

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## CHAPTER 48

*Assembly Concurrent Resolution No. 48—Relative to the death of Laurence W. Lane, Sr.*

[Filed with Secretary of State April 12, 1967 ]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of the death of one of the greatest contributors to the growth of the West, Laurence W. Lane, Sr.; and

WHEREAS, Laurence W. Lane, Sr., born March 5, 1890, in Horton, Kansas, attended the University of Chicago and was graduated in 1917 from Drake University in Des Moines, where he majored in psychology; and

WHEREAS, He served with the United States Army in World War I, holding the rank of first lieutenant; and

WHEREAS, Mr. Lane became a part of the publishing world in 1913, starting with the Meredith Publishing Company in Des Moines where he rose from advertising salesman for "Successful Farming" to advertising director for the three publications "Better Homes and Gardens," "Dairy Farmer," and "Successful Farming"; and

WHEREAS, In 1928 in San Francisco, he founded and became president of Lane Publishing Co., which was to publish "Sunset Magazine"; and

WHEREAS, The publisher of "Sunset Magazine" until 1959, and president of Lane Publishing Company until his death on February 20, 1967, Mr. Lane also operated a subsidiary, Lane Magazine and Book Company, with his sons, L. W. (Bill) Lane, Jr., president, and Melvin B. Lane, executive vice president; and

WHEREAS, Under his astute guidance, "Sunset Magazine" became a much-beloved service magazine for western families, with a circulation in excess of 850,000 while limiting its circulation to the states west of the Rockies; and

WHEREAS, He later moved his company headquarters to suburban Menlo Park, California, where his staff occupies two western ranch-style office buildings situated on 10 acres of beautifully landscaped grounds; and

WHEREAS, This truly extraordinary man participated in many activities including membership in the Small Business Advisory Committee of the United States Department of Commerce, the Magazine Industry Advertising Committee of the National Production Authority, the Board of Directors of the 1-A District Agricultural Association, the Board of Directors of the Advertising Council, Inc., and served as director of the Bohemian Club, San Francisco, was a past president of the Associate Advertising Clubs of the West, and past president of the San Francisco Kiwanis Club, and was a member of many horsemen's and riding clubs; and

WHEREAS, His magnificent record of achievement will serve as a beacon of inspiration for those who shall try to follow in the footsteps of this rare man; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the Legislature of the State of California do hereby express their sincere condolence upon the death of Laurence W. Lane, Sr. to his bereaved widow and family; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mrs Ruth Bell Lane, the widow of Laurence W. Lane, and two sons, L. W. Lane, Jr and Melvin B. Lane.

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## CHAPTER 49

*Assembly Concurrent Resolution No. 53—Relative to commemorating the 25th anniversary of the fall of Bataan and designating April 9th to April 16th as Bataan Week.*

[Filed with Secretary of State April 12, 1967 ]

WHEREAS, The 9th of April, 1967, marks the 25th anniversary of the fall of Bataan; and

WHEREAS, On that date in 1942, after more than three months of heroic resistance, the American and Filipino forces on Bataan in the Philippines were overwhelmed by a Japanese army 10 times their number; and

WHEREAS, From the Voice of Freedom radio station on Corregidor, in Manila Bay, the free world heard the shortwave message: "Bataan has fallen, but the spirit that made it stand, a beacon to all liberty-loving peoples of the world, cannot fail"; and

WHEREAS, Bataan is a lesson in bravery, symbolizing the struggles and sacrifices of men dedicated to the preservation of peace and liberty, which we must not lose sight of today; and

WHEREAS, Today gallant men, wearing uniforms of the United States and other free nations, still battle the forces of tyranny and oppression in Vietnam; and

WHEREAS, Such actions remind us that we must continue to stand steadfast in defense of freedom as those brave men of Bataan did 25 years ago; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members memorialize the Governor of this state to proclaim April 9th to 16th as "Bataan Week" in commemoration of the 25th anniversary of the fall of Bataan and to enjoin all Californians to observe it appropriately; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Governor of this state.

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## CHAPTER 50

*Assembly Concurrent Resolution No. 56—Relative to congratulating and commending California State Polytechnic College, San Luis Obispo, on the occasion of its 35th annual Poly Royal open house festival.*

[Filed with Secretary of State April 12, 1967.]

WHEREAS, The students of California State Polytechnic College, San Luis Obispo, one of the California State Colleges, have traditionally reserved the last full weekend in April to hold an open house to exhibit the result of their year's activity for their parents and friends and the citizens of California; and

WHEREAS, This open house festival, popularly known as Poly Royal, "A Country Fair on a College Campus," has grown from a small start in 1933 to the point that some 35,000 persons are expected to attend Poly Royal this year; and

WHEREAS, Vernon A. Sturgeon, the State Senator from San Luis Obispo County from 1962 through 1966 and now a member of the staff of Governor Ronald Reagan, has been selected by the students of California State Polytechnic College as the honored guest for their 35th annual Poly Royal; and

WHEREAS, The 35th annual Poly Royal, which is scheduled for April 28 and 29, appears destined to be the biggest and most successful in the series of annual open house festivals at California State Polytechnic College, San Luis Obispo; and

WHEREAS, In these days of student unrest and illegal demonstrations, the young men and women of California State Polytechnic College, San Luis Obispo, have provided an example for all students by their orderly conduct and their enlightened attitudes toward the problems of the day; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature heartily congratulates and commends the students and faculty of California State Polytechnic College on their educational achievement of the past year and on perpetuating an activity of the scope of Poly Royal, and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Governor of this state; to the Trustees of the California State Colleges; and to the President, faculty and students of California State Polytechnic College, San Luis Obispo, California.

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## CHAPTER 51

*Senate Concurrent Resolution No. 37—Relative to proclaiming National Youth Temperance Education Week.*

[Filed with Secretary of State April 12, 1967.]

WHEREAS, It has of late become increasingly apparent that the youth of California experiment with the evils of narcotics without knowing or understanding the dangers inherent in these practices; and

WHEREAS, The youth of California should be taught the effects of alcohol on the human system, and the desirability of the temperate use of alcohol; and

WHEREAS, It is imperative that an educational program be established so that youth may know the truth about alcohol and narcotics; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Governor is requested to issue a proclamation designating the week beginning April 23, 1967, as "Youth Temperance Education Week," and inviting the people of California to cooperate during that week with programs of temperance education; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the Governor.

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## CHAPTER 52

*Assembly Joint Resolution No. 3—Relative to the Hidden Dam on Fresno River and Buchanan Dam on Chowchilla River.*

[Filed with Secretary of State April 17, 1967.]

WHEREAS, The Congress of the United States has in previous years authorized the construction of Hidden Dam on the Fresno River and Buchanan Dam on the Chowchilla River as flood control and water conservation projects; and

WHEREAS, These two projects have been studied together, authorized together under the same legislation, and designed together; and

WHEREAS, The flood control problems on the Chowchilla River and the Fresno River are of equal seriousness and the water conservation needs of both watersheds are similar; and

WHEREAS, Simultaneous construction of the Hidden Dam and the Buchanan Dam would be economically sound because their proximity to each other would make possible joint use of supervisory and administrative personnel during construction; and

WHEREAS, The budget proposed to the Congress of the United States for the fiscal year beginning July 1, 1967, proposes $500,000 for a start on the construction of Hidden Dam but no funds for a start on the construction of Buchanan Dam; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate $500,000 for initial construction of Buchanan Dam on Chowchilla River and a like amount for initial construction of Hidden Dam on Fresno River as flood control and water conservation projects; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 53

*Assembly Joint Resolution No. 12—Relative to the issuance of a commemorative postage stamp honoring Walt Disney.*

[Filed with Secretary of State April 17, 1967]

WHEREAS, Walt Disney brought laughter and joy into the lives of millions by the truly original and humorous antics of Mickey Mouse, Goofy, Donald Duck, Dumbo, Bambi, and scores of others; and

WHEREAS, Born in Chicago, Illinois, in 1901, his family moved to Missouri where he spent most of his boyhood on a farm, where he began sketching animals and, by the age of 15, he concluded his formal education and began his career in the business world; and

WHEREAS, From his imagination and factory of drawing boards, Walt Disney fashioned the most popular movie stars ever to come from Hollywood and created one of the most fantastic entertainment empires in history; and

WHEREAS, From the first seven-minute cartoons, Walt Disney became the first man to use Technicolor and to mix animation with live action and pioneered in making feature-length cartoons; and

WHEREAS, A pioneer in feature length color cartoons, Walt Disney popularized nature films and later expanded into adventure, comedy, and musical productions; and

WHEREAS, Honored with over 900 awards from organizations and governments around the world, he was awarded the United States' highest civilian decoration, the presidential Medal of Freedom, and was proposed for the 1964 Nobel Peace Prize; and

WHEREAS, Walt Disney's creative talents have earned him 31 Academy Awards and 5 Emmy Awards during his illustrious, 43-year career; and

WHEREAS, Disney's restless mind created one of the nation's greatest tourist attractions, Disneyland, a 160-acre tract of amusement rides, fantasy spectacles, and recreated Americana, which was described by Walt Disney simply as "the world's happiest place" and which will survive as an enduring monument to the genius of its creator; and

WHEREAS, Walt Disney was involved in plans for what he called his biggest, most ambitious project yet, Disney World, a multimillion-dollar park in Florida similar to Disneyland, and also being planned was a year-round recreation facility in the Sequoia National Forest; and

WHEREAS, Although he leaves many reminders of his presence, Walt Disney will be missed by the millions of children and adults who were entertained by this great man; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Postmaster General of the United States to issue a commemorative postage stamp honoring Walt Disney; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Postmaster General of the United States, and to the members of the Citizens Stamp Advisory Committee of the United States Post Office Department.

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## CHAPTER 54

### *Assembly Joint Resolution No. 13—Relative to payment to members of the Philippine Scouts.*

[Filed with Secretary of State April 17, 1967.]

WHEREAS, Legislation has been introduced in the Congress of the United States to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the armed forces and their survivors; and

WHEREAS, The Philippine Scouts were established in 1901 as part of the United States Army after valiantly serving the Army as guides and as fighting men; and

WHEREAS, In World War II members of the Philippine Scouts were permitted to and did enlist in the United States Army for the purpose of defeating the common enemy; and

WHEREAS, The proposal of Congressman Talcott would have the effect of retroactively paying the Philippine Scouts on a level equal with that of other members of the armed forces; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California support legislation to authorize equivalent pay for members of the Philippine Scouts, and urges the Congress to enact such legislation; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 55

*Assembly Concurrent Resolution No. 49—Relative to a century of service to the citizens of California by the Southern California Gas Company.*

[Filed with Secretary of State April 17, 1967.]

WHEREAS, One hundred years ago on June 28, 1867, five citizens of the frontier community of Los Angeles formed what they called the "Gas Works" under the official name of the Los Angeles Gas Company, thus forming the first of more than 50 predecessor gas companies that have merged over the years to become the Southern California Gas Company, one of the largest natural gas distribution companies in the United States; and

WHEREAS, The 25 street-lighting customers located around the historic old Plaza in Los Angeles have in the intervening 100 years expanded in numbers to the extent that the company now serves natural gas to almost two million homes and business firms in the area stretching south from Fresno County to the Mexican border, and east from the Pacific Ocean to the California-Arizona border, thus meeting the heat energy needs of more than 6,400,000 southern Californians; and

WHEREAS, This expansion of its service has resulted in a capital investment of approximately $626 million in buildings, pipelines, compressor stations, underground storage facilities, meters and equipment, and an annual payroll of $46 million to its 5,200 employees, plus almost $23 million paid in local

and state taxes and franchise payments—thus contributing substantially to the economy of the State of California; and

WHEREAS, Southern California's economy is largely dependent on the availability of natural gas because this is a region where coal is almost unknown, and natural water resources for the production of power have been exploited to their limit, gas has emerged as the most widely used source of heat-producing energy in homes and industry; and

WHEREAS, The fact that the management of the regulated, investor-owned Southern California Gas Company has been able to obtain the huge volumes of gas required to keep abreast of the explosive growth of southern California since the end of World War II attests to the vision and leadership of the company's officers, long recognized by their peers in the national gas industry as innovators in the implementation of pacesetting management methods; and

WHEREAS, It has been a long-standing policy of the Southern California Gas Company to place able members of their management team in local chambers of commerce and service clubs in communities throughout its vast serving territory, and to be active in the support of local enterprises and charities, the Company has served as an active corporate citizen, playing a vital role in the residential, commercial and industrial growth of the southland; and

WHEREAS, In the judgment of this body the Southern California Gas Company continues in its day-to-day operations to live up to the highest standards of a successful investor-owned public utility and equal opportunity employer operating under the American free enterprise system as defined by its own company creed: "Our pledge—to serve our customers at the lowest possible rates and with a high standard of service; to conduct our business with courtesy and efficiency; to treat our customers honestly and fairly as we would like to be treated; to deal frankly with the public at all times, and to be good citizens of the area we serve"; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members extend their congratulations and best regards to the president, officers and personnel of the Southern California Gas Company on the occasion of the celebration of 100 years of service to the citizens of southern California; and be it further

*Resolved,* That the members are confident that the remarkable and indispensable service provided by the Southern California Gas Company during the past century assures its ability to meet the challenges of natural gas utility service during the next 100 years; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit a suitably prepared copy of this resolution to Mr. F. Marion Banks, chairman of the board of the Southern California Gas Company.

## CHAPTER 56

*Assembly Concurrent Resolution No. 67—Relative to National Library Week.*

[Filed with Secretary of State April 17, 1967 ]

WHEREAS, It is a fundamental tenet of this nation, that our continued growth, prosperity and well-being are dependent upon a knowledgeable and literate society; and

WHEREAS, The unique American contribution, the public library, has more than significantly contributed to this principle; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members hereby request the Governor to proclaim April 16 through 22 as National Library Week in the State of California.

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## CHAPTER 57

*Senate Concurrent Resolution No. 23—Relative to commending the Independent Insurance Agents Association of California and the Independent Insurance Agents Association of San Diego.*

[Filed with Secretary of State April 17, 1967.]

WHEREAS, Official records show an unrelenting increase in crime frequency; and

WHEREAS, The tragedy and cost of crime has become a matter of urgent concern to the citizens of California, this Legislature and the constitutional officers of our state; and

WHEREAS, The Attorney General of California, and state and local law enforcement agencies are supporting legislative efforts to combat this problem; and

WHEREAS, The Legislature of the State of California recognizes the need for proper citizen support; and

WHEREAS, The Independent Insurance Agents Association of San Diego has for more than two years sponsored a "Stamp Out Crime Crusade" which has been judged successful by all civil authorities in San Diego; and

WHEREAS, The Independent Insurance Agents Association of California has now instituted the "Stamp Out Crime Crusade" statewide; and

WHEREAS, A great many civic groups of all kinds have already given support and cooperation to this effort, and

WHEREAS, The "Stamp Out Crime Crusade" effort is directed to responsible citizen support for duly constituted law enforcement agencies by encouraging and reminding all citizens to:

(1) Observe laws and encourage others to do so, and

(2) Report promptly to the nearest law enforcement agency evidence of a crime being or having been committed, and

(3) Aid officers in distress at their request and direction, and

(4) Perform jury duty when summoned, and

(5) Testify when in fact a witness; and

WHEREAS, The "Stamp Out Crime Crusade," sponsored by the Independent Insurance Agents Association of California, is making progress toward these constructive aspects of citizen responsibility in our society; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legislature do commend the Independent Insurance Agents Association of California and the Independent Insurance Agents Association of San Diego for the leadership they have displayed in encouraging proper citizen support of those striving to solve a problem of deep concern to all Californians; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to the Independent Insurance Agents Association of California and to the Independent Insurance Agents Association of San Diego.

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## CHAPTER 58

*Senate Joint Resolution No. 9—Relating to petitioning the Postmaster General of the United States to issue a stamp commemorating California's bicentennial.*

[Filed with Secretary of State April 24, 1967.]

WHEREAS, In the year 1769 the first permanent settlement in California was established in what is now the City of San Diego by Governor Gaspar de Portolá and Fray Junípero Serra; and

WHEREAS, In that same year, 1769, Governor Portolá led an expedition up the California coast to a point in what is now San Mateo County, overlooking San Francisco Bay, making the first landward sighting of the Golden Gate by civilized man; and

WHEREAS, This expedition was the beginning of California's first and most famous highway, the El Camino Real, which served to connect the 21 missions of California; and

WHEREAS, The State of California has in the intervening years grown with a glory which has been second to none; and

WHEREAS, California's contribution to the United States has been truly magnificent and without parallel; and

WHEREAS, It is most fitting that the unique history of California be honored; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Members petition the Postmaster Gen-

eral of the United States to have issued in the year 1967 a commemorative stamp in honor of California's bicentennial and of those two brave and dedicated men, Governor Gaspar de Portolá and Fray Junípero Serra; and be it further

*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the Postmaster General of the United States.

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## CHAPTER 59

*Assembly Concurrent Resolution No. 74—Relative to Workshop Workers Week.*

[Filed with Secretary of State April 24, 1967.]

WHEREAS, The State of California has among its citizenry many physically and mentally handicapped persons who cannot compete for jobs in private industry due to their handicaps; and

WHEREAS, Thousands of these persons voluntarily seek training and employment in workshops for the handicapped located throughout the state; and

WHEREAS, This employment helps them toward economic independence and makes many of them taxpaying members of our state, thus alleviating the tax burdens of our communities; now therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature hereby requests the Governor to proclaim the week of May 21 through May 27th as Workshop Workers Week and urges all businesses and citizens of this state to do all in their power to support the program of the workshops for the handicapped by providing subcontracts that will permit the employment of all the handicapped who are seeking economic independence; and be it further

*Resolved*, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Governor and a suitably prepared copy to the Sheltered Workshops of San Diego, Inc.

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## CHAPTER 60

*Senate Concurrent Resolution No. 22—Relative to commending the County of Los Angeles for its operation of the community work experience and vocational training program for unemployed welfare recipients.*

[Filed with Secretary of State April 26, 1967.]

WHEREAS, The 1963 Legislature of California required counties to organize and establish community work experience

and vocational training programs for able-bodied welfare recipients, under the Aid to Families with Dependent Children Program; and

WHEREAS, The training programs are designed to help the recipients to become self-supporting and productive members of our society, and to remove them from the welfare rolls; and

WHEREAS, Since the initiation of the program by the Board of Supervisors of the County of Los Angeles in February 1964 a total of 24,553 men and women have received training by the Department of Social Services of the county, and of this number 16,881 have been employed as a result of the department's job placement services; and

WHEREAS, An additional 9,015 have been denied aid by Los Angeles County because they have refused to participate in the training program, thereby accomplishing another objective of the aid program by establishing a guide to determining the willingness of aid recipients to be trained for productive work, and also to give reasonable assurance that welfare aid is not going to support the lazy and the indolent; and

WHEREAS, A survey of the training program in Los Angeles County shows that over 80 percent of the recipients who receive job counseling and placement by the Los Angeles County Department of Social Services were still self-supporting after a period of six months, and approximately 90 percent of those who received work training and subsequent job placement had not reapplied for welfare assistance at the end of one year's time; and

WHEREAS, The cost of training has proved to be a sound investment because it is estimated that more than $1,000,000 a month is saved in welfare costs in Los Angeles County, and that as long as training continues, long-run welfare expenditures will be reduced and individuals will be restored to maximum self-support and independence; and

WHEREAS, In the County of Los Angeles, over 10,000 more aid recipients are ready and available to be trained for useful employment as soon as the state ceiling on aid grants is increased to pay the necessary training expenses of the trainees; and

WHEREAS, Other counties in the state, particularly the larger counties, have a similar record of success and effectiveness in the work and vocational training program; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the members congratulate the Board of Supervisors of the County of Los Angeles and the Department of Social Services of the county for conducting a vigorous community work experience and vocational training program, and the members express an intent to continue to provide full support for the program so that as

many recipients as practical will receive training and become self-supporting and productive members of society; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the Board of Supervisors and the Department of Social Services of Los Angeles County.

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## CHAPTER 61

*Senate Concurrent Resolution No. 35—Approving amendments to the Charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of April, 1967.*

[Filed with Secretary of State April 26, 1967.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows:

State of California
County of Santa Clara } ss
City of Santa Clara

CERTIFICATE OF RATIFICATION OF THREE CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA CLARA

We, the undersigned, Robert T. Maynard, Mayor of the City of Santa Clara, and A. S. Belick, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, is now and at all times herein mentioned was a City duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 50,000 inhabitants;

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City certain proposals for the amendment of the Charter of said City at a special election duly and regularly called and held for that purpose in said City on the fourth day of April, 1967, said Charter Amendments being designated as Proposition A, Proposition B and Proposition C and herein designated as Santa Clara Charter Amendments;

That said Santa Clara Charter Amendments were published in the Santa Clara Journal, a newspaper of general circulation printed and published in said City and having a general circulation therein; said newspaper being the official newspaper of said City, Proposition A and Proposition C were published on the fifteenth day of February, 1967, and Proposition B was published February 22, 1967, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California;

That said City Council caused copies of said Santa Clara Charter Amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, until the day fixed for said election, advertised in said Santa Clara Journal, a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor;

That said election was duly and regularly held on the fourth day of April, 1967, which said date of the said election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed Charter Amendments, and the returns of said election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify each of said Santa Clara Charter Amendments, hereinafter specifically set forth;

That said Amendments to the Charter of said City so ratified by the voters of said City are as follows, to wit:

"PROPOSITION A A proposition on motion of the City Council to amend the Charter of said City by amending Section 702 therein to read as follows:

Section 702. Compensation. Each member of the City Council shall receive as compensation the sum of Two Hundred Dollars ($200) per month and the Mayor shall receive an additional One Hundred Dollars ($100) per month. If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to him for such month shall be reduced by the sum of Twenty Five Dollars ($25) for each meeting or study session not attended unless he is absent with the consent of or on order of the City Council.

Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so absent.

"PROPOSITION B: A proposition on motion of the City Council to amend the Charter of said City by amending Section 1320 therein to read as follows:

Section 1320. Utilities Fund. Receipts from the utilities operated by the City shall be paid into the City Treasury and maintained in a separate Utilities Fund for such utilities. Expenditures from such fund shall be made for the following purposes only for such utilities in the order named, viz: (a) for the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the City or the City Council may establish; (b) for repairs and maintenance; (c) for the payment of interest and sinking funds on bonds issued for the acquisition, construction or extensions; (d) for the payment of not to exceed 5 percent of the gross receipts from such utilities to the General Fund of the City in payment for services rendered; subject, however, to such limitations as may be contained in any resolution or indenture heretofore adopted providing for the issuance of revenue bonds for the acquisition, construction or improvement of such utilities, which bonds are now outstanding or may hereafter be issued under such existing resolution or indenture; (e) for extensions and improvements; (f) for the establishment of a sinking fund within the Utilities Fund for the replacement of utilities property in the minimum amount of $2,500,000; (g) for transfer of the balance of any monies remaining to the General Fund of the City, subject to such limitations or restrictions as may be contained in any resolution or indenture under which bonds of the City are now outstanding, and also subject to the condition that under no circumstances shall such transfer reduce the amount in the Utilities Fund to less than $300,000 in addition to such sinking fund.

The City Council shall cause records to be kept of the receipts and expenditures of each utility and of credits and debits of each utility in the aforementioned Utilities Fund. The City Council may, however, order expenditures from the Utilities Fund for any utility even though that utility has no credit in the Utilities Fund, provided only that the balance in the Utilities Fund is greater than the proposed expenditure.

"PROPOSITION C: A proposition on motion of the City Council to amend the Charter of said City by amending Section 1004 therein to read as follows:

Section 1004. Compensation Vacancies The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term If a member of a board or commission absents himself from three regular meetings of such board

or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council."

That we have compared the foregoing amendments as stated herein with the original proposals submitted to the electors of said City, and find and certify that each of the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Clara to be affixed hereto this 11th day of April, 1967.

(SEAL)

ROBERT T. MAYNARD, Mayor
City of Santa Clara, California
A. S. BELICK, City Clerk
City of Santa Clara, California

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Santa Clara as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Santa Clara.

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## CHAPTER 62

*Senate Concurrent Resolution No. 36—Approving amendments to the Charter of the City of San Buenaventura, municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of the city at a general election held therein on the 11th day of April, 1967.*

[Filed with Secretary of State April 26, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of San Buenventura, a municipal corporation in the County of Ventura, State of California,

as set out in the certificate of the mayor and city controller and ex officio city clerk of the City of San Buenaventura as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA

State of California }
County of Ventura } ss.
City of San Buenaventura }

We, Charles W. Petit, Mayor of the City of San Buenaventura, California, and Scott Ruckman, City Controller and Ex-Officio City Clerk of said City, do hereby certify and declare as follows:

That the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than three thousand five hundred, but less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at an election duly held for that purpose on the 7th day of January, 1932, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1933, (Statutes of 1933, p. 2870).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Buenaventura, being the legislative body of said City, on its own motion, by Ordinance No. 1466, duly and regularly submitted to the qualified electors of said City certain proposals for the amendment of the charter of said City to be voted on by said qualified electors at the general municipal election called and held for that purpose in said City on the 11th day of April, 1967.

That on the 15th day of February, 1967, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the California Constitution and the charter of the City of San Buenaventura, in each and every edition of said day of February 15, 1967, in "The Ventura County Star-Free Press", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper of said City; all as shown by the affidavit of publication on file in the office of the City Controller and Ex-Officio City Clerk of said City.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 11, 1967, which was not

less than forty, nor more than sixty, days after completion of the advertising in the official newspaper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Council of the City of San Buenaventura, which pursuant to law met on April 17, 1967, and duly declared the result of said canvass of the returns of said election by Resolution No. 6365.

That the said amendments to the charter of the City of San Buenaventura, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Charter Amendment No. 1: Shall Section 1 of Article XX of the Charter of the City of San Buenaventura be repealed and Section 1 of Article IV, Section 4 of Article VII, Sections 14 and 15 of Article XVII of the Charter of the City of San Buenaventura be amended, and Article XXI be added to the Charter of the City of San Buenaventura, said amended sections and said new article to read:

Section 1 (Article IV). Powers: The City of San Buenaventura shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular powers shall not be held to be exclusive of or any limitation upon this general grant of power.

Section 4 (Article VII). Powers of the Council: All powers of the City of San Buenaventura shall be vested in the Council, subject to the provisions of this Charter and to the Constitution of the State of California.

Section 14 (Article XVII). Special Taxes and General Obligation Bonds: Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes which cannot be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditures either by levying a special tax, or by issuing general obligation bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No general obligation bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of general obligation bonds of the City shall be had in such a manner and form and under such conditions as shall be provided from time to time by general laws.

Section 15 (Article XVII). Limit of General Obligation Bonded Indebtedness: The general obligation bonded debt of the City shall at no time exceed a total of fifteen percent of the assessed valuation of all property taxable for City purposes; provided, however, that any bonds for the acquisition, extension, betterment or maintenance of municipally owned public utilities shall not be considered in fixing such limitation.

## ARTICLE XXI

## REVENUE BONDS

Section 1. Power to Issue: The City of San Buenaventura may issue revenue bonds to provide funds for the acquisition, construction and financing of additions to, or improvements or extensions of the water supply and distribution system of said City, or the sewage collection and disposal system of said City.

Section 2. Nature of Obligation: Revenue bonds issued under this Article shall not constitute general obligations or general indebtedness of the City of San Buenaventura, but shall be obligations on which principal, interest and any premiums upon redemption prior to maturity are payable solely from revenues, income and other receipts derived from the use and operation of the system to which the bonds pertain, or, if the Council so determines, from a defined portion of such revenues, income and receipts.

Section 3. Mode of Issuance: The power to issue revenue bonds pursuant to this Article shall be vested solely in the Council, but no such bonds shall be issued unless the same shall first be authorized by the affirmative vote of a majority of those electors voting on the question of incurring such indebtedness at any election at which the question is submitted to the electors of the City of San Buenaventura. The Council may issue and sell revenue bonds so authorized, may fix and provide any terms, conditions, covenants and restrictions as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof. To the extent that any provisions of any ordinance, resolution or order of the Council pertaining to the issuance of bonds pursuant to this Article is inconsistent with the provision of any other Article of this Charter, the provisions of such ordinance, resolution or order shall control so long as any of the revenue bonds or interest coupons to which the same pertain are outstanding and unpaid. In particular, and without limiting the generality of the foregoing, the provisions of any such ordinance, resolution or order of the Council shall control over any inconsistent provision in Article XVII, and in particular Sections 16, 17 and 18 thereof.

Section 4. Effect of Article: The provisions of this Article are in addition to, and not a limitation upon, any power which the City of San Buenaventura might exercise in absence of this Article.

Charter Amendment No. 2: Shall Section 1 of Article V of the Charter of the City of San Buenaventura be amended to read:

Section 1 (Article V). Elections: A general municipal election for the election of officers shall be held on the 3rd Tuesday of April of each odd-numbered year beginning with the year 1969. All other municipal elections that may be held by authority of this Charter, or the general laws, shall be known as special municipal elections.

Charter Amendment No. 3: Shall Section 2 of Article VI of the Charter of the City of San Buenaventura be amended to read:

Section 2 (Article VI). Compensation: City Councilmen shall receive $50.00 for each regular Council meeting attended, not to exceed $200.00 per month, effective April 14, 1967. The Library Trustees and the Board of Education shall serve without compensation. The compensation for services rendered of all appointive officers and employees of the City, except officials and members of boards, commissions and committees serving gratuitously, shall be fixed or changed by the annual appropriation ordinance adopted by four-sevenths vote of the Council and, except the office of Manager and the City Attorney, upon the recommendation of the Manager only. No officer or employee shall be allowed any fee, perquisite, emolument or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the Council and all fees received by such officer or employee in connection with his official city duties shall be paid by him into the City Treasury.

Charter Amendment No. 4: Shall Subsection 6 of Section 3 of Article IX of the Charter of the City of San Buenaventura be amended to read:

6. (Section 3, Article IX). To act as purchasing agent for all departments of the City except those of Public Library and Education; and in those departments he shall assist in making purchases when requested to do so by the respective boards in control thereof. All purchases shall be made by requisition signed by the Manager or his designated agent.

We further certify that we have compared the text of the foregoing amendments to the charter of the City of San Buenaventura with the original proposals submitting the same to the electors of said City, and find that the foregoing are full, true, correct and exact copies of said amendments. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the seal of the City of San Buenaventura to be affixed hereto this 17th day of April, 1967.

CHARLES W. PETIT, Mayor of the City of San Buenaventura, California
(SEAL)
SCOTT RUCKMAN, City Controller and Ex-Officio City Clerk of the City of San Buenaventura, California

; and

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting thereon and concurring therein,* That the amendments to the Charter of the City of San Buenaventura, as proposed to and adopted and ratified by the qualified electors of the city, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of San Buenaventura.

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## CHAPTER 63

*Assembly Joint Resolution No. 9—Relative to federal construction projects.*

[Filed with Secretary of State April 27, 1967.]

WHEREAS, To enable federal agencies to procure the most beneficial contract when letting contracts for construction on federal land, information concerning the proposed construction project should receive wide dissemination; and

WHEREAS, Many federal agencies do not disseminate such information to the county or counties where the construction is to take place; and

WHEREAS, It would be most desirable for federal agencies when letting construction contracts, relating to works of improvement on federal land, to afford the appropriate persons within the county or counties where the construction is to take place to bid on the contracts; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and all federal agencies who let construction contracts relating to improvements on federal land to take such action as may be necessary to inform the residents of the

county or counties where the work of improvement is to be performed that construction contracts are being let; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Administrator of General Services, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 64

*Assembly Concurrent Resolution No. 58—Relative to the 10th anniversary of "Music at the Vineyards."*

[Filed with Secretary of State April 28, 1967.]

WHEREAS, It has come to the attention of the Members of the Legislature that on July 1, 1967, the first concert of the 10th anniversary season of the "Music at the Vineyards" programs will be presented near Saratoga, California; and

WHEREAS, The members recognize that the programs have represented a great contribution to the cultural life of the entire San Francisco Bay area, and have provided a unique musical experience to both Californians and to visitors drawn to our state by the reputation of the concerts; and

WHEREAS, By providing a musical experience previously unavailable except in the eastern United States, or in Europe, the artists and impresarios responsible for the concerts have greatly enriched the lives of all Californians, and have encouraged other programs with similar philosophies and similar goals, and so, by their example, have made life richer for music lovers, whether they are Californians or visitors to our state; and

WHEREAS, During the past several seasons, the concerts have been illuminated by the brilliance of their director, Professor Sandor Salgo, who has displayed an unerring sense of what is appropriate for concerts held for the benefit of ardent lovers of music in a gloriously beautiful natural setting, and has proven himself more than equal to the task of both pleasing the audience, and doing justice to the surroundings; and

WHEREAS, The concerts represent the finest of musical craftsmanship, as is attested to by the fact that audiences have included such famous musicians as Kurt Herbert Adler, director of the San Francisco Opera, Alice Ehlers, the famous harpsichordist and Maestro Arthur Fiedler; and

WHEREAS, The conduct and organization of "Music at the Vineyards" matches the excellence of the concerts themselves in every respect because of the organizational skill and exceedingly refined taste of Mr. Norman N. Fromm, manager of

"Music at the Vineyards," and Mr. Otto Meyer, and without their superlative skill and judgment it is apparent that concerts of this type would be doomed to failure, no matter how great the music; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members extend their most sincere congratulations to all those responsible for the past successes and bright future of "Music at the Vineyards," and further express their gratitude for what the programs have meant to California; and be it further

*Resolved*, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to Mr. Otto Meyer, to Professor Sandor Salgo, and to Mr. Norman N. Fromm.

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## CHAPTER 65

*Assembly Concurrent Resolution No 75—Approving an amendment to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of April, 1967.*

[Filed with Secretary of State May 1, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF GLENDALE

State of California }
County of Los Angeles } ss.
City of Glendale }

We, Wm. Howard Peters, Mayor of the City of Glendale, and John H. Walters, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times mentioned herein, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders'

charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion by Resolution No. 15,657 adopted on the 29th day of November, 1966, duly and regularly submitted to the qualified electors of the City one proposal for the amendment of the Charter of the City of Glendale, which was designated Charter Amendment No. 1; and The Council ordered that the said proposed charter amendment be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 4th day of April, 1967, which date was fixed in the said resolution as the date for holding the special municipal election.

That on the 15th day of February, 1967, the proposed charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed charter amendment were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 14, 1967 to and including April 3, 1967; and a notice was advertised and published on and from February 15, 1967 until April 3, 1967, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No. 3715, which was duly passed on the 28th day of February, 1967, order the holding of a general and special municipal election in the City of Glendale on the 4th day of April, 1967, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed charter amendment as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 15, 1967 and March 22, 1967, pursuant to the provisions of the Charter of the City of Glendale, in the Glendale News-Press; and The Council did by ordinance order the Special Municipal Election consolidated with the General Municipal Election to be held in the City on the 4th day of April, 1967.

That the Special Municipal Election was held in the City of Glendale on the 4th day of April, 1967, which day was not less than forty days, and not more than sixty days after the proposed amendment to said Charter had been published in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the Special Municipal Election and did, by resolution adopted April 10, 1967, duly declare the results of the Special Municipal Election as determined from the canvass of the returns thereof.

That at the Special Municipal Election, Charter Amendment No. 1 was ratified by a majority of the electors of the City voting thereon.

That Charter Amendment No. 1 so ratified by the electors of the City of Glendale is in words and figures as follows:

CHARTER AMENDMENT No. 1

Section 16 of Article XXIII of the Charter of the City of Glendale is amended to read:

"(Article XXIII) Section 16. Copies or Extracts From Books and Records.

Copies or extracts from said books and records open for inspection shall be given by the officer having the same in custody to any person demanding the same and paying such fees for the copies or extracts and for certifying, if certification is also required, as the council may from time to time establish by ordinance."

We further certify that we have compared the text of the foregoing Charter Amendment with the original proposal submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy of said original proposal. That as to said Charter Amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 10th day of April, 1967.

(SEAL)

WM. HOWARD PETERS
Mayor of the City of Glendale
JOHN H. WALTERS
City Clerk of the City of Glendale

I hereby certify that the foregoing is a true and correct copy of Certificate of Ratification of Charter Amendment on file in the office of the City Clerk of the City of Glendale.

Dated April 11, 1967

JOHN H. WALTERS,
City Clerk
By RUTH MYREN
Deputy

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Glendale, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Glendale.

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## CHAPTER 66

*Assembly Concurrent Resolution No. 77—Approving charter amendments to the Charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at a special election held therein on the fourth day of April, 1967.*

[Filed with Secretary of State May 1, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president pro tempore of the city council and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, Thomas D. Shepard, President of the Council of the City of Los Angeles, Pro Tempore, and Walter C. Thiel, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said, City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, P. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special municipal election consolidated with the primary nominating municipal election held on the 4th day of April, 1967, all as required by law, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5, and 6, respectively.

That on the 20th day of February, 1967, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 20, 1967, in "The Los Angeles Daily Journal," a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 20, 1967, to and including April 4, 1967; and a notice was advertised and published on and from February 20, 1967, to and including April 4, 1967, in "The Los Angeles Daily Journal," a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a special municipal election consolidated with the primary nominating

municipal election held on April 4, 1967, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of said City of Los Angeles, which pursuant to law met on April 17, 1967, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 1

The Charter of the City of Los Angeles is hereby amended by amending Section 84 thereof to read as follows:

Sec. 84. No money shall be drawn from any fund under the control of any department mentioned in subsections (a) and (b) of Section 70, except upon demands authenticated by the signature of the chief accounting employee of the department, who shall be directly appointed by the board and shall be directly responsible to it in the discharge of his duties. However, transfers from each of such funds to a fund created by charter or ordinance for the purpose of making payment therefrom for materials, supplies, equipment or equipment rental or for repair and maintenance services therefor procured through the Purchasing Agent of the City may be made without such demand or authentication of the chief accounting employee of the department. The board shall file with the Controller a notice giving the name and signature of the chief accounting employee authorized to sign its demands as aforesaid. The board by resolution may authorize a temporary substitution in the case of the absence or inability to act of the person whose signature is herein required. A copy of any such resolution of substitution shall be filed with the Controller.

Proposed Charter Amendment No. 2

The Charter of the City of Los Angeles is hereby amended by amending Sections 352, 353 and 354 thereof to read as follows:

Sec. 352. On or before the last day of August of each year, the Council shall adopt an ordinance levying upon the assessed valuation of the property of the city, in accordance

with the provisions of this charter, a rate of taxation upon each one hundred dollars ($100.00) of valuation, which, with the amounts, if any, theretofore transferred from the "reserve fund" in or for the current fiscal year subsequent to the adoption of the annual budget to provide in whole or in part the funds for items appropriated in the annual budget, or so transferred to the "general fund" or transferred from the "reserve fund" to meet in whole or in part the amount budgeted for the "unappropriated balance" together with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the amount appropriated in the annual budget, provided that the amount of such tax shall not exceed the limit elsewhere in this charter provided. Such ordinance may be passed by a majority vote of the whole Council upon the day following its introduction, or at a later date, or, upon the day of its introduction by unanimous vote, as provided in Section 26.

Sec. 353. In case the Council shall fail to adopt a budget on or before the 28th day of June, then the budget for the expenses of conducting the business of the city government, as submitted by the Mayor to the Council or as modified, shall be in effect. In case the Council shall fail to levy a rate of taxation at the time and in the manner provided by this charter, the Controller shall add to the budget the amount required to meet maturing portions of principal and the interest on the bonded indebtedness of the city, of special districts therein and any special taxes required by this charter, and shall calculate a rate of taxation, but not exceeding the limit elsewhere in this charter provided, upon each one hundred dollars ($100) of valuation which, with the amounts, if any, theretofore transferred from the "reserve fund" in or for the current fiscal year subsequent to the adoption of the annual budget to provide in whole or in part the funds for items appropriated in the annual budget, or so transferred to the "general fund" or transferred from the "reserve fund" to meet in whole or in part the amount budgeted for the "unappropriated balance" together with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the necessary revenues for the current fiscal year. The Controller shall thereupon give public notice of said action and rate of taxation by publication at least three times in a newspaper of general circulation in the city; and the tax rate calculated by said Controller, as hereinabove provided for, shall be the rate of taxation of the city and the budget, and said tax rate shall thereupon have full force and effect as if said appropriations had been made and said rate of taxation fixed by action of the Council and approved by the Mayor,

as hereinbefore provided. The Controller is hereby vested with all necessary legislative power to carry out the provisions of this section.

Sec. 354. Transfers may be made from the "reserve fund" subsequent to the adoption of the annual budget to meet in whole or in part any appropriated item of the annual budget, including the unappropriated balance, or to meet in whole or in part any tax required to be levied in addition to or apart from the tax required to be levied pursuant to section 352 or section 353 of the charter, or may be made to the "general fund," or to the "unappropriated balance," and appropriations from the "unappropriated balance" may be made subsequent to the adoption of the budget, as follows:

(a) Upon recommendation of the Mayor, approved by a majority vote of the Council;

(b) Upon a majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote

If any order making such transfer or appropriation shall not be returned to the City Clerk by the Mayor, for presentation to the Council, with his objections in writing, within ten (10) days after it shall have been presented to him, it shall become effective and be as valid as if the Mayor had approved and signed it.

## Proposed Charter Amendment No. 3

The Charter of the City of Los Angeles is hereby amended by amending Section 98 thereof to read as follows:

Sec. 98. There is hereby created the office of Zoning Administration The functions and duties of this office shall be performed by one or more Zoning Administrators as authorized by the Council, who shall be appointed by the Director of Planning subject to the civil service provisions of this charter. If more than one Zoning Administrator is authorized, a position of Chief Zoning Administrator shall be established, the appointment to which shall be made by the Director of Planning and such others shall be Associate Zoning Administrators.

The Zoning Administrator, if he has held such position for six (6) months previous to the time this section becomes effective, shall continue in the position of Zoning Administrator hereunder, and if he further holds such office at such time as the position of Chief Zoning Administrator is established shall be deemed to have the qualifications for and shall be and become the Chief Zoning Administrator.

Subject to such rules and regulations as the Council may prescribe by ordinance, the Chief Zoning Administrator and Associate Zoning Administrators shall have the following powers and duties:

(1) To investigate and make a determination upon appeals where it is alleged there is error or abuse of discretion in

any order, requirement, decision or determination made by the Department of Building and Safety in the enforcement or administration of the provisions of any ordinance adopted by the Council creating zoning districts or regulating the use of property in the city.

(2) To investigate and make a determination upon all applications for variances from any of the regulations and requirements of the zoning ordinances. Before granting an application for a variance, a Zoning Administrator must find:

(a) That the strict application of the zoning regulations or requirements would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the regulations;

(b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood;

(c) That the granting of a variance will not be materially detrimental to the public welfare or injurious to property or improvements in such zone or neighborhood in which the property is located; and

(d) That the granting of a variance will not be contrary to the objectives of the master plan.

In granting a variance a Zoning Administrator may impose such conditions as are necessary to protect the public health, safety or welfare, and to assure compliance with the objectives of the master plan, in accordance with the purpose and intent of the zoning ordinance.

No written finding shall be required in granting variances authorizing slight modifications in individual cases from area requirements of the zoning regulations. Written findings shall be made in conjunction with all other determinations of a Zoning Administrator and all such cases may be appealed to the Board of Zoning Adjustment.

A Zoning Administrator shall make his decision on any matter under his jurisdiction as expeditiously as is possible and in any event within 50 days from the date the matter if filed, except that this time limit may be extended by mutual consent of the applicant and the Zoning Administrator then having jurisdiction of the matter. If no determination is made within these time limits, the applicant may request the Board of Zoning Adjustment for a transfer of jurisdiction to said Board and for a determination of the original application, in which case the Board of Zoning Adjustment shall assume jurisdiction and the Zoning Administrator shall lose jurisdiction, except that the matter may be remanded to the Zoning Administrator or the Board may accept applicant's request for withdrawal of such transfer of jurisdiction, in which case the Zoning Administrator shall regain jurisdiction for the time and purpose specified by the Board. If the Board does not remand the matter to the Zoning Administrator, it shall consider the matter in the same manner as provided for the

consideration of appeals; however, the Office of Zoning Administration shall make such investigations and furnish such reports upon such matters as the Board may request.

Upon making a determination upon any matter under his jurisdiction, a Zoning Administrator shall forthwith place a copy of his findings and determination on file in the City Planning Department and furnish a copy of the determination to the applicant, the Board of Building and Safety Commissioners and the Director of Planning. Such determination shall be final, except that an appeal may be taken as hereinafter provided. No variance granted by a Zoning Administrator, other than a slight modification from area requirements, shall become effective until the expiration of an elapsed period after mailing notice, which period shall be specified by ordinance. During this period an appeal from the determination of a Zoning Administrator may be taken to the Board of Zoning Adjustment by any person aggrieved, or by an officer, board, department or bureau of the city, as provided in this chapter. An appeal shall stay all proceedings in furtherance of the action appealed from pending its determination.

## Proposed Charter Amendment No. 4

The Charter of The City of Los Angeles is hereby amended by amending paragraph (b) of subsection (1) of Section 220.1 thereof to read as follows:

(b) That all benefits under the retirement feature of said plan and system shall be based upon the monthly salary for each year of active service in said Department earned by the employee from the effective date of said plan and system to the date of retirement, and upon the average monthly salary earned by the employee during the year immediately preceding said effective date, and upon the number of years of active service of the employee in said Department prior to said effective date, and upon such minimum retirement benefits as the provisions of said plan and system may prescribe; provided, however, that no employee with less than ten years of service in said Department prior to normal retirement date shall receive the benefit of any such minimum;

That in addition to sharing the cost of retirement benefits based upon the provisions of the next preceding paragraph hereof, said Department may, at its election and upon such terms and conditions as said plan and system may prescribe, pay into the Water and Power Employees Retirement Fund, on behalf of any employee who shall have been on leave of absence while in the armed forces of the United States, and who shall have returned to active duty in said Department after his discharge or release from said armed forces under conditions other than dishonorable, any sum or sums not exceeding in the aggregate the total amount of contributions which said plan and system would have required said Department and such employee to pay into said fund for the account

of such employee had his active service in said Department not been interrupted by such leave of absence; provided, that said plan and system shall prescribe the basis of compensation upon which any such sum or sums shall be calculated; and provided, further, that any sum or sums paid into said fund by said Department pursuant to the provisions of this paragraph shall be made available to such employee only for the purpose of retirement;

That benefits under the retirement feature of said plan and system, at the election of said Department and to the extent and upon such terms and conditions as said plan and system may prescribe, also may be based on any period commencing on or after December 7, 1941, during which an employee was absent from active service in said Department as a consequence of the state of war existing between the United States and Japan, if at least a portion of such absence resulted from his evacuation, exclusion or relocation pursuant to orders issued by the commanding officer of the Western Defense Command for the evacuation or exclusion of persons of Japanese ancestry from such area;

That all benefits under the disability and death benefit features of said plan and system shall be based upon the monthly salary earned by the employee;

## Proposed Charter Amendment No. 5

Subsection A of Section 502, Section 504, Section 506, Subsection B of Section 508, Subsection A of Section 510, Section 510.1 and Subsections C and D of Section 511.1 of the Charter of the City of Los Angeles are amended and Subsection D of Section 510, Section 511.2 and Section 512.1 are added thereto, to read as follows:

Sec. 502. Members of the System.

A. All persons who are members of the Retirement System on the effective date of this subsection, shall continue as members thereof. Every employee, unless excluded therefrom under the provisions of Subsection B of this section, shall become a member of the Retirement System on the first day of the calendar month next succeeding his entry into city service.

Every person who is a member on the effective date of this subsection or who shall become a member subsequent thereto and who was in city service as an employee on or subsequent to the first day of July, 1937, during any period or periods in which he was regularly employed, on a full time basis or on a part time basis of at least one-half the time required of employees in the same group or class of service on a full time basis, but was not also a member of the Retirement System, and as such contributing to the Retirement Fund or during any such period for which he did not make or is not making back contributions pursuant to any former provisions of this section, shall have the option to designate all or any portion of such service for which he desires to receive retirement credit.

Such option shall be exercised in writing, filed with the Board of Administration, designating the period of city service for which the member desires to receive retirement credit, and must be accompanied by a single payment of back contributions or by an irrevocable agreement to pay such back contributions in installments. The back contributions to be paid shall be in an amount equal to all of the contributions which he would have made to the Fund had he been a member during such period, together with all regular interest which, had he so made the same, would have been credited thereon prior to the date of such payment; provided, however, that in the case of such installment payments thereof, the same shall be made pursuant to rules which shall be adopted by the Board of Administration establishing minimum amounts to be paid and the period of time therefor and providing the rate of interest which shall also be paid upon the unpaid balance of the same. Every member who makes up back contributions, as hereinabove provided, shall be allowed credit for the period of city service designated in the declaration filed by him with the Board of Administration, the same as though he had been a member during such period; provided, however, that should he, for any reason, cease to be a member before making up the full amount thereof, he shall be allowed retirement credit, counter-calendarwise, for the same portion of such designated period as the amount made up by him is of such full amount, and provided further, that should he cease to be a member by reason of his death, retirement credit shall be allowed, for the purposes of Section 511A(3) but for no other purpose whatsoever, for the whole period designated by him if his surviving spouse were to exercise the option which, under such circumstances, hereby is given to any surviving spouse to make a single payment of all of the unpaid installments with accrued interest thereon. The words "city service", as used in this subsection, shall include city service as a fireman, as a policeman or as an employee of the Department of Water and Power, provided, however, that the member is not receiving and is not entitled to receive for such city service any benefit from any other pension or retirement system of the City of Los Angeles. The written election hereinabove referred to shall be filed with the Board of Administration not more than one (1) year after the effective date of this subsection or not more than one (1) year after the member shall have become a member, whichever shall be the later.

Sec. 504. Retirement Fund.

That there be and there is hereby created and established a fund to be known as "City Employees' Retirement Fund" for the payment of administration expense, retirement allowances and other benefits of the retirement system, which fund shall consist of all money paid into said fund in accordance with the provisions of this article, and earnings from investments. The Board of Administration shall have exclusive con-

trol of the administration and, within the limitations contained in this section, the investment of said fund; provided, however, that any money in said fund shall be kept on deposit in the city treasury or be invested as hereinafter provided. All securities and other documents purchased or otherwise obtained by reason of transactions made by the board pursuant to the provisions of this section, regardless of the form, description or legal effect of any of the same, shall be placed in the custody of the Treasurer, who is hereby directed to act as a depositary for such securities and other documents.

All payments from said fund shal be made by the Treasurer only upon demands prepared and approved in accordance with the provisions of this charter. No part of said fund shall be transferred to any other fund, in any manner or for any purpose except in the payment of an obligation of the retirement system as provided in this article.

The board may adopt rules and regulations, and may change, amend or nullify the same, as to its policies with respect to the investment of the money in the fund which, however, shall be subject to the limitations contained in and not inconsistent with the provisions of this section. The board shall retain a competent investment counsel or advisor and shall purchase or sell securities, except short-term United States Treasury bills, only upon the recommendation or advice of such investment counsel or advisor. Whenever the board shall have taken under consideration the advisability of making or entering into any transaction for any authorized investment of money in the fund, other than the investment thereof in any security, it may contract and pay for services by or the advice of a recognized expert in the business or field to which any such transaction shall be related.

Debt-type Securities.

The board, upon the same terms and conditions contained in the first paragraph of Section 1372 of the California Financial Code as of the effective date of this section, may invest one hundred percent of the fund in debt-type securities, such as bonds or debentures but not limited thereto, which then shall be legal investments for savings banks or for pension and retirement funds under the provisions of said paragraph.

The board, as provided with respect to County Employees' Retirement Systems in the third paragraph of Section 1372 of the California Financial Code as of the effective date of this section, may invest up to but not exceeding twenty percent of the fund, determined on a cost basis, in debt-type securities, such as bonds or debentures but not limited thereto whether or not such securities are expressly authorized by and whether or not they qualify under the provisions of the first paragraph of said section, in which in the informed opinion of the Board of Administration it is prudent to invest retirement funds.

Equity-type Securities.

The board, upon the same terms and conditions and within the same limitations contained in the second paragraph, including subparagraphs "a" through "f" thereof, of Section 13 of Article XII of the California Constitution as of the effective date of this section, may invest up to but not exceeding twenty-five percent of the fund, determined on a cost basis, in equity-type securities, such as common stocks or preferred stocks but not limited thereto.

First Mortgages and First Deeds of Trust.

The board may invest, by purchase or otherwise, up to but not exceeding twenty-five percent of the fund, determined on a cost basis, in private bonds or notes secured by first mortgages or deeds of trust, provided, however, that payment of the principal amount of any such bond or note shall be insured or guaranteed by an agency of the United States Government.

Real Property.

The board may invest ten percent of the fund, determined on a cost basis, in real property in the City of Los Angeles, provided, however, that any such investment shall yield at least one-half percent more than the yield, at the time of the making of the investment, on long-term bonds of the United States Government. No such investment shall be made unless it shall be authorized by an order, motion or resolution adopted by all five members, and never less than all five members, of the board. Except as hereinabove provided, the board may make any such investment only for the same purposes, upon the same terms and conditions and within the same limitations, except as hereunder provided, contained therefor, with respect to County Employees' Retirement Systems, in Sections 31601, 31602(a), 31604, 31604.1, 31605 and 31606 of the California Government Code as of the effective date of this section. For the purposes hereof, the words "the board", "the board of supervisors of the county" and "the county", as used in said code sections, shall have substituted for them, respectively, the words "the Board of Administration", "the City Council" and "the City." In applying the provisions of the code sections to any investment authorized thereunder: the rate prescribed in Section 31603 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the rate of yield hereinabove provided shall be applicable; the rate prescribed in Section 31591 of the Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the rate at which the Board of Administration last credited regular interest to members' accumulated contributions, converted to an annual rate, shall be applicable; and the four-fifths vote of approval by the members of the board of supervisors of the county, as provided in Section 31601, shall not be applicable but, in lieu thereof, any such authorized investment shall be approved by an ordinance adopted by a two-thirds vote of the members

of the City Council with the approval of the Mayor or by a three-fourths vote of the members of the City Council over the veto of the Mayor.

Sec. 506. Budget.

Said Board shall annually prepare and transmit to the Mayor and Controller a budget setting forth the estimated cost of maintaining said retirement fund, which said budget shall include therein separate items as follows:

(1) A sum equal to a percentage of the salaries of all members of said retirement system, which said percentage shall be the same as that shown in the last actuarial report rendered, as hereinbefore provided to be the percentage required for members of such departments with no past service.

(2) a sum sufficient to liquidate, over a period of thirty years commencing July 1, 1967, all accrued unfunded liabilities assumed by the System as of said date other than the liability assumed under the provisions of Section 508.2 on account of service rendered prior to July 1, 1965.

(3) The amount of any deficit which may remain in said retirement fund in the event the appropriation of any previous year shall have proved insufficient to pay the demands drawn against said retirement fund.

(4) Administration expense.

For the purpose of providing funds to meet the budget for said City Employees' Retirement Fund the Council or Controller shall annually levy, in addition to all other taxes levied by the city, a tax clearly sufficient to provide the total amount of all items in said budget; provided, however, that said City Council may appropriate from any available funds, all or any part of the total amount of all or any of the items in the budget for said City Employees' Retirement Fund, in which event the tax levy to be made for said fund shall be clearly sufficient to provide the difference between the amount so appropriated and the total amount of all items in said budget.

Sec. 508. Service Retirement.

B. Any member who shall have completed ten (10) or more years of continuous service, as defined herein, shall be so retired at any time after attaining age sixty (60), upon filing with the Board of Administration his written application therefor designating therein the date upon which such retirement shall be effective, which date shall be not less than thirty (30) nor more than sixty (60) days from and after the filing of such application; provided, that any member who has completed the minimum number of years of service entitling him to retire, as hereinabove set forth, and who has attained age fifty-five (55) or has completed thirty (30) or more years of service regardless of age, may elect to retire and be paid a retirement allowance which shall be equal to the amount which shall remain after the full retirement allowance which would be payable to him if he had then attained age sixty (60) shall have been reduced by one-twelfth of four

percent (4%) thereof multiplied by the number of whole months which he, as of the effective date of his retirement, shall be less than age sixty (60). Application for such earlier retirement shall be made in the same manner as that hereinabove provided for regular service retirement.

Any person whose membership has heretofore been terminated or any member whose membership may hereafter be terminated, for any reason, after he has completed five (5) or more years of continuous service, may elect to leave his accumulated contributions in the Retirement Fund and thereafter be paid a service retirement allowance, as in this paragraph provided except that no person whose membership terminated prior to the effective date of this subsection may so elect if he failed to so elect within the period prescribed therefor by the former provisions of this subsection. Such election shall be irrevocable and must be in writing, filed with the Board of Administration within three (3) years from the date of such termination or within three (3) years from the effective date of this subsection, whichever shall be the later, and upon the execution and filing of the same, such person's individual account shall be credited with an amount equal to all of the regular interest which, had he otherwise been entitled to the same, would have been credited thereto between the date of such termination of membership and the date of the filing of such election and, thereafter, regular interest shall, until he shall be paid a service retirement allowance, be credited thereto in the same manner as members' individual accounts shall be credited therewith In the event that any such person should die before being paid a service retirement allowance, the only benefit which shall be paid under the provisions of this article is the payment of his accumulated contributions under the provisions of Section 511A(1). Failure to file such a declaration within said period shall constitute an irrevocable decision not to take the benefits of this paragraph. Every person or member who elects to leave his accumulated contributions in the Fund, as in this paragraph provided, may at any time after attaining age seventy (70) or at any time after attaining age sixty (60) and after ten (10) years has elapsed since he first became a member apply for retirement and be paid a retirement allowance, based upon his then accumulated contributions and his service as of the date his membership was terminated calculated in accordance with the provisions of Subsection C of this section; provided, that any such member who has completed ten (10) or more years of continuous service may, at any time after attaining age fifty-five (55), elect to retire and be paid a retirement allowance which shall be equal to the amount which shall remain after the full retirement allowance which would be payable to him if he had then attained age sixty (60) shall have been reduced by one-twelfth of four percent (4%) thereof multiplied by the number of whole months which he, as of the effective date of his retirement, shall be less than age sixty

(60), and further provided, that any such member who has completed five (5) or more but less than ten (10) years of continuous service may, at any time after attaining age fifty-five (55) and after ten (10) years has elapsed since he first became a member, elect to retire and be paid the actuarial equivalent of the retirement allowance which would be payable to him if he had then attained age sixty (60).

The foregoing provisions shall not operate so as to increase or decrease the retirement allowance of any person retired prior to the effective date of this subsection.

Sec. 510. Disability Retirement.

A. Any member who has five (5) or more years of continuous service and who has become physically or mentally incapacitated and who is incapable, as a result thereof, of performing his duties, may be retired upon written application of such member, or of any person acting in his behalf, or of the head of the department in which such member is employed. Any such written application may be made at any time within, but not exceeding six months after the discontinuance of the service of such employee or the termination of any duly authorized sick leave with pay, provided such incapacity has been continuous from the discontinuance of such service.

Said Board shall cause such member to be examined by and a written report thereon rendered by three regularly licensed, practicing physicians selected by said Board and shall hear such other evidence relating to such disability of such member as may be presented to said Board. If, upon considering the report of such physicians and such other evidence as shall have been presented to it, said Board finds that said member has become physically or mentally incapacitated and is incapable, as a result thereof, of performing his duties and if said Board finds that such disability was not due to intemperance or the willful misconduct of such member, he shall be retired as of the date of the discontinuance of his service on account of such disability, or termination of sick leave with pay.

Any member hereafter retired on account of disability shall receive a disability retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement calculated in accordance with approved actuarial methods as of the date of retirement; and

(2) A pension which shall be, from and after the effective date of this subsection, in such an amount that the same, when added to that portion of his annuity not derived from additional contributions, shall be a sum which shall be equal to one-seventieth (1/70) of his final compensation, as presently herein defined, calculated as of the date of retirement, multiplied by the number of years of continuous service of such member; provided, however, that such sum, in the case of any such person whose service if continued to the age of sixty (60)

years would have amounted to or would amount to eighteen (18) years or more, shall be not less than one-third (1/3) of his final compensation, as presently herein defined.

The foregoing provisions shall not operate so as to increase or decrease the retirement allowance of any person retired prior to the effective date of this subsection.

D. Any person heretofore retired pursuant to the former provisions of subsection A of this section or hereafter retired pursuant to the present provisions thereof, even though incapable of performing the duties of the position from which he has been or shall be retired, may be reemployed in a different vacant position if the Board of Civil Service Commissioners were to find that he is capable of performing the duties of such position, provided, however, that such person may be so reemployed only with the consent of the appointing authority for such position and the written consent of such person. The Board of Civil Service Commissioners shall adopt rules and regulations to effectuate the purpose of the foregoing provisions. Upon the reemployment of any such person, his disability retirement allowance shall cease and he shall again become a member of the system. Any service rendered by any such person subsequent to his reemployment shall be credited to him for all purposes of this article; provided, however, that any period during or for which he had received a disability retirement allowance shall not be credited to him as part of his years of service.

Sec. 510.1. Cost of Living Adjustment.

A. The provisions of this section shall not be applicable to any benefit payable pursuant to the provisions of either Paragraph (2) of Subsection A of Section 511 or Section 511.1. The provisions of this section, however, shall be applicable to each other benefit payable in monthly installments pursuant to any other provisions of this article but the application thereof to any such benefit shall not reduce the same to an amount less than the amount thereof payable immediately prior to July 1, 1967 if the same became payable prior thereto or less than the amount thereof payable immediately prior to July 1st of any subsequent year if the same became payable prior thereto but on or subsequent to July 1st of the next preceding year.

B. The Board of Administration, not later than the 1st day of May of each year commencing with the year 1967, shall make a determination, as hereinafter provided, with respect to the percentage of increase or decrease, if any, in the Federal Bureau of Labor Statistics Consumer Price Index for the Los Angeles area, hereinafter referred to as "the C. P. I.".

1) The Board, not later than May 1, 1967, shall determine, with respect to each benefit which became payable prior to July 1, 1966 and which was not increased pursuant to the former provisions of this section, the percentage of increase or decrease, if any, in the C.P.I. for the whole of the calendar

year 1966 from the C.P.I. for the whole of the calendar year next preceding the effective date of such benefit and shall round any percentage of increase or decrease to the nearest one-tenth (1/10) of one percent (1%).

2) The Board, not later than May 1, 1967, shall determine, with respect to each benefit which became payable prior to July 1, 1966 and which was increased pursuant to the former provisions of this section, the percentage of increase or decrease, if any, in the C.P.I. for the whole of the calendar year 1966 from the C.P.I. for the whole of the calendar year 1959 and shall round any percentage of increase or decrease to the nearest one-tenth (1/10) of one percent (1%).

3) The Board, not later than May 1, 1967, shall determine the percentage of increase or decrease, if any, in the C.P.I. for the whole of the calendar year 1966 from the C.P.I. for the whole of the calendar year 1965 and shall round any such percentage increase or decrease to the nearest one-tenth (1/10) of one percent (1%).

4) The Board, not later than the 1st day of May in each year subsequent to the year 1967, shall determine the percentage of increase or decrease, if any, in the C.P.I. for the whole of the first next preceding calendar year from the C.P.I. for the whole of the second next preceding calendar year and shall round any such percentage increase or decrease to the nearest one-tenth (1/10) of one percent (1%).

C. The Board, whenever it shall have determined that there had been an increase or decrease in the C.P.I., shall increase or decrease the amount of each such benefit as hereunder provided, subject, however, to the limitations contained in Subsection A of this section.

1) Effective July 1, 1967, the Board, with respect to each benefit which became payable prior to July 1, 1966 and which was not increased pursuant to the former provisions of this section, shall increase or decrease the amount thereof payable immediately prior to July 1, 1967 by the percentage of increase or decrease in the C.P.I. as determined by it pursuant to Paragraph 1) of Subsection B of this section.

2) Effective July 1, 1967, the Board, with respect to each benefit which became payable prior to July 1, 1966 and which was increased pursuant to the former provisions of this section, shall increase or decrease the amount thereof payable immediately prior to July 1, 1967 by the percentage of increase or decrease in the C.P.I., as determined by it pursuant to Paragraph 2) of Subsection B of this section.

3) Effective July 1, 1967, the Board with respect to each benefit which became payable prior thereto but on or subsequent to July 1, 1966, shall increase or decrease the amount thereof payable immediately prior to July 1, 1967 by one-twelfth (1/12) of the percentage of increase or decrease in the C.P.I., as determined by it pursuant to Paragraph 3) of Subsection B of this section, for each whole month that such benefit was payable during the year commencing July 1, 1966

and ending June 30, 1967, provided, however, that any increase or decrease in the amount of any such benefit shall not exceed one-twelfth (1/12) of two percent (2%) thereof for each whole month that it was payable during such year.

4) Effective the 1st day of July in each year subsequent to the year 1967, the Board, with respect to each benefit which became payable prior to the applicable 1st day of July, shall increase or decrease the amount thereof payable immediately prior to the applicable 1st day of July by one-twelfth (1/12) of the percentage of increase or decrease in the C.P.I., as determined by it pursuant to Paragraph 4) of Subsection B of this section, for each whole month that such benefit was payable during the year commencing the 1st day of July next preceding the applicable 1st day of July and ending the 30th day of June next preceding the applicable 1st day of July, provided, however, that any increase or decrease in the amount of any such benefit shall not exceed one-twelfth (1/12) of two percent (2%) thereof for each whole month that it was payable during such year.

5) If the percentage of increase or decrease in the C.P.I. in in any calendar year, as determined by the Board, were to exceed two percent (2%) as compared with the C.P.I. in the next preceding calendar year, the percentage of increase or decrease in the C.P.I. in excess of two percent (2%), except as hereinafter provided, shall be accumulated and carried over and added to or subtracted from the percentage of increase or decrease in the C.P.I. in the next succeeding calendar year, and such procedure shall be complied with from year to year. The foregoing provisions of this paragraph are to be complied with as to any person whose benefit was continued upon the death of a retired member if the benefit of such person and the benefit of such member, together, were paid for the whole year commencing the 1st day of July next preceding the applicable 1st day of July and ending the 30th day of June next preceding the applicable 1st day of July, but said provisions are not to be complied with as to any person whose benefit was not paid for said whole year.

6) The amount of any benefit which shall be continued to any survivor upon the death of a retired member subsequent to July 1, 1967 shall be in the same ratio to the amount of the benefit which such member shall have been receiving as of the date of his death as the amount of the benefit which originally would have been continued to such survivor shall bear to the amount of the benefit which originally was payable to such member

7) If it were to be impossible or impracticable for the Board to cause all necessary calculations to be made in time for it to include any increases or decreases in the amounts of benefits, as hereinabove provided, in the demands drawn in payment of such benefits for the month of July in any year, then the Board shall have the power and authority, when such

calculations shall have been made, to increase or decrease the amounts of the demands drawn in payment of such benefits for any month subsequent to the month of July so as to include any increases or decreases in such benefits which shall have accumulated from and after the 1st day of July.

D. In addition to the normal and survivor member contributions taken under Sections 507 and 508.2, every member shall, from and after July 1, 1967, make additional contributions to be known as "Cost of Living Contributions." The amount of said contributions shall be expressed as a percentage increase in the normal and survivor contribution rates, which increase shall be such as will accumulate, on the average and on a reserve basis, a sum sufficient for the payment of the adjustments to be made on account of the annuity portion of the adjusted retirement allowances, derived from the normal and survivor member contributions taken subsequent to July 1, 1967.

Effective July 1, 1967, said percentage rate is hereby established at fifteen percent (15%), which rate shall continue in effect until the next actuarial investigation and report is secured and adopted pursuant to the provisions of Section 505. On the basis of the findings and recommendations of the actuaries in said report and in the subsequent reports required to be made under said Section 505, the Board of Administration shall establish and maintain a Cost of Living contribution rate for member contributions in accordance with provisions of this subsection.

E. From and after July 1, 1967, the annuity portion of every allowance or benefit payment involving an annuity shall be calculated on the basis of the accumulated amount of the member's normal and survivor contributions and the accumulated amount of such member's cost of living contributions shall be transferred to the "Cost of Living Reserve", which shall be established by the Board of Administration, for the accumulation of the Member and City contributions made to defray the cost of the benefits to be paid under this section.

From and after such tranfer neither the member nor any successor in interest of such member shall have any further right, title, or interest in or to the amount transferred to said Cost of Living Reserve.

Sec. 511.1. Family Death Benefit Insurance Plan

C Beginning with the fiscal year 1967–68, the Board of Administration shall, during the next ten fiscal years, establish for each such year the dollar amount of pension to be paid on account of each widow, widower, child, or parent, to whom a pension becomes payable under the provisions of Subsection B of this section during that year. The amounts so established for the tenth year shall be effective in all subsequent years.

Said dollar amounts shall be established in the following manner:

(1) An average monthly earning, expressed to the nearest whole dollar shall be determined on the basis of the maximum covered earnings under the Federal Old Age Security Disabil-

ity Insurance Program, hereinafter referred to as OASDI, for the ten year period ending on December 31 of the calendar year preceding the fiscal year for which the pension amounts are established.

(2) From the then current OASDI Table for determining the Primary Insurance Amount and Maximum Family Benefits, select the Primary Insurance Amount for the average monthly earnings as determined in the preceding paragraph.

(3) Multiply the amount so selected by the respective percentage rates established under the OASDI Program for the calculation of the mother's, child's, widow's, widower's, and parent's benefit.

The amount so established for the mother's and child's benefit shall be the amount payable to the widow, widower, and children under the provisions of Paragraph 1 of Subsection B of this section in lieu of the dollar amounts set forth in said Paragraph; and the amounts established for the widow's, widower's, and parent's benefits shall be the amounts payable under the provisions of Paragraph 2 of said Subsection in lieu of the dollar amounts set forth in said paragraph.

The maximum monthly amount payable on account of the death of any one member shall not exceed the Maximum Family Benefit established under the OASDI Program for the Primary Insurance Amount upon which the dollar amount of benefits to be paid in accordance with the provisions of this subsection are calculated; and in the event the total of the amounts to be paid exceeds such maximum, then each such amount shall be proportionately decreased.

In no event shall the provisions of this subsection be applicable in the case of death occurring before July 1, 1967.

D. Full power and authority is hereby vested in the Board of Administration to make such changes in the conditions set forth in Subsection B of this section governing entitlement to and continued payment of the benefits therein provided, as will, from time to time, make such conditions comparable to and in substantial accordance with the conditions governing the respective Survivor Benefits under the OASDI Program.

In addition, the Board shall establish an earnings test and provide for a reduction in the payments to be made under this section which test and reduction in payments shall be in substantial accordance with the earnings test and reduced payments on account of earnings established under the OASDI Program.

It is the intent, meaning, and purpose of this subsection to provide a means whereby entitlement to and continuance of benefit payments to the surviving children, widow, widower, or parents of a deceased Family Plan Member shall be in substantial accordance with the conditions governing entitlement to and continuance of the comparable Survivor Benefits under the OASDI Program.

It shall be the duty of every person receiving payments under the provisions of this section to make such reports rela-

tive to employment, earnings, and marital status as the Board of Administration may determine, and failure to furnish any such report within the time and in the manner specified by said Board shall be cause for the suspension or cancellation of any further payments as said Board may in its discretion determine.

Sec. 511.2. Waiver of Benefits.

Each beneficiary, as defined in Section 501, whether he became such prior to the effective date of this section or shall become such subsequent thereto, shall have the right, at any time, to waive payment of the whole or any portion of any benefit whatsoever or of any increase in the amount of any benefit which is or shall become payable to him pursuant to any provision of this article and may waive payment thereof forever or for a definite or indefinite period of time. Any such waiver shall be in writing, shall be filed with the Board of Administration and shall be effective as of the first day of the month following the month in which it shall be filed. Each beneficiary who shall make and file such a waiver shall have the right, at any time, to cancel the same. Any such cancellation shall be in writing, shall be filed with the Board of Administration and shall be effective as of the first day of the month following the month in which it shall be filed. Any such waiver shall constitute a complete release, discharge and acquittance of the City of Los Angeles and the Board of Administration from any and all liability to pay any amount or amounts of any benefits which shall be waived by any such beneficiary.

Sec. 512.1. Deposit of Withdrawn Accumulated Contributions.

Every person who is a member of the Retirement System on the effective date of this section, and who theretofore had become separated from the service of the city, had received and been paid his accumulated contributions, had re-entered such service but had failed to receive service retirement credit for the periods of city service for which said contributions originally were made because he had not complied with the provisions of Section 512, shall have the right to receive such credit for such periods by complying with said provisions as herein modified within one (1) year after the effective date of this section. For the purposes of this section, the provisions of Section 512 which read "may, within such time, enter into such irrevocable agreement as said Board may authorize for the payment thereof in installments, together with interest upon the unpaid balance thereof at the rate at which regular interest was last credited to members' accounts" hereby are modified to read "may, within the time prescribed in Section 512.1, enter into an irrevocable agreement for the payment thereof in installments pursuant to rules which shall be adopted by said Board establishing minimum amounts to be paid and the period of time therefor and providing the rate of interest which also shall be paid upon the unpaid balance of the same".

## Proposed Charter Amendment No. 6

The Charter of The City of Los Angeles is hereby amended by amending Section 95½ thereof to read as follows:

Sec. 95½. There is hereby created a Master Plan Advisory Board which shall be composed of the Director of Planning, the Mayor, a member of the Council designated by the President of the Council, the City Administrative Officer, the City Engineer, the Executive Director of the Housing Authority, the Executive Director of the Community Redevelopment Agency, and the general managers of each of the following departments; namely, Building and Safety, Fire, Police (or the bureaus thereof), Public Utilities and Transportation, Recreation and Parks, Traffic, and Water and Power (or the bureaus thereof), together with such other officers of the City as the Mayor may from time to time designate.

Each member of the Board, except as hereinafter provided, may designate a representative to act as an alternate for such member provided that the representative so designated occupies a position of the highest managerial level in the office or department below that of the member making such designation. The Mayor may designate a representative to act as his alternate provided the representative so designated is a person occupying an executive position in the Office of Mayor. In the case of the member of the Council designated by the President of the Council, the designation of a representative to act as an alternate for such member shall be made by the President of the Council. In the case of Officers of the City designated by the Mayor, the designation of the alternate shall be made by the Mayor. Only a member of the Council may be designated as an alternate by the President of the Council and only an officer of the City may be designated as an alternate for those officers of the City designated by the Mayor to serve on said Board.

The Director of Planning shall be chairman of said Board and shall be responsible for giving notice of its meetings and keeping the records thereof. Said Board shall meet at the call of either the Chairman, the Mayor, or the City Administrative officer. When a meeting of the Board is called by the Mayor or the City Administrative Officer, such officer shall forthwith notify the chairman of such call and he shall give notice of the meeting to be held pursuant to said call. Two-thirds of the members of the Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present.

The function and duty of the Board shall be to advise with and assist the Director of Planning in the preparation of the master plan and of amendments or changes thereof; and, for such purpose, the work of the Board may from time to time be assigned to committees thereof, appointed by the chairman, for report and recommendation thereon to the Board.

The chairman, the Board and the committees thereof shall have the authority to obtain information and advice from any available source deemed suitable.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 17th day of April, 1967.

THOMAS D. SHEPARD
(SEAL) President of the Council of the City of Los Angeles pro Tempore
WALTER C. THIEL
City Clerk of the City of Los Angeles

and

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said amendments to the Charter of the City of Los Angeles as presented to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Los Angeles.

## CHAPTER 67

*Assembly Concurrent Resolution No. 80—Approving amendments to the Charter of the City of Redondo Beach, a municipal corporation of the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a general election held therein on the 11th day of April, 1967.*

[Filed with Secretary of State May 1, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments

hereinafter set forth to the Charter of the City of Redondo Beach, a municipal corporation of the County of Los Angeles, State of California, as set forth in the certificate of the mayor and the city clerk of said city, as follows:

State of California }
County of Los Angeles } ss
City of Redondo Beach }

We, the undersigned, William F. Czuleger, Mayor of the City of Redondo Beach, State of California, and Fred M. Arnold, City Clerk of said City, do hereby certify and declare as follows:

The City of Redondo Beach, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a City of the State of California, existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of less than sixty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a general election, to wit, a General Municipal Election, held within said City on the 11th day of April, 1967, certain proposed amendments to the City Charter of said City.

Said proposed amendments were published in the South Bay Daily Breeze, a newspaper having a general circulation in said City, and being the official newspaper of said City, on the 1st day of March, 1967, and in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Also, said proposed amendments were posted in three public places in said City, the first date of said posting being March 2, 1967 and continuing through April 11, 1967.

Said election was duly and regularly held on the 11th day of April, 1967, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to and duly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with.

Said amendments are as follows:

Article XIX, Section 19.6, is amended to read as follows:

Article XIX

Section 19.6. Salaries and Wages Payment

The salaries or wages of all officers or employees of the City shall be paid on the basis and at the times as the Council shall by resolution prescribe.

Article IX, Section 9.10, is amended to read as follows:

Article IX

Section 9.10. Ordinances and Resolutions.

Except as hereinafter specified, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of introduction of an ordinance or resolution, it shall be read in full unless, after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by a majority consent of the councilmen present. After the introduction of an ordinance and for a period of not less than five (5) days prior to the adoption of such ordinance, a copy of the ordinance shall be posted at the City Hall. At the time of adoption of an ordinance it shall be read in full unless, after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by majority consent of the councilmen present. In the event that any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five (5) days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing.

Unless a greater number of votes is required by other provisions of this Charter or by the laws of this State under which any action is taken by the City Council, the affirmative votes of at least three (3) members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

Article XIX, Section 19, (first paragraph) is amended to read as follows:

Article XIX

Section 19. Public Works, Contracts

Every contract involving an expenditure of more than Five Thousand Dollars ($5,000.00) for the construction or improve-

ment of public buildings, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be published at least ten (10) days before the time for opening bids.

Section 21.3 is added to Article XXI to read as follows:

Article XXI

Section 21.3. Exposure of Female Breasts Prohibited

It shall be unlawful and a public nuisance to expose or procure, or to counsel or assist in the exposure within the City of Redondo Beach of, the breast or breasts of any living human female for the purpose of public display, amusement, entertainment, or in connection with the sale or service of any commodity. For the purpose of this section, female breasts shall include the medial and lateral lower quadrants, or the nipple or areola, or any other portion of the lower half of the breasts. Each such display shall be considered a separate offense subject to separate criminal prosecution. The adoption of this section shall not preclude the City Council from adopting more restrictive ordinances further regulating the aforesaid subject matter.

Article VI, Section 6.2, is amended to read as follows:

Article VI

Section 6.2. Compensation

The members of the City Council shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties and shall receive a salary which shall be set by ordinance in accordance with the provisions of Government Code Section 36516 as it now exists or as it may be hereafter amended by the State Legislature.

Article VIII, Section 8, is amended to read as follows:

Article VIII

Section 8. Mayor, Election, Term and Compensation

The Mayor shall be elected from the City at large and shall serve for a term of four (4) years and until his successor is elected and qualified. He shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of his official duties and shall receive a salary which shall be set by ordinance in the same manner and subject to the same conditions as the salaries of councilmen pursuant to the provisions

of Government Code Section 36516 as it now exists or as it may be hereafter amended by the State Legislature.

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Redondo Beach to be attached on this 19th day of April, 1967.

WILLIAM F. CZULEGER
Mayor of the City of
Redondo Beach, California

(SEAL)

Attest:
FRED M. ARNOLD
City Clerk of the City of
Redondo Beach, California

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Redondo Beach as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of, the City of Redondo Beach.

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## CHAPTER 68

*Assembly Concurrent Resolution No. 83—Approving amendments to the Charter of the City of San Luis Obispo, a municipal corporation of the County of San Luis Obispo, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the 18th day of April, 1967.*

[Filed with Secretary of State May 1, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments here-

inafter set forth to the Charter of the City of San Luis Obispo, a municipal corporation of the County of San Luis Obispo, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SAN LUIS OBISPO OF CERTAIN CHARTER AMENDMENTS

State of California }
County of San Luis Obispo }
City of San Luis Obispo }

We, the undersigned, Clell W. Whelchel, Mayor of the City of San Luis Obispo, County of San Luis Obispo, State of California, and J. H. Fitzpatrick, City Clerk of the City of San Luis Obispo, do hereby certify and declare as follows:

That the City of San Luis Obispo, a Municipal Corporation of the County of San Luis Obispo, State of California, now is and at all times herein mentioned was, a City having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since May 18, 1955, and is now organized and acting under a Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such City at a special election held for that purpose on the 4th day of April, 1955, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 18th day of May, 1955 (Vol. 2, Statutes 1955, Page 4110).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on its own motion the Council of the City of San Luis Obispo, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of San Luis Obispo certain proposals for the amendment of the Charter of said City, to be voted upon by said qualified electors at the Regular Municipal Election held as provided for by law, in said City on the 18th day of April, 1967, which said proposals were designated as Proposed Amendments to Sections 604 and 702 of the Charter.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Telegram-Tribune," a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That said proposed charter amendments were submitted to the electors of said City for adoption and ratification at the regular municipal election duly and regularly held in said

City of San Luis Obispo on the eighteenth day of April, 1967, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above mentioned official paper of the proposed charter amendment aforesaid.

That, in accordance with the provisions of the Elections Code of the State of California, the Council of the City of San Luis Obispo had adopted, on February 6, 1967, Resolution Number 1650 (1967 Series) wherein it approved the request of the Superintendent of Schools of San Luis Obispo County, California, to order the consolidation of said Regular Municipal Election with the School District Elections for members of the governing boards of the San Luis Obispo Coastal Unified School District and the San Luis Obispo County Junior College, held in said City on April 18, 1967; that said consolidation had been so ordered by said Council and that said regular municipal election was so consolidated with said school district elections held in said City on said date.

That at said consolidated election a majority of the qualified electors voting upon said proposed charter amendments voted in favor of the amendments and adopted and ratified the same.

That said Amendments to the Charter so ratified by the electors of the City of San Luis Obispo are in words and figures as follows:

"Compensation of Mayor. Shall Section 604 of the Charter of the City of San Luis Obispo, California, be amended to read as follows:

Section 604 Compensation. The Mayor shall receive Two Hundred Fifty Dollars ($250.00) per month compensation for his services as such, payable monthly, except to the extent heretofore or hereafter approved by the electorate, but the Mayor shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty."

"Compensation of Councilmen. Shall Section 702 of the Charter of the City of San Luis Obispo, California, be amended to read as follows:

Section 702. Compensation. Each Councilman shall receive One Hundred Fifty Dollars ($150.00) per month compensation for his services as such, payable monthly, except to the extent heretofore or hereafter approved by the electorate, but the members of the Council shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty."

That the Charter sections shall be worded as follows:

"Section 604. Compensation. The Mayor shall receive Two Hundred Fifty Dollars ($250.00) per month compensation for his services as such, payable monthly, except to the extent heretofore or hereafter approved by the electorate, but the Mayor shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty.

Section 702. Compensation. Each Councilman shall receive One Hundred Fifty Dollars ($150.00) per month compensation for his services as such, payable monthly, except to the extent heretofore or hereafter approved by the electorate, but the members of the Council shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty."

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendments to the said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of San Luis Obispo to be affixed hereto this 25th day of April, 1967.

CLELL W. WHELCHEL
Mayor of the City of
San Luis Obispo, California

(SEAL)

Attest:
J. H. FITZPATRICK
City Clerk

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of San Luis Obispo as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of, the City of San Luis Obispo.

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## CHAPTER 69

*Assembly Concurrent Resolution No. 16—Relative to the Joint Committee on Higher Education.*

[Filed with Secretary of State May 2, 1967.]

WHEREAS, The Master Plan for Higher Education has been in effect in California since 1960; and

WHEREAS, The Legislature has not, since the inception of the master plan, conducted a comprehensive review of its operation and the degree to which the intent of the Legislature has been carried out in the master plan; and

WHEREAS, Changes in one segment of higher education cannot be undertaken without an effect upon other segments of higher education in California; and

WHEREAS, The 1965 Legislature recognized the need for a thorough and long-range study of California's system of higher education, and the Joint Committee on Higher Education was thereby created by the Legislature through the adoption of Assembly Concurrent Resolution No. 156 (Resolutions Chapter 216, Statutes of 1965); and

WHEREAS, This joint legislative committee is directed to present a final report on the subjects under its jurisdiction to the Legislature no later than the fifth legislative day of the 1969 Regular Session; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That, in addition to its study of the implementation of the Master Plan for Higher Education, the Joint Committee on Higher Education is hereby specifically directed to include in its studies an examination of the financing of higher education in California, including the desirability and feasibility of instituting tuition charges and the effect of such charges upon the California student population, upon the state's system of higher education and upon its components, and upon the economy of the entire state; and be it further

*Resolved*, That the committee is directed to report to the Legislature on the matter of tuition in higher education not later than the fifth legislative day of the 1968 Regular Session; and be it further

*Resolved*, That the Speaker of the Assembly is hereby authorized to appoint six members and the Senate Committee on Rules is hereby authorized to appoint six members to a broadly based advisory commission, representative of all segments of California society, to assist the committee in its studies; and be it further

*Resolved*, That, in addition to any money heretofore made available, the sum of two hundred fifty thousand dollars ($250,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members, and for any charges, expenses, or claims it may incur under this resolution or Assembly Concurrent Resolution No. 156 of the 1965 Regular Session, to be paid from these contingent funds equally and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

# CHAPTER 70

*Assembly Concurrent Resolution No. 81—Approving an amendment to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of April, 1967.*

[Filed with Secretary of State May 2, 1967]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF ADOPTION OF AMENDMENT TO THE CHARTER OF THE CITY OF RIVERSIDE.
(Amending Section 417)

State of California }
County of Riverside } ss
City of Riverside }

We, the undersigned Ben H. Lewis, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State February 4, 1953

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Ben H. Lewis has been and now is the duly elected, qualified and acting Mayor of said City of Riverside and Virginia J. Strohecker has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 10714 adopted February 7, 1967, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at a General Municipal Election to be held in said City on April 11, 1967. Said proposal is in words and figures as follows:

City of Riverside—Proposed Charter Amendment: Shall Section 417 of the Charter of the City of Riverside be amended to provide that the city council shall not have the power to make or authorize a contract or lease for a longer period than twenty-five years unless a longer period is approved by a majority of the qualified electors of the city voting on such question at any election?

That the City Council caused said proposed charter amendment to be published in The Press on March 2 and March 9, 1967, and in each edition thereof during said days; and also caused copies of such proposed charter amendment to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City, and also caused a notice that copies of said proposed charter amendment could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning March 2, 1967, through and including April 11, 1967.

That Sections 1000, 1001 and 1002 of the Charter of the City of Riverside provide as follows:

> Section 1000 General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.
>
> Section 1001. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.
>
> A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature
>
> Section 1002. Procedure for Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

No other procedure has been provided.

That the City Council adopted Resolution No. 10714 ordering, providing for and giving notice of the General Municipal Election to be held in said City on April 11, 1967; and the City Clerk duly published notice of election, which included

said charter amendment as a measure, in The Press on March 2 and March 9, 1967.

That said General Municipal Election was duly held on April 11, 1967, and the voters voted on said measure to amend the Charter. That on Tuesday, April 18, 1967, pursuant to Resolution No. 10742 adopted by the City Council on March 28, 1967, the City Clerk of the City of Riverside canvassed the returns of said election and certified the results to said City Council. It was found and determined that the voters voting on said measure at said election cast votes as follows:

| | Yes | No |
|---|---|---|
| Proposed Charter Amendment ..... | 12,615 | 4,418 |

That said Proposed Charter Amendment received a majority of the votes cast and hence said Charter Amendment was ratified by the vote of a majority of the electors who voted on said measure.

That the City Council thereupon on April 18, 1967, adopted Resolution No. 10747 reciting the fact of said election and the matters enumerated in the Elections Code and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendment to the Charter so proposed and ratified is in words and figures as follows:

Section 417. Contracts—Restrictions on duration

The city council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than twenty-five years unless said contract, lease or extension be approved by a majority of the qualified electors of the city voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the right of acquisition by the city at the end of such period of the real or personal property so leased or contracted for. This section shall not apply to airports or to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposal to amend the City Charter and in calling, noticing and conducting the election and certifying the canvass of the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 19th day of April, 1967.

BEN H. LEWIS
(SEAL) Mayor of the City of Riverside
Attest VIRGINIA J. STROHECKER
City Clerk of the City of Riverside

; and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Riverside, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Riverside.

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## CHAPTER 71

*Assembly Concurrent Resolution No. 84—Relative to proclaiming August 10, 1967, Herbert Hoover Day.*

[Filed with Secretary of State May 2, 1967.]

WHEREAS, Herbert Clark Hoover, the 31st President of these United States, was born in West Branch, Iowa, on August 10, 1874, grew up in Indian Territory and Oregon, was an engineering graduate of Stanford University in 1891, and spent most of the years of his life in California; and

WHEREAS, He served his country as the Chief Executive during most difficult and trying times from 1928 to 1932; he started White House conferences on child health and protection, and housing; he also was an ardent conservationist of forests, oil, and resources; and in response to the onus of the depression, he organized RFC, Home Loan banks, and expanded Farm Loan banks to help his fellow-Americans weather the financial storm; and

WHEREAS, Herbert Clark Hoover also served his country as Secretary of Commerce from 1921 to 1928, and in that capacity he commenced regulation of radio and aviation, encouraged a research program for the National Academy of Science, organized a seven-state pact for Colorado River Irrigation and Boulder Dam, later renamed Hoover Dam; and

WHEREAS, Although he is well known as the 31st President of the United States, mankind will remember and memo-

rialize him as a truly great humanitarian figure of the 20th century. He embarked upon his quest to relieve the misery which he saw around him when as chief engineer for the imperial mines of China he directed food relief for the victims of the Boxer Rebellion. From 1914 through 1923, he became a world figure in relieving the misery of his fellowmen by distributing more than five billion dollars worth of aid. During those years he directed the American Relief Committee, London; U.S. Committee for Relief in Belgium; U.S. Food Administrator; American Relief Administrator, feeding children in defeated nations; Russian Relief; Interallied Food Council; Supreme Economic Council; and Committee on Industrial Relations; and

WHEREAS, August 10th is remembered as the birthdate of a truly great man, a shining example to us all; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Members request the Governor to proclaim August 10, 1967, as Herbert Hoover Day in honor of that great American who is no longer with us but whose exemplary conduct and ideals live on to guide all mankind; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of the State of California.

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## CHAPTER 72

*Assembly Joint Resolution No. 8—Relative to directing the Coast Guard to enforce its safety regulations on all vessels touching California ports.*

[Filed with Secretary of State May 2, 1967.]

WHEREAS, The United States Coast Guard has been vested with the duty of enforcing safety regulations concerning all vessels whether foreign or domestic within the territorial waters of the United States, and

WHEREAS, The use of California ports by such vessels has increased to the extent that it has made enforcement of such safety regulations a very important problem; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully requests the United States Treasury Department to take such steps as may be necessary to direct the United States Coast Guard to enforce its safety regulations on all vessels touching California ports; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the United States Treasury Department.

## CHAPTER 73

*Assembly Concurrent Resolution No. 57—Relative to "Anti-Litter Month."*

[Filed with Secretary of State May 5, 1967 ]

WHEREAS, The existing conditions which relate to and affect the appearance of the highways and byways of the State of California may make extra efforts on the residents of California desirable; and

WHEREAS, It is all important that Californians do not fall into a state of complacency for it is only through the individual efforts of its citizenry that California will remain one of the most beautiful states in the nation; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members hereby request the Governor to proclaim the month of May as "Anti-Litter Month" and urge all Californians to support this proclamation and the efforts of the California Anti-Litter League by their individual efforts for the beautification of this great state; and be it further

*Resolved,* That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Governor of the State of California.

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## CHAPTER 74

*Assembly Joint Resolution No. 7—Relative to the proposed Pleasant Valley facilities of the San Luis Unit of the Central Valley Project.*

[Filed with Secretary of State May 5, 1967 ]

WHEREAS, The City of Coalinga is without an adequate water supply for drinking and domestic and industrial use and is now delivering part of its water supply in tank trucks; and

WHEREAS, A supply of industrial water is essential for the advancement of a secondary recovery program in the oilfields in the Coalinga district, which program is necessary for the continued economic health and stability of the City of Coalinga; and

WHEREAS, The City of Coalinga is depending upon the construction of the Pleasant Valley facilities of the San Luis Unit of the Central Valley Project as a source of domestic and industrial water; and

WHEREAS, The federal budget proposed to the Congress of the United States by the President proposes an item of approximately $3,000,000 for the Pleasant Valley facilities of the San Luis Unit of the Central Valley Project, which amount is believed sufficient to bring water to the delivery point needed

by the City of Coalinga by December, 1969; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate funds for the construction of the proposed Pleasant Valley facilities of the San Luis Unit of the Central Valley Project sufficient to construct and complete such facilities at the earliest possible date; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 75

*Assembly Joint Resolution No. 10—Relative to the San Felipe Division of the Central Valley Project.*

[Filed with Secretary of State May 11, 1967.]

WHEREAS, It is the purpose of the San Felipe Division, Central Valley Project, California, to provide, among other things, irrigation and municipal and industrial water supplies, conservation of fish and wildlife resources, and enhancement of outdoor recreation opportunities within the Counties of Santa Clara, San Benito, Santa Cruz and Monterey; and

WHEREAS, The proposed San Felipe Division will make use of a tunnel to be constructed from San Luis Reservoir westward under Pacheco Pass into said service area and will, by reason of its location, harmonize with and assist the State of California's water plan; and

WHEREAS, The report recommending the project has now been cleared at all possible levels of government, including the United States Department of the Interior, the United States Budget Bureau, the State of California, and is recommended favorably to the Congress by the present administration; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to expedite authorization of the San Felipe Division, Central Valley Project, California; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Committees of the Senate and the House of Representatives on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 76

*Assembly Concurrent Resolution No. 27—Relative to directional signs for Fishermen's Wharf in Monterey.*

[Filed with Secretary of State May 11, 1967 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Public Works is requested to install directional signs for Fishermen's Wharf in Monterey, on nearby portions of State Highway Route 1; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Public Works.

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## CHAPTER 77

*Assembly Concurrent Resolution No. 88—Relative to congratulating the Salvation Army.*

[Filed with Secretary of State May 15, 1967.]

WHEREAS, On May 22, 1967, the Salvation Army will honor laymen who have assisted the Salvation Army in San Diego County at a "salute dinner," although many would say that it is the Salvation Army, itself, which should also receive plaudits for its service for over a century to God and man; and

WHEREAS, The Salvation Army was first established in San Diego County over 80 years ago and presently has 2,000 staff and volunteer workers on its programs of compassion in 25 work centers; and

WHEREAS, In San Diego County, the Salvation Army operates four corps, which are churches and community centers combined; and

WHEREAS, The Salvation Army operates multiple services, including: a haven for young women unable to find acceptable places in society; a missing persons bureau; a family and personal services department for the stranded and destitute; a home and hospital for unwed mothers; a residential, self-help rehabilitation program for men unable to face the realities of life; an extensive program for senior citizens; a counseling service for women prisoners in the county jail; and a variety of services for persons forced, through unfortunate circumstances, to be shut in; and

WHEREAS, The dedication and zeal with which the Salvation Army has spread the word of Christianity and has come to the aid of their fellowman has won them a spot in the hearts of all men of good will; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members take this occasion to extend their warmest regards to the Salvation Army of

San Diego County for its many noteworthy efforts throughout the years; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit a suitably prepared copy of this resolution to the Salvation Army of San Diego County.

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## CHAPTER 78

*Senate Concurrent Resolution No. 48—Relative to School Bus Safety Week.*

[Filed with Secretary of State May 15, 1967]

WHEREAS, Safe student transportation in schoolbuses cannot be overemphasized and the excellent record set by schoolbuses should be made known to the public; and

WHEREAS, Continued highway safety is extremely vital in today's high volume traffic and the vigilance to reduce accidents is a big job for every citizen; and

WHEREAS, The Southern California Transportation Supervisors' Association will conduct the first annual statewide public information program emphasizing the need for continued highway safety, with particular attention to schoolbuses; and

WHEREAS, Since this is the first year that School Bus Safety Week has been observed on a statewide basis, it would appear to be worthy of special note; and

WHEREAS, Encouraging greater compliance with traffic regulations by all motorists can only bring about continued desirable results; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Members respectfully request Governor Reagan to proclaim the week of May 13–20, 1967, as "School Bus Safety Week"; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Honorable Ronald Reagan, and to the Cochairmen of School Bus Safety Week, Mr. Richard Fischer, La Puente High School District, La Puente, California, and Mr. William C. Spinks of Norwalk-La Mirada Unified School District, Norwalk, California.

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## CHAPTER 79

*Assembly Joint Resolution No. 6—Relative to the installation of prescribed fireproofing materials in cab-over-engine commercial vehicles.*

[Filed with Secretary of State May 19, 1967]

WHEREAS, Fires in the engine compartments of cab-over-engine commercial vehicles create a serious hazard to the lives

and safety of persons who are employed to drive commercial vehicles; and

WHEREAS, The danger to employees driving cab-over-engine vehicles may be substantially reduced by the simple and inexpensive installation of prescribed fireproofing materials under and behind the driver's compartment; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such action as may be necessary to require employers to install prescribed fireproofing materials under and behind the driver's compartment of cab-over-engine commercial vehicles in order to protect employees from an outbreak of fire; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 80

### *Senate Concurrent Resolution No. 43—Relative to Senior Citizens' Month.*

[Filed with Secretary of State May 19, 1967]

WHEREAS, There are now 1,662,000 men and women 65 years of age and over residing in the State of California; and

WHEREAS, The ever increasing figures represent the challenge for greater compassion and respect shown to our senior Californians; and

WHEREAS, Too often the wisdom and experience of our pioneers is lost or ignored and many suffer for the lack of adequate housing and health care and the necessary educational and recreational opportunities necessary for the well-being of our senior Californians; and

WHEREAS, State and local governmental agencies in cooperation with private and voluntary organizations can and should provide leadership and assistance in stimulating community action on behalf of our senior Californians; and

WHEREAS, The time has come to build on the solid foundations provided for us by our senior Californians to strive for adequate incomes, decent living arrangements, and a meaningful retirement by providing efficient community services; and

WHEREAS, To achieve these goals, let us renew and expand our programs to help bring fulfillment and meaning to the retirement years of our senior Californians; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the month of May 1967 be designated as Senior Citizens' Month; and be it further

*Resolved,* That the Governor of the State of California be urged to establish May 1967 as Senior Citizens' Month; and be it further

*Resolved,* That the communities of the State of California are urged to encourage the contributions being made by our senior citizens and to strive to attain the freedom, independence, and the free exercise of individual initiative in planning and managing their later years by increasing opportunities, providing services, and supporting programs beneficial to our senior Californians; and be it further

*Resolved,* That every state department and agency is urged to encourage and assist communities in the celebrations and festivities planned for the observance of Senior Citizens' Month; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Honorable Ronald Reagan, Governor of the State of California, the California Commission on Aging, and to the directors of all state agencies.

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## CHAPTER 81

### *Senate Concurrent Resolution No. 13—Relative to the California Law Revision Commission*

[Filed with Secretary of State May 22, 1967.]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission in its annual report covering its activities for 1966 lists the following studies, all of which the Legislature has previously authorized or directed the commission to study, as studies in progress:

Studies under active consideration:

(1) Whether an award of damages made to a married person in a personal injury action should be the separate property of such married person;

(2) Whether the law relating to additur and remittitur should be revised;

(3) Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings;

(4) Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised;

(5) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised, including but not limited to the liability for inverse condemnation resulting from flood control projects;

(6) Whether Vehicle Code Section 17150 and related statutes should be revised;

(7) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

(8) Whether the Evidence Code should be revised;

(9) Whether the law relating to the rights of a good faith improver of property belonging to another should be revised;

(10) Whether the law relating to the use of fictitious names should be revised;

(11) Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised;

(12) Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised;

Other studies:

(13) Whether the law relating to devises and bequests to a trustee under, or in accordance with, terms of an existing inter vivos trust should be revised and whether the law relating to a power of appointment should be revised;

(14) Whether the jury should be authorized to take a written copy of the court's instructions into the jury room in civil as well as criminal cases;

(15) Whether the law relating to the rights of a putative spouse should be revised;

(16) Whether the law respecting jurisdiction of courts in proceedings affecting the custody of children should be revised;

(17) Whether the law relating to attachment, garnishment, and property exempt from execution should be revised;

(18) Whether the Small Claims Court Law should be revised;

(19) Whether the law relating to the doctrine of mutuality of remedy in suits for specific performance should be revised;

(20) Whether Civil Code Section 1698 should be repealed or revised;

(21) Whether Section 7031 of the Business and Professions Code, which precludes an unlicensed contractor from bringing an action to recover for work done, should be revised;

(22) Whether California statutes relating to service of process by publication should be revised in light of recent decisions of the United States Supreme Court;

(23) Whether Section 1974 of the Code of Civil Procedure should be repealed or revised;

(24) Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales;

(25) Whether the law relating to quasi-community property and property described in Section 201.5 of the Probate Code should be revised;

(26) Whether the law relating to the allocation or division of property on divorce or separate maintenance should be revised;

and

WHEREAS, The commission in its annual report covering its activities for 1966 has recommended that the following topic, previously approved for study, be removed from its agenda because no legislation is necessary:

Whether a former wife, divorced in an action in which the court did not have personal jurisdiction over both parties, should be permitted to maintain an action for support; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature approves the topics listed above as studies in progress for continued study by the California Law Revision Commission and approves the removal from the commission's agenda of the study listed above that the commission has recommended be removed from its agenda.

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## CHAPTER 82

*Senate Joint Resolution No. 11—Relative to increasing number of Citizen Band channels.*

[Filed with Secretary of State May 24, 1967.]

WHEREAS, The combination of great population growth and increasing popularity of Citizens Band transceivers has greatly increased the congestion on available Class D Citizens Band channels; and

WHEREAS, Citizens Band channels have proven repeatedly that they are invaluable; and

WHEREAS, During the Alaskan earthquake Citizens Band radios were the only communications link with the outside world for many hours and were greatly responsible for getting supplies and aid to the stricken area; and

WHEREAS, There have been many earthquakes where many lives depended upon Citizens Band radios; and

WHEREAS, There have been times of epidemic where Citizens Band channels were the only methods of communications; and

WHEREAS, In times of flood Citizens Band channels have time and time again shown their worth, directing supplies and rescue operations and provided communications between disaster victims and worried relatives; and

WHEREAS, In times of fire or windstorm Citizens Band radios have been called to use many times and served well; and

WHEREAS, There will be more earthquakes, there will be more floods, more epidemics, more fires, more storms; and

WHEREAS, The present congested condition of the Citizens Band channels raises the question of whether in future emergencies the facilities for emergency communications will be available; and

WHEREAS, The Federal Communications Commission is charged with the regulation of Citizens Band channels; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Federal Communications Commission to increase the number of Citizens Band channels and to specify that one or more of these new channels be assigned to general emergency use in order to guarantee the availability of emergency communications service; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the members of the Federal Communications Commission and to Mr. Ben Waple, Secretary of the Commission.

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## CHAPTER 83

*Assembly Concurrent Resolution No. 2—Relative to scholarships for prospective teachers of handicapped children.*

[Filed with Secretary of State May 26, 1967.]

WHEREAS, Education is of particular importance to the handicapped child; and

WHEREAS, Skilled teachers of handicapped children are essential to the education of these children; and

WHEREAS, There is and continues to be a shortage of teachers for handicapped children and such shortage has resulted in the unavailability of educational programs for these children; and

WHEREAS, Various groups and persons concerned with handicapped children have and continue to be vitally active in educational programs for these children; and

WHEREAS, Many of these groups and persons cannot individually provide scholarship programs for college students

interested in teaching the handicapped child, but could working together provide such scholarships and thereby greatly assist in meeting the need of handicapped children for skilled teachers; and

WHEREAS, The State Department of Education and State Scholarship and Loan Commission have the necessary experience and knowledge in establishing scholarship programs and could in an advisory capacity greatly assist groups and persons concerned with the education of handicapped children in organizing a united scholarship program; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That representatives of all groups and persons interested in the education of handicapped children *are urged to* meet with representatives of the State Department of Education and the State Scholarship and Loan Commission, to discuss the best methods of establishing a united scholarship program financed by the combined efforts of such groups and persons for college students planning to teach handicapped children; and be it further

*Resolved,* That such groups and persons acting upon the advice of the State Department of Education and the State Scholarship and Loan Commission are requested to establish such a scholarship program; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit copies of this resolution to the State Department of Education and the State Scholarship and Loan Commission.

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## CHAPTER 84

*Assembly Concurrent Resolution No. 7—Relative to a study of costs and expenditures for special education.*

[Filed with Secretary of State May 26, 1967]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Education is directed to undertake a study of costs and expenditures for special education, how the same are reported and accounted for, the relative state and local shares, the sources of money, how and for what school districts, how the money is actually spent, and how accurate information concerning these factors can best be continuously available to state authorities, and to make recommendations concerning needed changes in the law; and be it further

*Resolved,* That the Department of Education submit its report thereon to the Legislature by the fifth legislative day of the 1968 Regular Session; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Department of Education.

## CHAPTER 85

*Assembly Joint Resolution No. 15—Relative to fish and wildlife resources.*

[Filed with Secretary of State May 26, 1967.]

WHEREAS, Federal and state agencies have proposed a series of major water projects in the north coast area of California; and

WHEREAS, The construction of these projects will have a major impact on fish and wildlife resources in the area, particularly affecting the anadromous fish and the winter deer range; and

WHEREAS, The saving of fish and wildlife is of great importance to the people of California, as fish and wildlife are a vital economic resource as well as an important source of pleasure and recreation in this state; and

WHEREAS, Detailed planning prior to the construction of projects is extremely important in regard to the saving of fish, being essential to effective preservation at the lowest possible cost; and

WHEREAS, Many general problems such as the effect of turbidity and temperature on fish are of critical importance in connection with the construction of these projects; and

WHEREAS, The State of California under provisions governing state constructed projects is making substantial appropriations of money for the study of fish and wildlife resources preservation and enhancement on the north coast; and

WHEREAS, The federal government is not spending a proportionate amount of funds for such studies; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase the funds available to the United States Fish and Wildlife Service for basic biological investigation in connection with water projects on the north coast of California in order to determine the impact of such projects on fish and wildlife resources; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 86

*Senate Concurrent Resolution No. 46—Approving certain amendments to the Charter of the City of San Rafael, a municipal corporation in the County of Marin, State of*

*California, ratified by the qualified electors of the city at a general municipal election held therein on the 10th day of April 1967.*

[Filed with Secretary of State May 27, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, as hereinafter set forth in the certificate of the mayor and clerk of the council of the city as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SAN RAFAEL

State of California }
County of Marin } ss.
City of San Rafael }

We, the undersigned, C. Paul Bettini, Mayor of the City of San Rafael, and W. Clifford Cornwell, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Rafael, a municipal corporation in the County of Marin, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders Charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City, certain proposals for the amendment of the Charter of said City at a general municipal election duly and regularly called and held in said City on the 10th day of April, 1967, said Charter Amendments being hereinafter set forth in full.

That on the 14th day of February, 1967, said City Council caused said Charter Amendments to be duly and regularly published and advertised in each and every edition of said 14th day of February, 1967, in the Independent Journal, the official newspaper of said City, printed, published and circulated in said City.

That said general municipal election was duly and regularly held in said City on the date fixed by said Council, to-wit, April 10, 1967, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter Amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in

favor and did ratify the Charter Amendments herein specifically set forth.

That said amendments to the Charter of said City so ratified by the voters of said City are as follows, to-wit:

San Rafael Charter Amendment #1

Section 1 of Article IV was amended to read as follows:

"Section 1. General and Special Elections. A municipal election shall be held in the City on the third Tuesday in April of each odd-numbered year and shall be known as the general municipal election. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections."

Section 2 of Article IV was amended to read as follows:

"Section 2. Conduct of Elections. Nominations and all elections to fill public offices and elections on measures shall be made, held and conducted in the manner provided for by general law."

Section 1 of Article V was amended to read as follows:

"Section 1. Powers. The powers of initiative, referendum and recall of elective municipal offices are hereby reserved to the electors of the City. The provisions of general law governing initiative, referendum and recall shall be applicable."

Section 2 of Article VI was amended to read as follows:

"Section 2. Election and Term of Office of Mayor. The Mayor shall be elected at the general municipal election and shall be elected for a term of two (2) years from and after the seventh day succeeding the day of such election and until his successor is elected or appointed and qualified."

Section 3 of Article VI was amended to read as follows:

"Section 3. Election and Term of Office of Councilmen and Members of Board of Education. The term of office of councilmen and of members of the Board of Education shall be four (4) years from and after the seventh day succeeding the day of their election and until their successors are elected or appointed and qualified. The terms of two councilmen and two members of the Board of Education shall expire every four (4) years.

Elections for councilmen and members of the Board of Education shall be held at the general municipal election."

Section 4 of Article VI was amended to read as follows:

"Section 4. Election and Terms of Office of Other Elective Officers. If there are any other elective officers, they shall be elected at the general municipal election and shall hold office for the period of four (4) years, from and after the seventh day succeeding the day of such election and until their successors are elected or appointed and qualified."

Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 of Article IV and Sections 2 and 3 of Article V were repealed as follows:

"Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 of Article IV are hereby repealed."

"Sections 2 and 3 of Article V are hereby repealed."

San Rafael Charter Amendment #2

Section 5 of Article VI was amended to read as follows:

"Section 5. Official Bonds. Appointed officials, before entering upon the duties of their offices, shall execute a bond to the City of San Rafael in such penal sum as the Council, annually and after review, by ordinance may determine, conditioned for the faithful performance of his duties. Such bonds shall be approved by the Mayor. All bonds when approved, shall be filed with the City Clerk; except the bond of the City Clerk, which shall be filed with the Mayor. All of the provisions of any law of this state relating to official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every elective and appointive officer of the City, before entering upon the duties of his office, shall take and file with the City Clerk, the constitutional oath of office."

Section 6 of Article VI was amended to read as follows:

"Section 6. Vacancies. Any vacancy occuring in the elective office of member of the Board of Education shall be filled by appointment by the Council by a majority vote thereof. If the Council fails for a period of sixty (60) days after any such vacancy to fill the same, then such vacancy shall be filled by appointment by the Board of Education by a majority vote thereof. The person so appointed shall hold office for the remainder of the unexpired term of the office so filled. Any vacancy occurring in any other elective office shall be filled by appointment by the City Council, by a majority vote of the remaining members of the Council. If the Council fails for a period of sixty (60) days after any such vacancy to fill the same, it shall immediately call an election to be held to fill the vacancy. A person appointed or elected to fill such a vacancy holds office for the unexpired term of the office so filled."

San Rafael Charter Amendment #3

Section 9 of Article VI was amended to read as follows:

"Section 9. Compensation. Compensation of the Mayor and councilmen shall be as permitted by general law and shall be set by ordinance."

Section 8 of Article VII was amended to read as follows:

"Section 8. Claims and Demands, Presentation and Payment. All claims and demands against the City of San Rafael and the presentation and payment thereof shall be in the manner provided by the general law of the state."

Section 11 of Article VII was amended to read as follows:

"Section 11. Annual Financial Report. The Council shall cause to be prepared and published within ninety (90) days after the end of each fiscal year, a report showing the financial

transactions and financial condition of the City for the last fiscal year."

Section 12 of Article VII was amended to read as follows:

"Section 12. Independent Audit. The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period of not exceeding three (3) years, providing that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year."

San Rafael Charter Amendment # 4

Section 8 of Article VIII was amended to read as follows:

"Section 8. City Manager. There shall be a City Manager. He shall be appointed by the Council for an indefinite term and the Council shall fix his compensation. The City Manager shall be the chief administrative officer of the City. The Council shall prescribe by ordinance the duties, responsibilities, and scope of the authority of the City Manager."

San Rafael Charter Amendment # 5

Section 9 of Article VIII and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of Article X were repealed as follows:

"Section 9 of Article VIII of the San Rafael Charter is hereby repealed."

"Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of Article X of the San Rafael Charter are hereby repealed."

San Rafael Charter Amendment # 6

Section 10 of Article VIII was amended to read as follows:

"Section 10. Fire Commission. There shall be a Board of Fire Commissioners consisting of five (5) members appointed by the Council, one of whom may be a councilman. The Chief of the Fire Department shall be an ex officio member of the Commission but shall not be entitled to vote as a member of the Commission. The members of the Commission shall serve for a term of four (4) years and shall be subject to removal by the affirmative vote of three (3) members of the Council. The terms of office of members of the Commission shall be staggered in the manner provided by resolution of the Council. The Board of Fire Commissioners shall exercise such powers and perform such duties as may be prescribed or conferred in this charter or by the ordinances of the City."

Section 11 of Article VIII was amended to read as follows:

"Section 11. Park and Recreation Commission. There shall be a Park and Recreation Commission consisting of five (5) members appointed by the Council one of whom may be a councilman. The members of the Commission shall serve for a term of four (4) years, and shall be subject to removal by the affirmative vote of three (3) members of the Council. The terms of office of members of the Commission shall be staggered in the manner provided by resolution of the Council. The Park and Recreation Commission shall exercise such powers and perform such duties as may be prescribed or conferred in this Charter or by the ordinances of the City."

Section 1 of Article IX was amended to read as follows:

"Section 1. Board of Library Trustees. There shall be a Board of Library Trustees consisting of five (5) members to be appointed by the Council, one of whom may be a councilman. The members of the Board shall serve for a term of four (4) years and shall be subject to removal by the affirmative vote of three (3) members of the Council. The terms of office of members of the Board shall be staggered in the manner provided by resolution of the Council. The Board of Library Trustees shall exercise such powers and perform such duties as may be prescribed or conferred in this Charter or by the ordinances of the City."

Sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article IX were repealed as follows:

"Sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article IX are repealed."

San Rafael Charter Amendment # 7

Section 3 of Article XIII was amended to read as follows:

"Section 3 Public Work To Be Done by Contract. The erection, improvement and repair of all public buildings and works, all street and sewer work except current maintenance and repair, and furnishing of supplies and materials for the same, when the estimate therefor exceeds the sum of twenty-five hundred dollars ($2500 00), shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals at least twice, not less than seven (7) days apart, in a newspaper of general circulation published in said City. Such notice shall specifically state the work contemplated to be done. The time specified for opening bids shall be not less than three (3) days from the date of the last publication of said notice. The Council may reject any bid deemed excessive and re-advertise, or the work may be done by the Council. If no bid is received, the work may be done by the Council."

San Rafael Charter Amendment # 8

Section 14 of Article XV was amended to read as follows:

"Section 14. Books and Records Open to Inspection. All books and records of the various offices and departments of the City, except those of the Police Department and City Attorney, shall, during business hours, be open to the inspection

of any citizen or taxpayer, who may make copies of any portions thereof. Upon request, copies shall be made or certified by the officer in charge of the records on payment of a fee as established by the City Manager, said fee to reflect the cost to the City in providing said service."

Section 17 of Article XV was amended to read as follows:

"Section 17. Filling of Vacancies. If all the offices of members of the Council and Mayor should become vacant and no member of the Council remains to fill any of said vacancies of elective offices, successors may be appointed pursuant to the general laws of the State of California to fill such offices. In such case, the City Clerk, as soon as reasonably possible, shall call and conduct a special municipal election to fill such offices for the remainder, if any, of the unexpired terms.

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said City, and find and certify that said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of San Rafael to be affixed hereto this 24th day of April, 1967.

(SEAL)

C. PAUL BETTINI
Mayor—City of San Rafael
W. CLIFFORD CORNWELL
City Clerk—City of San Rafael

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of San Rafael, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of San Rafael.

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## CHAPTER 87

*Assembly Concurrent Resolution No. 26—Relative to the creation of a Joint Legislative Committee on Open Space Lands.*

[Filed with Secretary of State May 27, 1967]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* as follows:

1. The Joint Committee on Open Space Lands is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the grant of authority conferred upon the Legislature by Article XXVIII of the Constitution of the State of California, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation

2. The committee shall consist of four Members of the Assembly, appointed by the Speaker and four Members of the Senate, appointed by the Rules Committee of the Senate.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment and shall conduct a study of the application of legislation to be enacted pursuant to Article XXVIII of the Constitution of the State of California. The committee shall make its report to the Legislature on or before the fifth legislative day of the 1968 Regular Session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The chairman shall be designated by the Speaker of the Assembly and the vice chairman shall be designated by the Rules Committee of the Senate.

6. The committee has the following additional powers and duties:

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To report its findings and recommendations to the Legislature and to the people from time to time, making its final report with all deliberate speed.

(d) To establish a citizens' advisory committee to offer such assistance to the committee as the committee deems necessary.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of thirty-five thousand dollars ($35.000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members, for necessary expenses of the members of the citizens' advisory committee and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

8. The committee shall cease to exist on the 30th calendar day of the 1969 Regular Session.

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## CHAPTER 88

*Assembly Concurrent Resolution No. 89—Approving an amendment to the Charter of the City of Eureka, a municipal corporation of the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a general election held therein on the 18th day of April, 1967.*

[Filed with Secretary of State June 1, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment hereinafter set forth to the Charter of the City of Eureka, a municipal corporation of the County of Humboldt, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF PROCEEDINGS HAD BY THE CITY OF EUREKA FOR THE PURPOSE OF ADOPTING AND RATIFYING A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF EUREKA.

State of California,
County of Humboldt, } ss:
City of Eureka.

We, the undersigned, Gilbert S. Trood, Mayor of the City of Eureka, and Ruby C. Shanahan, City Clerk of the City of Eureka, do hereby certify and declare as follows:

That the City of Eureka, a municipal corporation, in the County of Humboldt, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 and less than 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or under the Legislature of the State of California; that said city is organized, existing and acting under a Charter adopted under and by virtue of the provisions of Section 8 of Article XI of the Constitution of the

State of California, which Charter was duly ratified by the qualified electors of said City of Eureka at an election held for that purpose on the 5th day of March, 1959, and approved by the Legislature of the State of California, on the 10th day of April, 1959.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Eureka by its Charter Amendment No. 67-1, adopted on February 21, 1967, duly and regularly submitted to the qualified electors of said City of Eureka a certain proposal to amend the Charter of the City of Eureka and to be voted upon by said qualified electors at the General Municipal Election to be held in said City of Eureka on the 18th day of April, 1967, the date of which election is fixed by said Charter of the City of Eureka hereinbefore referred to, and which said date was fixed in said resolution as the date for voting upon said amendment proposed.

That said amendment proposed by Resolution No. 67-1 was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; that said amendment proposed by Resolution No. 67-1 was published and advertised, as aforesaid, on the 1st day of March, 1967, and that said publication was in the Humboldt Standard, a newspaper of general circulation, printed and published daily except Sunday, within the said City (there being no official newspaper of said city), and in each edition thereof during the said day of publication;

That the said General Municipal Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 18th day of April, 1967, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Humboldt Standard, and that at the said election a majority of the qualified voters of said City voted in favor of said proposed Charter Amendment and for the adoption thereof; that all of the proceedings for the amendment and ratification of the proposed amendment to the said Charter of said City were had and taken in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and of other applicable State and local laws; and

That the Charter Amendment so ratified by the majority of the qualified electors of said City voting at said General Municipal Election was proposed in words and figures as follows, to wit:

Employees Residence. Shall the Charter of the City of Eureka be amended by repealing Section 908 of Article IX thereof, relating to employees residence?

We further certify that the foregoing proposed and ratified amendment to the Charter of the City of Eureka is a full, true and exact copy of the said proposed amendment to the Charter

of the said City submitted to the electors, and is a true statement of the proceedings had for adoption of the said amendment to said Charter.

In witness whereof, we have hereunto set our hands and hereunto affixed the official seal of the City of Eureka this 1st day of May, 1967.

GILBERT S. TROOD
(SEAL) Mayor of the City of Eureka
RUBY C. SHANAHAN
City Clerk of the City of Eureka

and

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Eureka as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of the City of Eureka.

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## CHAPTER 89

*Assembly Concurrent Resolution No. 95—Approving a certain amendment to the Charter of the City of Grass Valley, a municipal corporation in the County of Nevada, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the first day of May, 1967.*

[Filed with Secretary of State June 1, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Grass Valley, a municipal corporation in the County of Nevada, State of California, as hereinafter set forth in the certificate of the mayor and clerk of the council of the city as follows:

CERTIFICATE OF ADOPTION OF AMENDMENT TO THE CHARTER OF THE CITY OF GRASS VALLEY

State of California,
County of Nevada, } ss.
City of Grass Valley

We, the undersigned, John J. Hodge, Mayor of the City of Grass Valley, State of California, and J. A. Simmons, Clerk of said city, do hereby certify and declare as follows:

That said City of Grass Valley at all times mentioned herein was, and now is, organized and existing under the freeholders charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which said charter was duly adopted and ratified by a majority of the qualified electors on the 18th day of September, 1951, and approved by the Legislature of the State of California on the 19th day of March, 1952.

That on the 14th day of March, 1967, the Council of the City of Grass Valley, adopted on its own motion the following resolution, to-wit:

Resolution No. 461 NS NS.

Be it resolved by the Council of the City of Grass Valley, as follows:

That the following proposal be submitted to the qualified electors of the City of Grass Valley at the General Municipal Election to be held in said City on Monday, May 1, 1967, for the purpose of amending the Charter of the City of Grass Valley duly adopted and ratified by the electors of said City on the 18th day of September, 1951, and approved by the Legislature of the State of California March 19, 1952, to-wit:

Proposition No. 1

That Section 2 of Article XVI of the Charter of the City of Grass Valley be amended to read as follows:

"Section 2: Residents of City. Except as otherwise provided in this Charter, all officers of the City shall be residents of the City; and all employees of the City shall be residents of the County of Nevada; provided, however, that, all other things being equal, preference must be given to residents of the City."

Adopted as a resolution of the Council of the City of Grass Valley at a regular meeting thereof on the 14th day of March, 1967, by the following vote:

Ayes: Councilmen Hodge, Hales, Brust, Tamietti, Brooks.
Noes: Councilmen None
Absent: Councilmen None

JOHN J. HODGE
Mayor
Attest: J. A. SIMMONS
City Clerk
By NELLIE L. MARTIN
Deputy.

That the said proposed amendment to said City Charter was advertised by publication thereof once on the 16th day of

March, 1967, in each edition during the day of publication of The Union, the official newspaper of said city, and a newspaper of general circulation printed and published in said city.

That at the said general municipal election duly and regularly held on the 1st day of May, 1967, being not less than forty (40) days, and not more than sixty (60) days, after the completion of the advertising in the official newspaper, a majority of the qualified voters voting thereon voted in favor of such proposed charter amendment and the city council of said city at a meeting held on May 2, 1967, in the manner and time required by law, duly canvassed the returns of said election and it duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said charter amendment; that said amendment to said City Charter, as the same was proposed and ratified as herein set forth is as follows, to-wit:

"Article XVI, Section 2: Residents of City. Except as otherwise provided in this Charter, all officers of the City shall be residents of the City; and all employees of the City shall be residents of the County of Nevada; provided, however, that, all other things being equal, preference must be given to residents of the City."

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the City of Grass Valley, County of Nevada, State of California, this 9th day of May, 1967.

JOHN J. HODGE
(SEAL) Mayor of the City of Grass Valley.
J. A. SIMMONS
City Clerk of the City of Grass Valley.
By NELLIE L. MARTIN
Deputy.

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Grass Valley, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Grass Valley.

## CHAPTER 90

*Senate Concurrent Resolution No. 14—Relative to the safety of schoolbuses.*

[Filed with Secretary of State June 1, 1967.]

WHEREAS, Tragic accidents involving schoolbuses in California have taken the lives of a number of children and have injured many more; and

WHEREAS, More than 15 million American children regularly ride schoolbuses, and the National Safety Council estimates that, unless additional measures are taken, up to 8,000 students a year will be injured by 1975; and

WHEREAS, The U.C.L.A. Institute of Transportation and Traffic Engineering, at the request of the Board of Supervisors of the County of Los Angeles, has conducted an intensive study of the design of schoolbuses and particularly of the need for seat belts in buses; and

WHEREAS, In the course of its study, the U.C.L.A. Institute of Transportation and Traffic Engineering conducted an actual head-on crash of two schoolbuses; and

WHEREAS, The study has determined that the design of schoolbuses should be radically changed to offer full protection to the children who ride them; and

WHEREAS, In particular, it was determined that the seat backs are too low and do not have adequate padding, that bumpers are not low enough to prevent "overriding" of other vehicles in a collision, and that at least four full-size emergency exits should be provided in all schoolbuses; and

WHEREAS, The State Board of Education is authorized to adopt regulations relating to the construction, design, operation, equipment, and color of schoolbuses; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the State Board of Education is requested to study the recommendations of the U.C.L.A. Institute of Transportation and Traffic Engineering in order to insure the safety of our children who must ride in schoolbuses; and be it further

*Resolved*, That the Secretary of the Senate shall transmit a copy of this resolution to the State Board of Education.

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## CHAPTER 91

*Senate Concurrent Resolution No. 51—Approving the Charter of the City of Santa Barbara, County of Santa Barbara, State of California, ratified by the qualified electors of the*

*city at a general election held therein on the second day of May, 1967.*

[Filed with Secretary of State June 1, 1967]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CHARTER CERTIFICATE

State of California }
County of Santa Barbara } ss.
City of Santa Barbara }

We the undersigned, W. Don MacGillivray, Mayor of the City of Santa Barbara, State of California, and Robert W. Hutton, City Clerk of the City of Santa Barbara, State of California, and ex officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, Robert W. Hutton, was at all times herein mentioned the Clerk of the legislative body of the City of Santa Barbara and the City Clerk of the said City of Santa Barbara; that heretofore and prior to the 10th day of January, 1967, the said City Council of the City of Santa Barbara did cause to be framed a proposed charter for its own government and on the 31st day of January, 1967, at a regular meeting of said City Council of said City, the City Council, by Resolution No. 6357 adopted by the unanimous vote of all its members present, all seven members being present including the Mayor, ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at the general municipal election ordered in the City of Santa Barbara for the 2nd day of May, 1967, for the purpose of submitting said proposition to the electors of the City of Santa Barbara, and which resolution ordered that said charter be filed with the City Clerk of the City of Santa Barbara; that said proposed charter of the City of Santa Barbara, consisting of pages a to d and 1 to 53, inclusive, was filed in the office of the City Clerk in the City Hall at Santa Barbara, California, on January 31, 1967, and said resolution further ordered that the adoption of the charter should be submitted to the electors at said general municipal election held on the 2nd day of May, 1967, and directed that said City Clerk publish said proposed charter in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said City, there being no official paper of said City.

That said proposed charter was published pursuant to said order in each edition of the Santa Barbara News-Press on the 19th day of March, 1967, that the date set for the submission

to the electors of said proposed charter, to wit, May 2, 1967, was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in said paper as aforesaid.

That from March 19, 1967, until the day fixed for the election upon said charter, there was advertised in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said City of Santa Barbara, a notice that copies of said charter were available at the office of the City Clerk in the City Hall of the City of Santa Barbara and could be secured upon application therefor at said office; that such copies were so available.

That the population of the City of Santa Barbara is more than three thousand five hundred (3,500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States. That the population of the City of Santa Barbara is determined to be in excess of fifty thousand (50,000) inhabitants as estimated and recognized by the various departments of the State government of the State of California for official purposes.

That copies of the charter proposed for the City of Santa Barbara were reproduced in convenient pamphlet form in type of not less than 10 point Copies of the said proposed charter for the City of Santa Barbara were mailed to each qualified elector in said City, the qualified electors being those whose names appeared in the registration records for the said general municipal election, said election being set for May 2, 1967. That the mailing of copies of said proposed charter for said City was commenced on the fifteenth day and completed on the eleventh day before the date set for said election, said date being May 2, 1967.

That said election was duly and regularly held on the 2nd day of May, 1967, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter and for the ratification and adoption thereof.

That said City Council of the City of Santa Barbara at a meeting duly held on May 9, 1967, at the time and in the form and manner required by law and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption of said proposed charter and that the same was adopted and ratified by more than a majority of the qualified voters of the City of Santa Barbara voting thereon, as follows, to wit:

Votes in favor of the adoption and ratification of said proposed charter ---------- 9937

Votes against the adoption and ratification of said proposed charter ---------- 6421

That said election was held in accordance with the existing charter of the City of Santa Barbara and in accordance with the laws of the State of California where applicable.

That said charter so prepared, proposed, submitted, ratified and adopted in in words and figures following, to wit:

PROPOSED CHARTER OF THE CITY OF SANTA BARBARA

Proposed by The Santa Barbara City Council
May 2, 1967

Charter of the City of Santa Barbara

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CHARTER OF THE CITY OF SANTA BARBARA

We, the people of the City of Santa Barbara, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

## Article I
## Name and Seal

Section 100. Name. The municipal corporation now existing and known as the City of Santa Barbara shall remain and continue to exist as a municipal corporation under its present name of "City of Santa Barbara."

Section 101. Seal. The City shall have an official seal which may be changed from time to time by ordinance. The present official seal shall continue to be the official seal of the City until changed in the manner stated.

## Article II
## Boundaries

Section 200. Boundaries. The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter from time to time in the manner authorized by law.

## Article III
## Succession

Section 300. Rights and Liabilities. The City of Santa Barbara shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall continue to be subject to all its debts, obligations, liabilities and contracts.

Section 301. Ordinances Continued in Effect. All lawful ordinance, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 302. Rights of Officers and Employees Preserved. Nothing in this Charter contained, unless otherwise provided herein, shall affect or impair the civil service, personnel, pen-

sion or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

Section 303. Continuance of Present Officers and Employees. The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and employments upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment, change or control as is provided or permitted in this Charter, and, as to offices which are changed, superseded or abolished by this Charter, until the election and qualification or appointment of their respective successors under this Charter, if any, or until the duties of an abolished office have been transferred and are being performed pursuant to this Charter, or the City Council shall by resolution determine the office vacant. Each elective officer whose office is continued in existence but made appointive under this Charter shall continue to hold such office, under this Charter, but his vested or accrued retirement or pension rights or privileges shall not be deemed to be changed, altered or affected in any way by the adoption of this Charter.

Section 304 Continuance of Contracts All contracts entered into by the City or for its benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to their terms.

Section 305. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 306. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature after it shall have been ratified by the qualified voters of the City in the manner set forth in the Constitution of the State.

## Article IV
## Powers of City

Section 400. Powers of City. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California. It shall also have the

power to exercise any and all rights, privileges and powers, including proprietary powers, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California, subject to such restrictions and limitations as may be contained in this Charter.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Section 401. Procedures. The City shall have the power to and may act pursuant to any procedure established by any law of the State, unless a different procedure is required by this Charter.

## Article V
## Mayor and City Council

Section 500. City Council. Terms. The elective officers of the City shall consist of a City Council of seven members, including the Mayor. The Mayor shall be elected from the City at large, in the manner provided in this Charter, and shall serve for a term of four years, and until his successor qualifies. Six council members shall be elected from wards, in the manner provided in this Charter, and shall serve for terms of four years and until their respective successors qualify.

The Mayor and members of the City Council in office at the time this Charter takes effect shall continue in office until their successors are elected and qualified. Three members of the City Council shall be elected at the general municipal election to be held in April, 1969, (to succeed the members whose terms expire in 1969) and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election to be held in April, 1971, (to succeed the members whose terms expire in 1971), and each fourth year thereafter. The Mayor shall be elected as Mayor, separate and apart from the other members of the City Council, at the general municipal election to be held in April, 1969, and each fourth year thereafter.

The City of Santa Barbara is hereby divided into six wards, numbered consecutively from one to six, inclusive, the respective boundaries of which shall be as follows, to wit: the boundaries as presently set forth in Ordinance No. 3110.

The Council may from time to time and shall at least every four years by ordinance, redistrict the City into six wards, which wards so formed shall comprise as nearly as practicable equal number of voters, as determined by the total registration in said wards. Any territory hereafter annexed to or consolidated with, the City of Santa Barbara, shall, at the time of annexation, or consolidation, be added to an adjacent ward or wards, by the Council by ordinance.

The electors signing any petition for the nomination of any person to the office of the Council, or for the recall of any

members of the Council, shall be residents of the ward from which such person needs to be elected as member of the Council, or in the case of recall petition, of the ward from which such member was elected. The names of no electors not residents of the Ward shall be counted in determining the sufficiency of any such petition.

Each member of the City Council shall have been a resident of the ward from which he seeks election for one year next preceding his election.

The term of the Mayor and each member of the City Council shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Section 501. Eligibility. No person shall be eligible to hold office as Mayor or as a member of the City Council unless he is and shall have been a resident and qualified elector of the City for at least four years next preceding the date of his election or appointment. The City Council shall judge the qualifications of its members as set forth by this Charter.

Section 502. Compensation. The members of the City Council, except the Mayor, shall receive as compensation for their services as such a salary in the sum of Two Hundred Fifty Dollars ($250.00) per month. The Mayor shall receive for his services a compensation in the sum of Seven Hundred Dollars ($700.00) per month. In addition, the Mayor and each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of an itemized expense account therefor, or may receive an advance for such purposes subject to such accounting. In addition, members shall receive such uniform, reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of other routine and ordinary expenses and costs imposed upon them by virtue of their serving as City Councilmen, including the Mayor.

Section 503. Vacancies. A vacancy in the office of Mayor or in the City Council, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term, if any. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible to place the matter on the ballot and elect a successor.

If the Mayor or other member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by him, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be

an elector of the City, his office shall become vacant. The City Council shall declare the existence of any such vacancy.

In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term.

Section 504. The Mayor. The Mayor shall be the presiding officer at all meetings of the City Council and shall be included as a member of the City Council for all purposes under this Charter unless otherwise expressly provided. He shall be counted in determining a quorum and shall be entitled to vote on all matters, but shall possess no veto power. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, he may inform the people of any change in policy or program. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council.

The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the absence or disability of the Mayor.

Section 505. Powers Vested in City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Section 506. Regular Meetings. The City Council shall hold regular meetings at least once each week at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Section 507. Special Meetings. A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting

convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

Section 508. Place of Meetings. All meetings shall be held in the Council Chambers of the City Hall, or in such place within the City to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if he should fail to act, by a majority of the members of the City Council.

Section 509. Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each councilman at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

Each member of the City Council including the Mayor shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenás shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Upon the adoption of any order for the payment of money, or any ordinance, resolution, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and nayes taken on such questions to be entered in the minutes of the meeting.

Section 510. Citizen Participation. All regular and special meetings of the City Council shall be open and public and all persons shall be permitted to attend such meetings, except that the provisions of this section shall not apply to executive sessions to consider the appointment, employment, discipline

or dismissal of a public officer or employee or to hear complaints or charges brought against any such officer or employee. No resident or property owner shall be denied the right to be heard by the City Council, but such right shall be subject to such reasonable rules and regulations as may be authorized or adopted by ordinance. A discussion with the City Attorney relating to pending, proposed or threatened litigation shall not be considered to be a regular or special meeting within the meaning of this Section.

Section 511. Adoption of Ordinances and Resolutions. With the sole exception of emergency ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of introduction or adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present, except that emergency ordinances shall be read in full. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

Section 512. Ordinances. Enactment. Publication. In addition to such other acts of the City Council as are required by this Charter to be taken by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Santa Barbara does ordain as follows:".

The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption.

Section 513. Codification of Ordinances. Etc. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted by ordinance. Once adopted, a sufficient number of loose-leaf copies of said code (which shall be entitled "Santa Barbara Municipal Code") for use by the City and interested members of the public shall be made available and such code shall be kept current by the City Clerk.

Detailed regulations pertaining to any subject, such as the construction of buildings, plumbing and wiring, or fire prevention, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this Section. Maps, charts and diagrams also may be adopted by reference in the same manner.

Section 514. Ordinances. When Effective. Every ordinance shall become effective thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of property taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided in this Article.

Section 515. Ordinances. Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California and/or may be redressed by civil action. The maximum fine or penalty for any violation of a City ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both. The City Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works.

Section 516. Ordinances Amendment. The amendment of any section or subsection of an ordinance or municipal code

may be accomplished solely by the re-enactment of such section or subsection at length, as amended.

Section 517. Publishing of Legal Notices. The City Council shall contract for the publication of all legal notices, ordinances and other matter required to be published in a newspaper of general circulation in the City. Each such contract shall cover a period of not less than one nor more than two years. In the event there is more than one newspaper of general circulation published within the City, the contract shall be made only after the publication of a notice inviting bids therefor. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be the official newspaper for the publication of such notices or other matter for the period of such contract. Any such newspaper of general circulation shall mean a newspaper adjudicated to be a newspaper of general circulation in the City.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published in the City, or in the event no such newspaper will accept such notices or other matter at the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City to be designated by ordinance.

No defect or irregularity in proceedings taken under this Section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Section 518. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution not inconsistent with this Charter the City Council may authorize the City Administrator or other officer to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department or City Administrator upon forms approved by the City Administrator and at rates fixed by the City Council.

The provisions of this Section shall not apply to the employment of any person by the City at a regular salary.

Section 519. Contracts on Public Works. Except as hereinafter expressly provided, every project involving an expenditure of more than Two Thousand Five Hundred Dollars ($2,500.00) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks, playgrounds, harbor facilities, and airport facilities, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Two Thousand Five Hundred Dollars ($2,500.00), shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion, or may have the work done by its own employees and the materials and supplies purchased in the open market in the manner hereinafter stated. After rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract or project is less than Five Thousand Dollars ($5,000.00), the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by the affirmative votes of a majority of the total members of the City Council, it may proceed to have said work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this Section. Such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by the affirmative votes of at least two-thirds of the total members of the City Council.

Projects for the extension, replacement or expansion of the transmission or distribution system of the Water Department operated by the City may be excepted from the requirements of this Section by the affirmative vote of a majority of the total members of the City Council.

Section 520. Disposition of Real Property. No land acquired by the City for or dedicated to public park or recreation purposes and no public utility or beach property now or hereafter owned or operated by the City shall be sold, leased or

otherwise transferred, encumbered or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative votes of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted. Concessions, permits or leases compatible with and accessory to the purposes to which the property is devoted by the City and which are permitted by contract from and regulated by the City shall not be subject to this paragraph.

No other land owned by the City, unless the value thereof is less than Five Thousand Dollars ($5,000.00) shall be sold, transferred or disposed of or encumbered, unless such sale, transfer, disposition or encumbrance be made or approved by ordinance which shall be subject to referendum.

Section 521. Contracts. Restrictions. No contract or lease or extension thereof by which the City is bound for a longer period than five years shall be valid unless said contract, lease or extension be made or approved by ordinance which shall be subject to referendum; nor may the City lease property owned, held or controlled by it for any period exceeding fifty years. This Section shall not apply to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Section 522. Revenue of Water Department. The revenue of the Water Department operated by the City for each fiscal year shall be kept separate and apart from all other moneys of the City and shall be used for the purposes and in the order as follows:

(a) For the acquisition of water and payment of the operating and maintenance expenses of such utility, including any necessary contribution to retirement of its employees.

(b) For the payment of interest on the bonded debt incurred for the construction, improvement or acquisition of such utility.

(c) For the payment, or provision for the payment, of the principal of said debt as it may become due.

(d) For capital expenditures of such utility.

(e) For the annual payment into the contingency reserve account of an amount up to five percent (5%) of the gross revenue of such utility during the previous fiscal year. This contingency reserve account shall be available for use by said utility only for capital replacements or emergency repairs and only after appropriation by the City Council.

## Article VI
## City Administrator

Section 600. City Administrator. There shall be a City Administrator who shall be the chief administrative officer of the City. He shall be appointed by the affirmative vote of at

least a majority of the members of the City Council and shall serve at the pleasure of the City Council, provided, however, that he shall not be removed from office except as provided in this Charter. He shall be chosen on the basis of his executive and administrative qualifications, and adequate examination, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth, and shall have been the manager or chief administrative officer of a City or County for at least five years or shall have been the assistant or deputy of such manager or chief administrative officer for at least five years, or have commensurate and equal public administrative experience. He shall be at least thirty years of age.

Section 601. Residence. The City Administrator need not be a resident of the City at the time of his appointment, but he shall establish his residence within the City within thirty days after the effective date of his appointment, unless such period is extended by the City Council, and thereafter maintain his residence within the City during his tenure of office.

Section 602. Eligibility. No person shall be eligible to receive appointment as City Administrator or Acting City Administrator while serving as a member of the City Council nor within one year after he has ceased to be a member of the City Council.

Section 603. Compensation and Bond. The City Administrator shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution. The City Administrator shall furnish a corporate surety bond conditioned upon the faithful performance of his duties in such form and in such amount as may be determined by the City Council; the premium on such bond shall be paid by the City.

Section 604. Powers and Duties. The City Administrator shall be the chief administrative officer and head of the administrative branch of the City Government. Except as otherwise provided in this Charter, he shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, subject to the provisions of this Charter, including the civil service provisions thereof, the City Administrator shall have power and be required to:

(a) Appoint, and he may promote, demote, suspend or remove, all department heads, officers and employees of the City except elective officers and those department heads, officers and employees the power of whose appointment is vested by this Charter in the City Council. He may authorize the head of any department or office to appoint or remove subordinates in such department or office. No department head shall be appointed or removed until the City Administrator shall first have reviewed such appointment or removal with the City Council and received its approval for such appointment or removal.

(b) Prepare the budget annually, submit it to the City Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of each fiscal year, a complete report on the finances of the City for the preceding fiscal year, and annually or more frequently, a current report of the principal administrative activities of the City.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may to him seem desirable.

The City Administrator each year shall prepare and submit to the City Council a five-year capital program at least three months prior to the final date for submission of the budget. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. Said capital program shall be a public record open to public inspection.

(e) Establish, and maintain through the Director of Finance, a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution and disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by ordinance, and administer and enforce the same after adoption.

(g) Supervise the enforcement of the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(h) Subject to policy established by the City Council, exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his jurisdiction.

(i) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Section 605. Meetings. The City Administrator shall be accorded a seat at all meetings of the City Council and of all

boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. He shall receive notice of all special meetings of the City Council, and of all boards and commissions. He shall attend all meetings of the City Council, unless excused, except when his removal is under consideration.

Section 606. Removal. The City Administrator shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Administrator may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the members of the City Council. At least thirty days prior to the effective date of his removal, the City Administrator shall be furnished with a written notice stating the Council's intention to remove him and, if requested by the City Administrator, the reasons therefor. Within seven days after receipt of such notice, the City Administrator may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to. The City Administrator shall appear and be heard at such hearing. After furnishing the City Administrator with written notice of his intended removal, the City Council may suspend him from duty, but his compensation shall continue until his removal as herein provided. In removing the City Administrator, the City Council shall use its uncontrolled discretion, and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Administrator to present to each other and to the public all pertinent facts prior to the final action of removal.

Section 607. Non-Interference With Administrative Service. Except as otherwise provided in this Charter, neither the Council nor any of its members shall order, directly or indirectly, the appointment by the City Administrator, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or his removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the jurisdiction of the City Administrator solely through the City Administrator, and neither the City Council nor any member thereof shall give orders to any subordinate of the City Administrator, either publicly or privately. This Section shall not apply to any officer appointed by the City Council or to members of his department.

Section 608. Acting City Administrator. The City Administrator shall appoint, subject to the approval of the City Council, his assistant or deputy or one of the other officers or department heads of the City to serve as Acting City Administrator during any temporary absence or disability of the

City Administrator. If he fails to make such appointment, the City Council shall appoint either an assistant or deputy City Administrator or officer or department head of the City to serve as such Acting City Administrator during any such absence or disability.

## Article VII
## Officers and Employees

Section 700. Enumeration. In addition to the City Council and City Administrator, the officers and employees of the City shall consist of a City Attorney, a City Clerk, a City Treasurer, a Director of Finance, and such other officers, assistants, deputies and employees as are required by this Charter or as the City Council may provide by ordinance or resolution.

Section 701. Appointment and Removal. The City Attorney, City Clerk and City Treasurer shall be appointed by and may be removed by the affirmative votes of at least a majority of the total membership of the City Council. All other officers, department heads and employees of the City shall be appointed and may be removed as elsewhere in this Charter provided.

Section 702. Administrative Departments. The City Council may provide by ordinance or resolution not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of functions, duties, offices and agencies to offices and departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, consistent with this Charter. Each department so created shall be headed by an officer as department head. Notwithstanding the provisions of this Section, the Fire and Police Departments shall continue and remain as separate departments of the City.

When the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more officers, provided, however, that the same person shall not hold the positions of City Treasurer and Director of Finance.

Section 703. City Attorney. Powers and Duties. To become and remain eligible for City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law in this State for at least three years prior to his appointment. The City Attorney shall have the power and may be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances and such State misdemeanors as the City has the power to prosecute, unless otherwise provided by the City Council.

(c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all civil actions or proceedings in which such officer or employee is concerned or is a party for any act arising out of his employment or by reason of his official capacity.

(d) Attend all meetings of the City Council, unless excused, and give his advice or opinion orally or in writing whenever requested to do so by the City Council or by any of the commissions, boards or officers of the City.

(e) Approve the form of all contracts made by and all bonds given to the City endorsing his approval thereon in writing.

(f) Prepare proposed ordinances and City Council resolutions and amendments thereto.

(g) Devote such time to the duties of his office as may be specified by the City Council.

(h) Perform such legal functions and duties incident to the execution of the foregoing powers as may be necessary.

(i) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of or may contract for any prosecutions, litigation or other legal matters or business.

The City Attorney may, subject to the approval of the City Council, appoint such deputy or deputies to assist him or act for him, at such salaries or compensation as the Council may by ordinance or resolution prescribe.

Section 704. City Clerk. Powers and Duties. The City Clerk shall have the power and shall be required to:

(a) Attend all meetings of the City Council, unless excused, and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate title and be devoted to such purpose.

(b) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter.

(c) Maintain separate records of all written contracts and official bonds.

(d) Keep all books and records in his possession properly indexed and open to public inspection when not in actual use.

(e) Be the custodian of the seal of the City.

(f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.

(g) Be ex-officio Assessor, during any period of time when the County is not responsible for assessing property for the City under the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.

(h) Have charge of all City elections.

(i) Perform all other duties prescribed by this Charter, and such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

The City Clerk may, subject to the approval of the City Council, appoint such deputy or deputies to assist him or act for him, at such salaries or compensation as the Council may by ordinance or resolution prescribe.

Section 705. City Treasurer. Powers and Duties. The City Treasurer shall have the power and shall be required to:

(a) Receive on behalf of the City all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court, or from any office, department or agency of the City or any other source. Act as ex-officio Tax Collector during any period of time that the County is not collecting City ad valorem property taxes under the provisions of the general laws of the State.

(b) Have and keep custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit or cause to be deposited all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Administrator, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Pay out moneys only on proper orders or warrants in the manner provided for in this Charter.

(d) Prepare and submit to the Director of Finance monthly written reports of all receipts disbursements and fund balances, and shall file copies of such reports with the City Administrator and City Council.

(e) Perform all other duties prescribed by this Charter and such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

The City Treasurer may, subject to the approval of the City Council, appoint such deputy or deputies to assist him or act for him, at such salaries or compensation as the Council may by ordinance or resolution prescribe.

Section 706. Director of Finance Powers and Duties. To be eligible for appointment as Director of Finance, the person appointed shall have had at least six years of responsible financial experience including at least four years in a public agency and shall have such other qualifications as may be required by the City Council. The Director of Finance shall have the power and shall be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Administrator, and be head of the Finance Department of the City.

(b) Assist the City Administrator in the preparation and execution of the budget.

(c) Establish and maintain a system of financial procedures, accounts and controls for the City government and each of its officers, departments and agencies.

(d) Supervise and be responsible for the disbursement or investment of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment all bills, invoices, payrolls, demands or charges against the City government; with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges; and draw warrants upon the City Treasurer for all claims and demands audited and approved as in this Charter provided specifying the purpose for which drawn and the fund from which payment is to be made.

(e) Advise and assist the City Treasurer with respect to the receipt and collection of all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City or any other source.

(f) Submit to the City Council through the City Administrator a monthly statement of all revenues and expenditures in sufficient detail to show the exact financial condition of the City; an, as of the end of each fiscal year, submit a complete financial statement and report.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

(h) Maintain the centralized purchasing system as prescribed by this Charter, and perform such other duties consistent with this Charter as may be required of him.

Section 707 Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department

Section 708. Illegal Contract, Financial Interest. No member of the City Council shall have a financial interest, directly or indirectly, in any contract, sale or transaction to which the City is a party and neither shall any officer or em-

ployee, or member of any board or commission, have an interest in any contract, sale or transaction to which the City is a party and which comes before said officer or employee, or member of any board or commission, or the department or office of the City with which he is connected, for official action.

Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, City official or employee, or member of any board or commission, shall be deemed to have a financial interest, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock owned by him shall amount to at least three per cent of all the stock of such corporation issued and outstanding. No City Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which he has directly or indirectly a financial interest whether as a stockholder of the corporation or otherwise. If any officer, or employee, or member of any board or commission, during the term for which he was elected or appointed, shall so vote or participate, or shall have a financial interest as aforesaid, upon conviction thereof, he shall forefeit his office.

Section 709. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated his office under the City government.

Section 710. Nepotism. The City Council shall not appoint to a paid position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall the City Administrator or any department head or other officer having appointive power appoint any relative of his or of any Councilman within such degree to any such position.

Section 711. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as the required separate bonds would provide.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employee, or the bond of the latter, unless such superior officer, or other officer or employee is a party to the act or omission, or has conspired in the wrongful act directly or indirectly causing the loss.

## Article VIII
## Appointive Boards and Commissions

Section 800. In General. There shall be the following named advisory boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may specify the number of members thereof, their terms and manner of appointment, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 801. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions. It also may by ordinance fix and establish the compensation, if any, to be paid to members of any such boards or commissions.

Section 802. Appointments. Terms. The members of each of the boards or commissions hereinafter named in this Article shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any full time paid office or employment in the City government. They shall be subject to removal by motion of the City Council adopted by the affirmative votes of a majority of the total membership thereof. The members thereof shall serve for terms of four years and until their respective successors are appointed and qualified. The terms shall be staggered so that the number of terms on any such board or commission expiring in any year shall not differ by more than one from the number of terms expiring in any other year. Such terms shall expire on June thirtieth of the appropriate year. A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired term.

Section 803. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. This section shall apply only to boards or commissions which are continued in existence under this Charter. If the membership of any board or commission is reduced or increased by this Charter, the members to be added or eliminated shall be determined by the City Council. The terms of the members of any existing board or commission shall be adjusted, if necessary, to comply with the provisions of this Charter.

Section 804. Meetings. Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of the board or commission. All meetings of said boards and commissions shall be open to the public and all persons shall be permitted to attend such meetings, except that the provisions of

this sentence shall not apply to executive sessions to consider the appointment, employment, discipline or dismissal of a public officer or employee or to hear complaints or charges against any such officer or employee.

The City Administrator shall designate a recording secretary for each of such boards and commissions who need not be a member of such board or commission, and who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations, which shall be consistent with this Charter and shall be subject to the approval of the City Council. Copies of such rules shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 805. Oaths. Affirmations. Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Section 806. Planning Commission. Powers and Duties. There shall be a Planning Commission consisting of seven members who shall have been qualified electors of the City for at least two years immediately preceding their appointment. The City Attorney, or one of his assistants or deputies, shall attend all meetings of the Planning Commission unless excused therefrom. The Planning Commission shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of a General Plan, or any part thereof, and any specific or precise plans it may deem advisable for guidance in the physical development of the City.

(b) Exercise such functions with respect to land subdivisions as shall be provided by ordinance not inconsistent with the provisions of this Charter.

(c) Exercise such functions with respect to zoning, buildings, land use, redevelopment, conservation, proposed public works, and related matters as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

(d) Perform such other functions not inconsistent with this Charter as may be delegated to it by the City Council.

Section 807. Library Board. Powers and Duties. There shall be a Library Board consisting of five members which shall be a continuation of the previously existing Board of Library Trustees, and which shall have the power and duty to:

(a) Make recommendations to the City Council as to policy concerning the operation and conduct of City libraries and all library facilities for which the City is responsible.

(b) Recommend to the City Council rules and regulations and by-laws for the administration and protection of such libraries and library facilities.

(c) Recommend to the City Council the duties and qualifications of the librarian.

(d) Make recommendations on policy concerning the acquisition, disposition, availability and use of books, journals, reports, maps, publications and other personal property.

(e) Make recommendations concerning the purchase or lease of real property and the rental or provision for adequate facilities, buildings or rooms for library purposes.

(f) Consider with the librarian the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Administrator.

(g) Within sixty days after the close of each fiscal year, report to the City Council on the work, accomplishments and condition of the libraries during the preceding fiscal year and on such other matters deemed expedient by the Library Board.

(h) Exercise such other functions not inconsistent with this Charter as may be prescribed by ordinance.

Section 808. Board of Civil Service Commissioners. Powers and Duties. There shall be a Board of Civil Service Commissioners consisting of five members, none of the members of which while a member of said board or for a period of one year after he has ceased for any reason to be a member, shall occupy or be eligible for appointment to any salaried office or employment in the service of the City. The Board of Civil Service Commissioners shall have the power and be required to:

(a) Act in an advisory capacity to the City Council and City Administrator on personnel administration.

(b) After a public hearing thereon, recommend to the City Council, the adoption, amendment or repeal of personnel rules and regulations.

(c) Make any investigation upon request of the City Council or upon its own motion concerning the administration of personnel or conditions of employment in the municipal service and report its findings to the City Council and City Administrator.

(d) Hear appeals of any officer or employee under the Civil Service System who is suspended, demoted or removed, and report in writing to the appointing power and City Council, its findings, conclusions, recommendations and decision thereon, and its decision shall be binding on the appointing or removing power.

(e) Exercise such functions with respect to personnel or the Civil Service System, not inconsistent herewith, as may be prescribed by this Charter or by ordinance.

Section 809. Board of Park Commissioners. Powers and Duties. There shall be a Board of Park Commissioners consisting of five members. The Board of Park Commissioners shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, plazas, parkways and street trees.

(b) Consider the annual budget for parks, beaches, plazas, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Administrator.

(c) Assist in the planning of parks, beaches, plazas and street trees for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities, Recreation Commission and other public and private agencies interested therein.

(d) Perform such other duties not inconsistent with this Charter as may be prescribed by ordinance.

Section 810. Recreation Commission. Powers and Duties. There shall be a Recreation Commission consisting of five members. The Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to recreation.

(b) Consider the annual budget for recreation purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.

(c) Assist in the planning of recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities, Board of Park Commissioners, and other public and private agencies interested therein.

(d) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of the Charter.

Section 811. Board of Harbor Commissioners. Powers and Duties. There shall be a Board of Harbor Commissioners consisting of five members which shall have the power and duty to:

(a) Recommend and act in an advisory capacity to the City Council in all matters pertaining to the operation of all vessels and water craft within the harbor of the City, the use, control, operation, promotion and regulation of said harbor, the construction, improvement, erection, dredging, maintenance and operation of the said harbor and all navigable waters, buildings, structures, wharves, docks, piers, warehouses, railroads, appliances, utilities and facilities forming a part of or accessory to or relating to said harbor or to water commerce, navigation or fishery in or about said harbor, as the same may now exist or may hereafter be extended.

(b) Recommend to the City Council plans, rules and regulations pertaining to any of the matters listed in (a) above, or to the fixing of rates, tolls, fees, rents, charges or other payments to be made to or by the City in connection with the said harbor or the use or operation thereof or of anything accessory thereto or connected therewith.

(c) Consider the annual budget for the harbor department during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.

(d) Make recommendations to the City Council regarding the desirable qualifications and duties of the Harbor Manager or other head of the harbor department.

(e) Make recommendations to the City Council concerning the acquisition, disposition or repair of equipment, facilities, materials and supplies relating to the harbor department.

(f) Perform such other functions or duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Section 812. Board of Airport Commissioners. Powers and Duties. There shall be a Board of Airport Commissioners consisting of five members which shall have the power and duty to:

(a) Recommend and act in an advisory capacity to the City Council in all matters pertaining to the management and operation of all the airport facilities of the City, as the same may now or hereafter exist, collectively referred to herein as the airport, including the use thereof by aircraft and surface craft or vehicles, the construction, improvement, erection, maintenance and operation of all buildings, structures, accessories, equipment, utilities, appliances, facilities, materials and supplies relating to the said airport or the operation thereof.

(b) Recommend to the City Council plans, rules and regulations pertaining to any of the matters listed in (a) above, or to the fixing of rates, tolls, fees, rents, charges or other payments to be made to or by the City in connection with said airport or the use or operation thereof or of anything accessory thereto or connected therewith.

(c) Consider the annual budget for the airport during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.

(d) Make recommendations to the City Council regarding the desirable qualifications and duties of the Airport Manager, or other head of the airport department.

(e) Make recommendations to the City Council concerning the acquisition, disposition or repair of equipment, facilities, equipment and supplies relating to the airport.

(f) Perform such other functions or duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Section 813. Board of Water Commissioners. Powers and Duties. There shall be a Board of Water Commissioners consisting of five members which shall have the power and duty to:

(a) Recommend and act in an advisory capacity to the City Council in all matters pertaining to the management, extension and operation of the water department and water facilities of the City, as the same may now or hereafter exist, including the development, production, distribution and use of water, the construction, improvement, erection, installation, maintenance

and operation of all buildings, dams, reservoirs, structures, accessories, equipment, utilities, appliances, and facilities, relating to the said water department and water facilities thereof.

(b) Recommend to the City Council plans, rules and regulations pertaining to any of the matters listed in (a) above, or to the fixing of rates, tolls, fees, rents, charges or other payments to be made to or by the City in connection with said water department or water system or the use or operation thereof or of anything accessory thereto or connected therewith including the distribution, use and consumption of water.

(c) Consider the annual budget for the water department during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.

(d) Make recommendations to the City Council regarding the desirable qualifications and duties of the Superintendent of Water Works, or other head of the water department.

(e) Make recommendations to the City Council concerning the acquisition, disposition or repair of equipment, facilities, equipment and supplies relating to the water department or water system.

(f) Perform such other functions or duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Section 814. Architectural Board of Review. Powers and Duties. There shall be an Architectural Board of Review composed of nine members. At least two members of such board shall be licensed architects, and at least three other members shall possess professional experience in related fields, including but not limited to, landscape architecture, building design, structural engineering or industrial design. The Chairman of the Planning Commission, the Planning Director and the Building Director or any of them may be ex-officio voting members of the Architectural Board of Review. Four members shall constitute a quorum, one of which shall be an architect; provided that should a quorum of regular members not be present, not more than one ex-officio member may be counted to constitute a quorum. The Board shall have the power and duty to:

(a) Review, and approve, conditionally approve, or disapprove all applications for a building permit for the erection or exterior alteration of any type, nature or kind of building, structure or sign that may be specified by ordinance as requiring such action within any area, district or zone of the City specified by ordinance. Any application for a building permit for the erection or exterior alteration of any such type, nature or kind of building, structure or sign within any such area, district or zone shall be referred to said board before issuance, together with plans, elevations and site plans therefor. Any applicant may appeal in writing to the City Council from any action or decision of the Architectural Board of Review, whereupon the City Council may approve, conditionally approve or disapprove such application, and the decision of the City

Council shall be final. No such building permit shall be issued except in accordance with the approval of the Architectural Board of Review, or on appeal, of the City Council. The City Council shall, by ordinance consistent with this Charter, implement the provisions of this section.

(b) Consider and be guided by in approving, conditionally approving or disapproving any such application or permit, the protection and preservation as nearly as is practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past.

(c) Perform such other functions or duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Section 815. Board of Fire and Police Pension Commmissioners. Powers and Duties.

See Section 1101 of this Charter.

Section 816. Board of Fire and Police Commissioners. Powers and Duties. There shall be a Board of Fire and Police Commissioners composed of five members. The Board of Fire and Police Commissioners shall have the following powers and duties:

(a) Act in an advisory capacity to the City Council and City Administrator in all matters relating to efficient and adequate fire and police protection for the City of Santa Barbara.

(b) Recommend to the City Council and City Administrator rules and regulations concerning the operation and conduct of the Fire and Police Departments.

(c) Consider with the Chiefs of the respective Fire and Police Departments an annual budget of such departments and make recommendations with respect thereto to the City Council and City Administrator.

(d) Recommend to the City Administrator and City Council appointments to the offices of Fire Chief and Chief of Police.

(e) Exercise such other functions, powers and duties not inconsistent with this charter as may be prescribed by ordinance.

## Article IX
## Board of Education

Section 900. State Law Governs. The manner in which, the times at which, and the terms for which the members of the Board of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute such board shall be as now or hereafter prescribed by the Education Code of the State of California.

Section 901. Effect of Charter on District. The adoption of this Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school district within the City or of which the City comprises a part.

## Article X
## Civil Service System

Section 1000. System Established. There is hereby established a civil service system for the selection, employment, classification, advancement, demotion, suspension, discharge and handling of grievances of those appointive officers and employees who shall be included in Classified Service. The system shall consist of the establishment of minimum standards of employment and qualifications for the various classes of employment and procedures to be followed in advancement, demotion, suspension and discharge of employees included within the system, as the City Council shall determine to be for the best interests of the public service. The system shall comply with all provisions of this Charter, and the City Council shall implement the same by ordinance, rules and regulations consistant with the provisions of this Charter.

Section 1001. Unclassified and Classified Service. The service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall include the following officers and positions:

1. All elective officers;

2. City Administrator; Assistant City Administrator, if any, one private secretary to the City Administrator; City Attorney; Assistant City Attorney, if any; one private secretary to the City Attorney; City Clerk; City Treasurer; and all department heads;

3. All members of boards and commissions;

4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not longer than six months in any one calendar year;

5. Persons retained by contract and not as employees to render professional, scientific, technical or expert service;

6 Persons who render part-time service without pay or who are paid on an hourly or per diem basis; and

7. Any new classification hereafter created by the City Council unless declared to be Classified at the time of creation or thereafter.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service

Section 1002. Appointments Merit Principle. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with the provisions of any ordinance not inconsistent with the provisions of this Charter or by transfer, demotion or reinstatement.

Section 1003. Preparation of Eligible Lists. Eligible lists shall be prepared from examinations of applicants for positions in the Classified Service which examinations shall be practical, impartial and relate to those matters which fairly

test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

Section 1004. Probationary Period. All original and promotional appointments to positions in the Classified Service shall be for a probationary period of one year, during which the employee may be rejected by the appointing power, without assigning reasons therefor and without a hearing. The name of the dismissed probationer may at his request be restored to the eligible list with its original percentage in the discretion of the Board of Civil Service Commissioners. Such restoration, however, shall not permit the certification to the position or department from which the probationer has been dismissed, except on the written request of the appointing power. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he had been promoted, unless charges are filed against him and he is dismissed as provided in this Charter.

Section 1005. Status of Present Personnel Any person holding a position or employment included by this Charter in the Classified Service who, on the effective date of this Charter:

(a) Shall have attained regular or probationary status under the existing civil service system, shall retain such status in the Classified Service under this Charter.

(b) Shall have served continuously in such position for a period of one year, shall assume permanent classified status in such position without test or examination.

(c) Shall have served in such position for less than one year continuously, shall assume probationary status in such position without test or examination retroactive to the date of appointment or employment in such position.

Section 1006. Appointments from Classified Service. In the event any officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should thereafter be removed or resign therefrom, he shall revert to his former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously, unless charges are filed against him and he is demoted or dismissed as provided in this Charter

Section 1007. Suspension, Demotion and Dismissal. Every person holding an office or position in the Classified Service who shall have completed the probationary period therein shall be entitled to retain his office or position during good behavior so long as it exists under the same or a different title, subject, however, to suspension, demotion or dismissal as in this section provided. Any such person may be suspended, demoted or dismissed by the appointing power, subject to the provisions of this Charter, for incompetence, habitual intemperance, immoral conduct, insubordination, repeated discourteous treatment of the public or fellow employees, dishonesty, conviction of a felony, inattention to duties, engaging in pro-

hibited political activity, acts inimical to the public service, physical or mental incompetency, or other ground of penalty or forfeiture specified by the Constitution or by this Charter.

Any such person who is suspended, demoted or dismissed shall be entitled to receive upon his request, at the office of the board or officer taking such action, a written statement in which shall be separately stated each of the charges against him upon which such suspension, demotion or dismissal is based, a copy of which statement shall be furnished to the City Clerk for delivery to the Board of Civil Service Commissioners. Such statement shall be specific as to time, place and circumstances and shall be furnished to him within three working days after his request therefor, which request must be filed within five working days after he has been notified of such suspension, demotion or dismissal. He shall have ten days after receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

In his answer, or otherwise if no statement of charges has been made available to him as required, such person may request a hearing by the Board of Civil Service Commissioners to review such suspension, demotion or dismissal. Such answer, or request for a hearing, shall be filed in the office of the City Clerk for delivery to the said Board. A public hearing shall be called and held on the matter by said Board within twenty days and written notice of the time and place thereof shall be given to the employee in person or by mail at least ten days before the hearing. Such employee shall be given the opportunity at such hearing to be heard in his defense in person or by counsel. Hearings may be conducted informally and the legal rules of evidence need not apply.

The Board shall make written findings which shall state as to each charge whether or not such charge is sustained. Such Board shall also set forth in writing its conclusions and recommendations based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions, recommendations and its decision based thereon to the board or officer from whose action the appeal was taken, and to the City Administrator and City Council. The same shall also be available to the public.

The decision of the Board shall affirm, modify or rescind the action taken as in its judgment shall seem warranted by the evidence and by the applicable provisions of this Charter and any ordinance, rules or regulations adopted hereunder; and such decision shall be final and conclusive.

Where an appeal is taken to the Board from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Board and may be filled only by a temporary appointment.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

Nothing in this section shall restrict the right to make bona-fide reductions in force or to enact legislation requiring retirement for disability or age.

As used in this Charter, the words dismiss, remove and discharge, in all their forms and tenses, shall be synonymous and interchangeable.

Section 1008. Abolition of Position. Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may, subject to the provisions of this Charter, abolish any position or employment in the Classified Service and thereby reduce the personnel by laying off employees without the filing of written charges and without the right of appeal. In reducing said personnel and laying off any employee through the abolition of position, the City Council shall observe the seniority rule. The name of each employee so laid off shall be placed at the top of the appropriate eligible list. Any later reinstatement to such position shall be in order of seniority, and no new applicant for any such position shall be employed for a period of two years thereafter if there remains on the eligible list the name of any employee so laid off who is willing to accept reinstatement.

Section 1009. Solicitation of Contributions. No officer under the government of the City and no candidate for any City office shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, for any City political purpose whatever, from anyone on the employment lists or holding any position under the provisions of this Article.

Section 1010. Implementation by Ordinance. The City Council may, by ordinance not inconsistent with the provisions of this Charter, establish, and from time to time amend, adequate provisions for the functionings of the Civil Service System.

## Article XI
## Retirement and Pensions

Section 1100. State Retirement System. Authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the State Employees' Retirement System All eligible "local safety members" and all eligible appointive, full time City employees, except those who are members of the pension system mentioned in Section 1101 of this Charter, shall be members of the State Employees' Retirement System unless and until the contract is terminated as hereinafter provided. The City Council shall provide for the voluntary transfer of members of said pension

system mentioned in Section 1101 to the State Employees' Retirement System and shall prescribe the methods, terms, conditions qualifications and requirements for such transfer consistent with the provisions of this Charter and with any present or future contract with the Board of Administration of the State Employees' Retirement System.

The City Council may terminate any contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City voting on such proposition at an election at which such proposal is presented.

Section 1101. Continuance of Present Pension System. Nothing contained in this Article shall be deemed or construed to impair or detract from, in any manner whatsoever, the continued and full enjoyment of all vested rights, privileges and benefits and the continuance of all provisions of the pension system provided for in Article XV-A and other provisions of the immediately preceding Charter of the City as amended to the effective date of this Charter, as to all present and existing members and beneficiaries of said system as of the effective date of this Charter; provided, however, that no new or additional members shall thereafter be added to or included in said pension system.

Wherever in said pension system, reference is made to the "Board of Police and Fire Commissioners", the same shall be deemed to refer to the appointing power under this Charter. The Board of Fire and Police Pension Commissioners, established by said Charter as so amended shall continue to exist, function and operate and new members be appointed thereto as therein provided until, and only until, such time as there shall no longer be any member or beneficiary of said system in existence, whereupon said pension system and said Board of Fire and Police Pension Commissioners shall terminate.

Notwithstanding the provisions of said preceding Charter, the Board of Fire and Police Pension Commissioners may invest any funds placed under its jurisdiction for investment pursuant to said Article XV-A of said preceding Charter in any securities or assets in which the funds of the State Employees' Retirement System may lawfully be invested at the time of such investment, subject, however, to all conditions, limitations and requirements imposed by law upon the investment of such funds of the State Employees' Retirement System at such time.

## Article XII
## Fiscal Administration

Section 1200. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 1201. Annual Budget, Preparation by the City Administrator. At such date as the City Administrator shall determine, each board or commission and each department

head shall furnish to the City Administrator, personally, or through the Director of Finance, estimates of revenue and expenditures for his department or for such board or commission for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Administrator. In preparing the proposed budget, the City Administrator shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as he may deem advisable.

Section 1202. Budget. Submission to City Council. At least thirty days prior to the beginning of each fiscal year, the City Administrator shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1203. Budget. Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1204. Budget. Revision and Adoption. At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 by resolution it shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Copies thereof, certified by the City Clerk, shall be filed with the City Administrator, Director of Finance, City Treasurer, and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1205. Budgets, Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named, provided, however, that the Director of Finance with the approval of the City Administrator may authorize the transfer of funds from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the fiscal

year to the extent that they shall not have been expended or lawfully encumbered.

At any public meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least a majority of the total members of the City Council.

Section 1206. Centralized Purchasing. Under the control and direction of the City Administrator there shall be established a centralized purchasing system for all City departments and agencies, except as otherwise provided in this Charter. The City Administrator shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing, and distribution of all supplies, materials and equipment required by any office, department or agency of the City government.

Section 1207. Tax Limits.

(a) The City Council shall not levy a property tax for municipal purposes in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this Section, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

It is recognized that the County Assessment Rolls for the fiscal year 1966–1967 represent an assessed valuation substantially less than the similar Assessment Rolls of the City and that an adjustment in the rate hereinbefore provided is necessary to assure the receipt by the City of substantially the same amount of revenue as would have been received by the use of the City Assessment Rolls for the same period. Therefore, notwithstanding the foregoing provisions of Section 1207(a), and provided that the City utilizes the services of the County in the assessment and collection of such taxes as are authorized by any applicable provisions of the General Law of the State, then, and in that event the City Council may levy a rate of tax for any purpose up to an amount that exceeds such $1.00 per $100.00 rate in the proportion that the total assessed valuation on the entire City Roll used in the fiscal year 1966–1967 exceeded the total assessed valuation of the property within the City on the entire County Roll for the same fiscal year.

(b) There shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes not subject to the above limitation, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest on all bonds and judgments due and un-

paid, or to become due during the ensuing fiscal year, which constitute general obligations of the City.

Section 1208. Tax Procedure. The procedure for the assessment, levy and collection of ad valorem taxes upon property taxable for municipal purposes shall be prescribed by ordinance of the City Council, utilizing the services of the County in the assessment and collection of such taxes as authorized by any applicable provisions of the General Law of the State, but subject to the limitation contained in this Charter.

If the City Council fails to fix the rate and levy taxes on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 1209. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of ten percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 1210. Revenue Bonds. Bonds which are payable only and solely out of such revenues, other than taxes, as may be specified in such bonds and produced or contributed to by the improvement financed by said bonds may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable only out of such revenues, shall not constitute an indebtedness or general obligation of the City within the meaning of Section 1209. No such bonds payable out of revenues shall be issued without the assent of a majority of the voters voting upon the proposition for issuing the same at an election at which such proposition shall have been duly submitted to the qualified electors of the City.

It shall be competent for the City to make contracts and covenants for the benefit of the holders of any such bonds payable only from revenues and which shall not constitute a general obligation of the City for the establishment of a fund or funds, for the maintaining of adequate rates or charges, for restrictions upon further indebtedness payable out of the same fund or revenues, for restrictions upon transfer out of such fund, and other appropriate covenants. Money placed in any such special fund for the payment of principal and/or interest on any issue of such bonds or to assure the application thereof to a specific purpose shall not be expended for any other purpose whatever except for the purpose for which such special funds was established and shall be deemed segregated

from all other funds of the City and reserved exclusively for the purpose for which such special fund was established until the purpose of its establishment shall have been fully accomplished.

Section 1211. Salaries. Annual Adjustment. The City Council shall annually by ordinance or resolution effective on the first day of July of each year adjust the salary schedules and rates of all the officers and employees of the City, other than the City Council, in accordance with the average annual rate of change, if any, during the preceding calendar year as set forth in the survey of the State of California, Department of Industrial Relations, Division of Labor Statistics and Research, annual average of Average Hourly Earning of Production and Related Workers in Manufacturing for that geographical division of the State which includes the City, or any succeeding survey serving substantially the same purpose which may replace said survey above mentioned in case such survey is ever discontinued as follows:

If there has been no change in said annual average hourly earnings as set forth in said survey for the next preceding calendar year as compared to the calendar year immediately preceding that, no change in salary schedules or rates is required.

If there has been an increase in said annual average hourly earnings during the next preceding calendar year as shown by such survey, then the adjustment shall be an increase in all salary schedules and rates at least as great as the percentage of change in the said average hourly earnings during the next preceding calendar year over the calendar year immediately preceding that as shown by the said surveys for such years.

If there has been a decrease in said annual average hourly earnings during the next preceding calendar year as shown by such survey, then no adjustment need be made, but any decrease that is made in any salary schedules or rates shall not exceed the percentage of decrease in the said average hourly earnings during the next preceding calendar year as compared to the calendar year immediately preceding that as shown by the said surveys for such years.

Notwithstanding the foregoing provisions of this Section: (1) when the functions, duties, demands or responsibilities of a position or classification are substantially changed, (2) when a sufficient number of applicants for a class or position is not available, (3) when the ability, capabilities, background or experience of the occupant of an office or position are substantially different from those of the previous occupant, or (4) when a new position is created, the City Council may change and establish the salary for any such office, position or classification so as to be fair and just and compatible with the facts, circumstances and considerations as above set forth. Salary schedules or rates shall not be changed except in accordance with this Section.

Section 1212. Contingency Fund. The City Council may maintain a revolving fund, to be known as the "Contingency Fund", for the purpose of placing the payment of running expenses of the City on a cash basis. A balance may be built up in this fund from any available sources, other than funds which are by law or this Charter restricted to a particular use, in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of sufficient revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All money so transferred from the Contingency Fund shall be returned thereto before the end of the fiscal year.

Section 1213. Capital Outlays Fund. A fund for capital outlays generally is hereby created, to be known as the "Capital Outlays Fund" and to be a continuation of any existing Capital Outlays Fund. The City Council may create by ordinance a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended and unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Section 1214. Treasurer's Departmental Trust Fund. The City Council may prescribe by ordinance for the setting up of a Treasurer's Departmental Trust Fund into which the collections of or deposits with the police department, license collector, building official and other officers and departments authorized to make collections or receive deposits may be deposited at frequent intervals each month, with advice of each

deposit being furnished to the City Treasurer and Director of Finance. The City Treasurer shall make withdrawals from such a fund only on order signed by the Director of Finance and for the following purposes:

(a) Making a refund of refundable deposits when such refund is legally due from the City.

(b) Revolving fund advances authorized by the City Council.

(c) Correction of clerical or ministerial errors in the receipt of payments to the City.

(d) Making settlements with City funds at the end of each calendar month for collections or deposits accumulated during the month.

Section 1215. Other Funds The City Council may establish by ordinance such other funds, not inconsistent with the provisions of this Charter, as it may consider appropriate or desirable.

Section 1216. Claims and Demands. Presentation and Payment. Procedures prescribed by the State Legislature governing the presentation, consideration and enforcement of claims against chartered cities or against officers, agents and employees thereof shall apply to the presentation, consideration and enforcement of claims against the City.

In the absence of applicable procedures prescribed by the State Legislature, and to the extent that the same are not inconsistent therewith, the following provisions of this Section shall govern the presentation, processing and payment of all claims and demands against the City.

All claims for damages against the City must be presented in writing to the City Clerk within one hundred days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance within one hundred days after the last item of the account or claim accrued. The Director of Finance shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise he shall reject it. Objections of the Director of Finance may be overruled by the City Council and the warrant ordered drawn. The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Administrator. If a demand is for an item included within an approved budget appropriation, it shall require the ap-

proval of the City Administrator before payment; otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Administrator to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, shall approve or reject the demand in whole or in part.

Section 1217. Actions Against City. No suit shall be brought for money or damages against the City or any board, commission or officer thereof on any cause of action for which this Charter or the general law requires a claim to be presented, until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within forty-five days from the day the same is presented shall be deemed a rejection thereof.

Section 1218. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Section 1219. Independent Audit. The City Council shall employ at the beginning of each fiscal year, an independent certified public accountant who shall, at such time or times as may be specified by the City Council, at least annually, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, control, handle or disburse public funds and of all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Administrator, Director of Finance, Treasurer, and City Attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

## Article XIII
## Elections

Section 1300. General Municipal Elections. General municipal elections for the election of officers, and for such other purposes as the City Council may prescribe shall be held in the City on the third Tuesday in April in each odd numbered

year. The first such general municipal election shall be held on the third Tuesday in April, 1969.

Section 1301. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Section 1302. Procedure for Holding Elections. All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter, provided, however, that in the case of the first election held under this Charter, the time for filing nomination papers and for publishing notice of election is extended until the fortieth day prior to the said election.

Section 1303. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

## Article XIV
## Franchises

Section 1400. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, wharves, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Section 1401. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is pro-

posed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty nor more than sixty days after the passage of said resolution.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Section 1402. Terms of Franchise. Every franchise shall state the term for which it is granted, which shall not exceed forty years.

Section 1403. Grant to be in Lieu of all Other Franchises. Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and con-

ditions imposed in the grant or by procedural ordinance and by this Charter.

Section 1404. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Section 1405. Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers and employees from any and all liability for damages proximately resulting from any operations under such franchise and provide such insurance and/or bond as the City Council may require.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or elevated transit facilities, or by the construction or improvement of any public property or facility, or if the public health, comfort, welfare, convenience, or safety so demands.

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Section 1406. Exercising Rights Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

## Article XV
## Miscellaneous

Section 1500. Production of Oil, Gas, Etc. It is hereby declared to be the policy of the City that oil drilling, explora-

tion or prospecting for oil, gas or other hydrocarbon substances, and operations incidental thereto within the municipal limits, are inimical to the basic residential and historical character of the City, and constitute a nuisance. It shall be unlawful for any person, firm or corporation, whether as principal, agent, employee or otherwise, to explore for, prospect for, or drill for, or to permit or to commence the exploration, prospecting or drilling for oil, gas or other hydrocarbon substances within the corporate limits of the City. Any such activity shall be deemed to constitute a nuisance and shall also constitute a violation of this Charter.

Section 1501. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Santa Barbara and "department",, "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Santa Barbara.

(c) "County" is the County of Santa Barbara.

(d) "State" is the State of California.

(e) The masculine includes the feminine and the feminine includes the masculine.

(f) The singular includes the plural and the plural the singular.

(g) "Person" includes firm and corporation.

Section 1502. Violations. The violation of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment; and each day that any such violation continues shall constitute a separate violation.

Section 1503. Validity. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 1504. Annexation, Residence Requirement. In the case where property is annexed to the City, all residence requirements for election or appointment to an office in the city government elsewhere contained in this charter shall be deemed met if the person elected or appointed has resided in the area annexed, or in the area annexed and in the city, for the required period of residence prior to his election or appointment.

Section 1505. Annexation, Elector Requirement. In the case where property is annexed to the City, any requirement elsewhere contained in this charter that a person be a qualified elector of the City for a period of time prior to his election or appointment to an office in the City government shall be deemed met if the person was a qualified elector of the area

annexed, or of the area annexed and of the City, for the required period of time prior to his election or appointment.

State of California
County of Santa Barbara } ss.
City of Santa Barbara

I, Robert W. Hutton, City Clerk of the City of Santa Barbara, do hereby certify that the attached charter identified as "Proposed Charter of the City of Santa Barbara—Proposed by the Santa Barbara City Council—May 2, 1967" is an exact copy of the charter presented to the electors of the City of Santa Barbara for adoption as "Proposition A", at a general municipal election held in said City on May 2, 1967.

ROBERT W. HUTTON
May 12, 1967
W. DON MACGILLIVRAY
Mayor of the City of
Santa Barbara

(SEAL)

Attest:
ROBERT W. HUTTON
City Clerk of the City of
Santa Barbara
Dated: May 11, 1967

and

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, The Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the Charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, as the Charter of the City of Santa Barbara.

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## CHAPTER 92

*Assembly Concurrent Resolution No. 100—Relative to the death of Grace S. Mullen.*

[Filed with Secretary of State June 6, 1967.]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Assembly of the State of California

learned of the death of Mrs. Grace S. Mullen, the distinguished Redlands patroness of music, who died May 19th at the age of 91 years; and

WHEREAS, Mrs. Mullen, whose name is virtually synonymous with the Redlands Bowl which she founded in 1923, was known as Mrs. Music to all who came to love and admire her for the many hours of pleasure her music brought to their lives; and

WHEREAS, Born on a farm near Sparta, Tennessee, she was first trained as a teacher and taught at a country school near Fillmore after coming to California in 1902 and later taught at Whittier; and

WHEREAS, On a visit home in 1904, she met George Emmett Mullen, whose family had been friends of hers for years, and they were married on August 16, 1905; and

WHEREAS, This courageous patroness of music did not allow personal misfortune or the disaster of a national depression sway her from her goal of constantly improving the Redlands Bowl when she first started presenting the musical attractions which were to become known throughout the world as one of the most unique summer music projects; and

WHEREAS, It was through her perseverance that the Redlands Bowl achieved its well deserved recognition, and without her steady guidance and efforts the world might not have been blessed with this extraordinary project; and

WHEREAS, Her love of music led her to work long and hard to make it possible for all people to have the advantages of hearing, no matter what their financial circumstances, by offering fine musical programs without any admission charge, relying on contributions from those who could better afford the costs of such excellent music; and

WHEREAS, In later years many came to recognize and appreciate her exceptional efforts and began to aid her, though she remained the dominant figure, exercising a sure and steady guidance, constantly full of good cheer and well wishes for others; and

WHEREAS, Among the many honors accorded the gracious and charming Mrs. Mullen were: She was presented an honorary doctorate by the University of Redlands in 1961; she was the first recipient of The Grail Award in 1930 for outstanding service by the Redlands Roundtable; she was made an honorary member of the Contemporary Club; and she was named "Woman of the Year" in 1961 by the Redlands Soroptimist Club; and

WHEREAS, Her contributions to the world of music, which will best be testified to by the notable achievements made at the Redlands Bowl, will never be forgotten; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Members of the Assembly do hereby extend their sincere condolences upon the death of Mrs. Grace S. Mullen to her bereaved family and friends; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit suitably prepared copies of this resolution to Mrs. Mullen's daughter, Mrs. Peter Yates, and to the Redlands Community Music Association.

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## CHAPTER 93

*Senate Concurrent Resolution No. 57—Approving amendments to the Charter of the City of Monterey, a municipal corporation of the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a municipal election held therein on the eighth day of May 1967.*

[Filed with Secretary of State June 8, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Monterey, a municipal corporation of the County of Monterey, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF MONTEREY AT A MUNICIPAL ELECTION HELD ON THE 8TH DAY OF MAY, ONE THOUSAND NINE HUNDRED AND SIXTY-SEVEN, OF AMENDMENTS TO THE CHARTER OF THE CITY OF MONTEREY, COUNTY OF MONTEREY, STATE OF CALIFORNIA

State of California }
County of Monterey }
City of Monterey }

We, Minnie D. Coyle, Mayor of the City of Monterey, and George W. Smith, City Clerk of the City of Monterey, do hereby certify as follows:

That the City of Monterey, in the County of Monterey, State of California, is now and was at all times herein mentioned, a City containing more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That the City of Monterey is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Municipal Election held therein on the 9th day of March, 1925, and approved by the Legislature of the State of California (Statutes 1927, Chapter 32, Page 1292) and by Resolution of the Legislature filed with the Secretary of State

of the State of California on the 27th day of March, 1925 (Statutes 1927, Chapter 32, Page 1292); and

Pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, the legislative body of the City, namely the City Council, of said City did, on its own motion and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, propose to the electors of the City of Monterey certain amendments to the Charter of said City, and ordered that the amendments be submitted to said electors of said City at a Municipal Election to be held in said City on the 8th day of May, 1967; and

That said proposed amendments were, commencing on the 14th day of March, 1967 through March 24th, 1967, duly published in the Monterey Peninsula Herald, a newspaper of general circulation published in the City of Monterey, and the official newspaper designated by said City Council for that purpose, and in each edition thereof; and

That the City Council did by Resolution designated as Resolution No. 10,744 C.S., which was adopted on the 7th day of March, 1967, call for and give notice of a Municipal Election in the City of Monterey on the 8th day of May, 1967, which date was more than forty (40) days and less than sixty (60) days after completion of the publication of said proposed amendments to the Charter of the City of Monterey as aforesaid; and

That said Municipal Election was held in the said City of Monterey on the 8th day of May, 1967, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said Monterey Peninsula Herald as aforesaid; and

That at said Municipal Election held as aforesaid, on the 8th day of May, 1967, a majority of the voters voted in favor of the proposed amendments, as hereinafter set forth, to the Charter of the City of Monterey and duly ratified the same; and

That said returns were duly canvassed and certified by the Clerk of the City of Monterey in the time and manner as required by law, and

That said amendments to the Charter of the City of Monterey, adopted and ratified by the qualified electors of said City are in words and figures as follows:

## Charter Amendment No. 1

Section 5 is amended to read as follows:

"Section 5. ELECTIONS: General municipal elections shall be held in said city on the second Tuesday in May of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in cities of the sixth class, so far as the same may be

applicable and except as herein otherwise provided. The first general election in said city under this charter shall be held on the second Monday in May, 1925. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections, and shall be held substantially as in this charter provided for general municipal elections; provided, however, that special elections to authorize any municipal or local public improvement, or levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the Council, in cases such general law provides for the procedure and manner of holding elections thereunder."

Charter Amendment No. 2

Section 6 is amended to read as follows:

"Section 6. CANVASS OF RETURNS: The Council of said city shall meet at its usual meeting place on the first Tuesday after any municipal election, duly canvass the returns and declare the results thereof, and install the newly elected officers, if any."

Charter Amendment No. 3

Section 10 is amended to read as follows:

"Section 10. THE MAYOR: A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Tuesday next succeeding the day of such election, and until his successor is elected and qualified, commencing with the first general municipal election held under the provisions of this charter. The Mayor shall receive no compensation and shall be ineligible to hold any other office or employment with the city, except as a member of any board, commission, or committee, thereto of which he is constituted such member by general law.

"The Mayor shall be the executive head of the city. In case of riot, insurrection, or extraordinary emergency, he shall assume general control of the city government and all of its branches, and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all legal instruments and documents to which the city is a party, except where otherwise provided herein or by general law. He shall represent the city in all ceremonial functions of a patriotic or social character when it appears to him desirable that the city be officially represented thereat, and shall, consistent with the provisions hereof, possess such other powers and perform such other duties, as may be prescribed by this charter, by law, by ordinance, or by resolution of the Council.

"During the temporary absence or disability of the Mayor, the Council shall choose one of its members to act as Mayor pro-tempore who shall, during such absence or disability only,

exercise the powers and perform the duties of the Mayor. In case of a vacancy in the office of Mayor, a Mayor pro-tempore, chosen as aforesaid, shall act as such Mayor until the vacancy in said office is filled as provided in this charter."

Charter Amendment No. 4

Section 11 is amended to read as follows:

"Section 11. THE COUNCIL: The Council shall be comprised of the Mayor and said four Councilmen, and shall be the legislative body of the city, each of the members of which, including the Mayor, shall have the right to vote upon all questions coming before it.

"Two Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified; provided, however, that four Councilmen shall be elected at the first general municipal election held under the provisions of this charter. The two Councilmen receiving the highest number of votes at said first election shall hold office for the full term of four years each, and the remaining two Councilmen elected thereat shall hold office for the term of two years each, from and after the Monday next succeeding the second Monday in May, 1925, and until their successors are elected and qualified.

"The Councilmen shall receive no compensation, and no Councilman shall be eligible to hold any other office or employment with the city, except as a member of any board, commission, or committee thereof, of which he is constituted such member by general law.

"All powers granted to and vested in the City of Monterey by law or by the provisions of this charter shall, except as herein otherwise provided, be exercised by the Council, to be designated the "Council of the City of Monterey". The Council shall be the governing body of the city, and subject to the express limitations of this charter, shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state, including all powers now or hereafter granted by general law to boards of trustees of cities of the sixth class."

Charter Amendment No. 5

Section 15 is amended to read as follows:

"Section 15. LEGISLATIONS: The Council shall act in legislative matters by ordinance or resolution only. Other actions of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order.

"The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any member

of the Council the ayes and noes shall be taken and recorded upon any vote. All members at any meeting must vote.

"No ordinance or resolution shall be passed without receiving the affirmative vote of at least three members of the Council.

"Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

"The ordaining clause of all ordinances adopted by the Council shall be, 'The Council of the City of Monterey does ordain as follows:' The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, 'The People of the City of Monterey do ordain as follows:'.

"No ordinance shall be passed by the Council on the day of its introduction, or within five (5) days thereafter, or at any time other than a regular or adjourned regular meeting, or until its publication at least once in the official newspaper of the City at least three (3) days before its adoption. In the case of an ordinance being amended before its final adoption, and after its publication, it shall in like manner be republished in full as amended, at least one day before its adoption, as amended, provided however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinance need not be republished. Each ordinance shall be read in full at a regular or adjourned regular meeting of the Council at least once prior to its adoption. An ordinance once read at a regular adjourned regular meeting need not be reread prior to its adoption, only the amended portions must be read.

"The Council may, on affirmative vote of four (4) of its members, waive the reading of any ordinance, except emergency ordinances, either in whole or in part.

"An ordinance shall take effect thirty (30) days after its final passage except an ordinance shall take effect immediately, if it is an ordinance:

"(a) Relating to an election.

"(b) For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council.

"(c) Relating to street improvement proceedings.

"(d) Relating to taxes for the usual and current expenses of the city.

"(e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

"Except as otherwise provided by general law, or by this charter, no action providing for any specific public improvement or for the appropriation or expenditure of public money, in any amount over two thousand five hundred dollars ($2,500.00) or for the acquisition, sale, lease, encumberancing, or disposition of any real property of the city, or any interest

therein, or for the purpose of levying any tax or assessment, or the granting of any franchise, or for the establishing or changing of fire limits, or for the imposing of any penalty, shall be taken except by ordinance.

"No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted; or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

"All ordinances shall be signed by the Mayor and attested by the City Clerk."

Charter Amendment No. 6

Section 41 is amended to read as follows:

"Section 41. CONTRACT WORK: In the erection, improvement and repair of all public works and in furnishing supplies, labor or materials for the same, or for other use or purpose, when the expenditure required for the same shall exceed the sum of two thousand and five hundred dollars ($2,500.00), the same shall be awarded by contract, and shall be let, by the Council to the lowest responsible bidder, after notice by publication in the official newspaper, and security for due execution and performance of any such contract may be required of the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

"Provided, that the Council may reject any and all bids presented, and may in its discretion, re-advertise for other bids.

"Provided, further, that after rejecting any and all bids, the Council may determine and declare by a four-fifths vote of all of its members, that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

"Provided, further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may by resolution, passed by a vote of four-fifths of all members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed, without advertising for bids, or receiving the same, to expend or enter into a contract involv-

ing the expenditure of any sum required in such emergency, on hand in the city treasury and available for such purpose; and

"Provided, further, the Mayor or Mayor pro-tempore is empowered to make immediate expenditures of public moneys, or to contract on behalf of the City for materials or services necessary to safeguard life or property, whenever the Governor of the State of California, the President of the United States, or other designated State or Federal authorities have declared the City, or an area in which the City is included, to be a disaster area, or said persons have declared a state of emergency to exist, or other similar designation."

Charter Amendment No. 7

Section 22-A (1) is amended to read as follows:

"Section 22-A (1) APPOINTMENT OF OFFICERS AND EMPLOYEES:

"(1) The Council shall appoint by affirmative vote of three of its members the City Manager and Auditor.

"(2) The Mayor shall appoint, subject to confirmation by the affirmative vote of three members of the Council, all members of municipal boards, commissions, or committees, except advisory committees to the City Manager.

"(3) Officers appointed by the Council may appoint their own deputies when the same are necessary; subject however, to confirmation by the Council.

"(4) The City Manager shall appoint all other officers and employees of the City, except as otherwise herein provided."

Charter Amendment No. 7

Section 26 is amended to read as follows:

"Section 26. CITY CLERK AND EX-OFFICIO ASSESSOR: The City Clerk shall be ex-officio Assessor of the city, and Clerk of the Council and of the Board of Equalization thereof. His salary as such shall be fixed by ordinance. The Office of Deputy City Clerk is hereby created, which shall be filled by appointment by the City Manager, and at his pleasure such Deputy City Clerk may be removed therefrom. Such deputy shall possess the powers and shall perform the duties of the City Clerk, subordinate to the principal of the office. The salary of such deputy shall be fixed by ordinance.

"It shall be the duty of the City Clerk to attend all sessions of the Council and the Board of Equalization, and to keep a full and correct record of the proceedings of each of said bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council", and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization". He shall keep a book, or books, marked "City Ordinances" into which he shall copy all city ordinances certifying that each such copy is a full and

correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prime facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissable as such evidence in any court or proceeding. Such record shall not be filed, but shall be returned to the custody of the City Clerk. He shall also keep a book, or books, marked "Resolutions" into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions, shall be adequately and comprehensively indexed. He shall conduct promptly, and keep a systematic record of all correspondence between the Council and third parties relating to city business.

"He shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

"It shall be the duty of the City Clerk, as ex-officio Assessor, between the first Monday in March and the first Monday of August of each year, to assess all taxable property, within the City of Monterey, at the time and in the manner prescribed by the general laws of the State, except as may be otherwise provided by ordinance. Prior to the first Monday in August of each year he shall make out a list of all taxable property within the city, which list shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such list by ordinance. The Assessor shall verify such list by his oath and deposit the same with the auditor on or before the first Monday of August of each year. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this charter, as may be prescribed by ordinance."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said city, and find and certify that all of said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Monterey to be affixed hereto this 22nd day of May, 1967.

(SEAL)

MINNIE D. COYLE
Mayor of the City of Monterey
GEORGE W. SMITH
City Clerk of the City of Monterey

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration

or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Monterey as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of, the City of Monterey.

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## CHAPTER 94

*Assembly Concurrent Resolution No. 101—Relative to Fraternal Week, June 11 to June 17.*

[Filed with Secretary of State June 15, 1967.]

WHEREAS, The president of the National Fraternal Congress of America, an affiliation of some one hundred fraternal organizations and ten million members, has proclaimed June 11 to June 17, 1967, as Fraternal Week; and

WHEREAS, The Fraternal Benefit System, through its lodges in every community, performs many charitable, beneficial, patriotic and benevolent activities; and

WHEREAS, These local lodges and members in their civic and patriotic projects, render high service to our state and nation —for example—"Blood for Brotherhood" program; and

WHEREAS, The fraternal benefit societies proclaim their patriotism through special observances of Flag Day, June 14th, and are a part of the National Flag Day Foundation, an organization devoted to keeping alive the memory of Dr. Bernard J. Cigrand, the "father" of Flag Day, through the maintenance of the schoolhouse in Fredonia, Wisconsin, where in 1885 he held the first known Flag Day observance to honor the Flag of the United States of America; and

WHEREAS, The National Fraternal Congress of America has long chosen the dates of Fraternal Week to include Flag Day; and

WHEREAS, The president and executive committee of the National Fraternal Congress of America have called upon all leaders of societies and lodges comprising the entire Fraternal Benefit System and its ten million members to fully apprise all the people of the ideals and objectives of the Fraternal Benefit System, and to unite in observance of Fraternal Week; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members request the Governor to proclaim the week of June 11 to June 17, 1967, as Fraternal Week; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Governor of the State of California and to Mr. Glen M. Rose, Chairman, Public Relations Committee, National Fraternal Congress of America.

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## CHAPTER 95

### *Senate Concurrent Resolution No. 60—Relative to June 1967, Apprenticeship Month.*

[Filed with Secretary of State June 20, 1967.]

WHEREAS, California is historically dedicated to the technical training of its young generations; and

WHEREAS, The bipartisan Shelley-Maloney Apprentice Labor Standards Act of 1939 brought both labor and business together to train California's youth through apprenticeship in the technical skills vital to California's economy; and

WHEREAS, The California Apprenticeship Council, recognizing the need for citizen participation in government programming, has enlisted the aid of labor and management and citizen groups to form joint apprenticeship committees to administer the apprenticeship program; and

WHEREAS, The related California agencies in education and employment have established liaison with their counterparts in U.S. government agencies to further foster and promote apprenticeship training; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Governor is requested to proclaim June 1967 as June Apprenticeship Month; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit a suitably prepared copy of this resolution to the Honorable Ronald Reagan.

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## CHAPTER 96

### *Assembly Concurrent Resolution No. 98—Relative to commending J. Edgar Dick.*

[Filed with Secretary of State June 20, 1967.]

WHEREAS, It has come to the attention of the Members of the Assembly and Senate that J. Edgar Dick has recently resigned his position as Secretary and Chief Legislative Representative of the California Cattlemen's Association; and

WHEREAS, Mr. Dick was born in 1899 to a pioneer family in Pennsylvania, where he attended grammar school; and

WHEREAS, In 1917, three years after Mr. Dick's family homesteaded in southern Colorado, he enlisted in the Marine Corps and served in the 49th Company, Fifth Regiment, his military service including duty in Germany, Belgium, Luxembourg and France; and

WHEREAS, Mr. Dick attended Teacher's College High School in Greeley, Colorado, from 1919–1923, and, upon graduation, traveled to Washington, D.C., where he enrolled in Georgetown University; and

WHEREAS, During the last three years of his college career, he worked for and received regular promotions in the U.S. Department of Agriculture in Washington, and, in 1928, six months after graduation from Georgetown University with a Bachelor of Science Degree in Economics, he was promoted to the position of principal scientific aid for the USDA; and

WHEREAS, In 1928, Mr. Dick was sent to Chicago with the USDA Bureau of Agricultural Economics to assume the position of Marketing Specialist, and, from 1929 to 1930, he worked with the Bureau of Agricultural Economics Market News of Livestock Meats and Wool in San Francisco; and

WHEREAS, Mr. Dick remained with the USDA until 1933, when he became Statistician for the National Recovery Administration in San Francisco and Reno, Nevada, a post which he held until 1936, when he was promoted to commercial agent in full charge of the Domestic Commerce Program in Los Angeles under the Department of Commerce; and

WHEREAS, In 1943, Mr. Dick became Senior Specialist of the Livestock and Meat Board for the seven western states, and in 1945 and 1946, he served with the American Meat Institute and Western States Meat Packers Association; and

WHEREAS, In 1947, Mr. Dick accepted the position of Secretary of the California Cattlemen's Association and has served in that capacity for the past 20 years; and

WHEREAS, During his 20 years as staff executive of the California Cattlemen's Association, Mr. Dick has improved the lot of cattlemen in California and throughout the entire country by his accomplishments in beef promotion, meat import laws and the beef-grading system, among many other achievements of vital importance to the cattle industry; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Members of the Legislature commend J. Edgar Dick for his devoted service and contributions to the livestock industry of the state, nation and the world and wish him many happy future years; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. J. Edgar Dick.

## CHAPTER 97

*Senate Concurrent Resolution No. 71—Relative to the passing of the Honorable Frank C. Weller.*

[Filed with Secretary of State June 20, 1967.]

WHEREAS, Frank C. Weller, a native of Iowa, came to California and settled in Long Beach where he attended high school and graduated from the University of Southern California College of Law where he received his LL.B. degree in 1914 and LL.M. in 1915, was admitted to the bar in 1914, practiced law with W. T. Craig in Los Angeles, volunteered his services and was commissioned second lieutenant in the Army during the First World War, was married in 1919 to Miss Dorothy Lee of Glendale, which city became his home; and

WHEREAS, Frank C. Weller was elected to the Assembly in 1922 and reelected in 1924, serving during the 1925 session as Chairman of the Judiciary Committee after which he was elected to the State Senate in which he served during the sessions of 1927 and 1929 until the reapportionment of 1926 abolished his district; and

WHEREAS, Frank C. Weller was noted as a man of high principles, scrupulous devotion to duty and genuine patriotism serving on such important committees as Banking, of which he was chairman, Constitutional Amendments, Governmental Efficiency, Judiciary, Labor and Capital, and Revision of Criminal Law and Procedure, was coauthor of the bill creating the California Bar Association, and gave intelligent and devoted attention to the subject matter coming before the committees of which he was a member; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members are saddened by the passing of this distinguished barrister and patriotic citizen and desire by this resolution to express their most sincere sympathy to those most deeply bereaved; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to forward suitably prepared copies of this resolution to Mrs. Dorothy Lee Weller, widow, and Mr. Curtis Weller, brother of the Honorable Frank C. Weller.

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## CHAPTER 98

*Senate Joint Resolution No. 24—Relating to military pay structure.*

[Filed with Secretary of State June 23, 1967.]

WHEREAS, The military pay structure and wage allotment policy of the federal government presents hardships to some enlisted personnel; and

WHEREAS, These personnel are asking to be subsidized by county government through its general assistance program in increasing numbers; and

WHEREAS, It is felt that it is not reasonable for persons so employed by the federal government to be subsidized by local government; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to review the military salary and wage allotment policies so that all military personnel, particularly in the lower enlisted grades, can maintain their family responsibilities without the need to request public assistance from local government; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 99

*Senate Concurrent Resolution No. 75—Approving an amendment to the Charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the sixth day of June, 1967.*

[Filed with Secretary of State June 23, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

State of California
County of Santa Clara } ss.
City of San Jose

We, the undersigned, Ronald R. James, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, is now, and was

at all times herein mentioned: (a) a city containing a population of more than two hundred four thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and (b) a city organized, existing and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 13th day of April, 1965, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of May, 1965 (Assembly Concurrent Resolution No. 104, Chapter 76, Statutes of 1965).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose a certain proposal for the amendment of the Charter of said City to be voted upon by the said qualified electors at the general municipal election held in said City on the sixth day of June, 1967, all as required by law, which said proposal was designated as "Charter Amendment—Proposition A".

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the twenty-sixth day of April, 1967, in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of said City in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of San Jose was published, printed and circulated in said City, on the twenty-seventh day of April, 1967, and on each day thereafter to and including the fifth day of June, 1967, all as required by Section 8 of Article XI of the Constitution of the State of California; that copies of said pamphlet containing said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said City on and after the twenty-seventh day of April, 1967, to and including the sixth day of June, 1967, the date fixed for said election.

That said proposed charter amendment was submitted to the electors of said City for adoption and ratification at the general municipal election duly and regularly held in said City of San Jose on the sixth day of June, 1967, which said date was not less than forty, nor more than sixty, days after the

completion of the advertising in the above mentioned official paper of the proposed charter amendment aforesaid.

That at said general municipal election a majority of the qualified electors voting upon said proposed charter amendment voted in favor of it and adopted and ratified the same.

That said amendment to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, amends said Charter as follows:

CHARTER AMENDMENT—PROPOSITION A

That Section 410 of the Charter of the City of San Jose be amended to read as follows:

"Section 410. Filling of Vacancies. A vacancy in any elective office, from whatever cause arising, shall be filled by the Council, by majority vote of its remaining members, until the end of the 30th day of June immediately following the next general municipal election, and at such election a successor shall be chosen by the electors of the City for the remainder, if any, of the unexpired term; provided, however, that if such vacancy occurs within the ninety (90) days immediately preceding the next general municipal election the vacancy shall be filled by the Council, by majority vote of its remaining members, for the entire unexpired term.

"If the Council should fail to fill a vacancy by appointment within sixty (60) days after occurrence of such vacancy, it shall forthwith cause an election to be held to fill such vacancy for the unexpired term.

"If all the offices of members of the Council and of the Mayor should become vacant and no member of the Council remains to fill any of said vacancies, successors may be appointed pursuant to the general laws of the State of California to fill such vacancies until qualified persons are elected to fill such offices. In such cases the City Clerk, as soon as reasonably possible, shall call and conduct a special municipal election to fill such offices for the remainder, if any, of the unexpired terms."

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 13th day of June, 1967.

(SEAL)

RONALD R. JAMES,
Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of
San Jose

and

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of San Jose as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of, the City of San Jose.

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## CHAPTER 100

*Assembly Concurrent Resolution No. 97—Relative to the Fairs Allocation and Classification Committee.*

[Filed with Secretary of State June 26, 1967 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the sum of twenty-one thousand five hundred dollars ($21,500), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Assembly and the Contingent Fund of the Senate for the expenses of the Fairs Allocation and Classification Committee and its members and for any charges, expenses or claims it may incur, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 101

*Assembly Concurrent Resolution No. 99—Relative to commendation of the City of Brea.*

[Filed with Secretary of State June 26, 1967 ]

WHEREAS, The City of Brea will celebrate the 50th anniversary of its incorporation from July 10 through July 15, 1967; and

WHEREAS, When in 1917 it was decided to incorporate this oil boomtown the citizens chose to name the new municipality Brea, after the Spanish word for tar or asphalt so prevalent in the area and responsible for much of Brea's growth and development; and

WHEREAS, Brea is fast becoming the hub of a growing industrial, commercial and residential area soon to be linked with central Orange County and the Pomona Valley, by the completion of the Orange Freeway, Route 57; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Legislature commend the City of Brea on its 50 years of progress and urge the citizens of California to visit this fine city and to attend the events which will take place during this jubilee year; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit a suitably prepared copy of this resolution to the City Council of the City of Brea.

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## CHAPTER 102

*Assembly Concurrent Resolution No. 103—Relative to Dairy Month.*

[Filed with Secretary of State June 26, 1967]

WHEREAS, It has long been the policy of the Legislature of the State of California to extend recognition to individuals, groups, and industries which have made significant contributions to the well-being of the state as a whole; and

WHEREAS, In view of this policy the California Dairy Industry is most deserving of commendation and recognition; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members request the Governor, in recognition of the significant contributions of the dairy industry to the people of California, to proclaim June 1967 as Dairy Month; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of California.

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## CHAPTER 103

*Assembly Concurrent Resolution No. 106—Approving an amendment to the Charter of the City of Palo Alto, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of May, 1967.*

[Filed with Secretary of State June 26, 1967]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment here-

inafter set forth to the Charter of the City of Palo Alto, a municipal corporation of the County of Santa Clara, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PALO ALTO OF CHARTER AMENDMENT

State of California
County of Santa Clara } ss:
City of Palo Alto

We, the undersigned, Frances K. Dias, Mayor of the City of Palo Alto and presiding officer of the Council of the City of Palo Alto, and Jacqueline C. Klamm, City Clerk and clerk of the Council of said city, do hereby certify and declare as follows:

That the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, contains a population of over 50,000 inhabitants and ever since the year 1909 has been and is now organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 21st day of January, 1909 and approved by the Legislature of the State of California by a concurrent resolution thereof filed with the Secretary of State on the 20th day of February, 1909 (Stats. 1909, page 1175); and

That the Council of the City of Palo Alto as the legislative body of said city, did by Resolution No. 3963, duly adopted pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, submit on its own motion to the qualified electors of said City of Palo Alto at a general municipal election to be held in said city a proposed amendment to the Charter of the City of Palo Alto; and

That said proposed charter amendment was on March 28, 1967, being not less than forty days nor more than sixty days before said election, published in the Palo Alto Times, the official newspaper of said city and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and said proposed amendment was printed in convenient pamphlet form and in type of not less than ten-point and copies thereof were mailed to each of the qualified electors of said city, and until the day fixed for the election upon said amendment it was advertised in said newspaper that the copies thereof could be had upon application therefor at the office of the City Clerk of said city; and

That said proposed amendment was duly and regularly submitted to the qualified electors of the City of Palo Alto in the manner provided in Section 8 of Article XI of the Constitution of the State of California and that said general municipal

election, after due notice given and published, was duly and regularly held in the City of Palo Alto on May 9, 1967; and

That the returns of said election were canvassed and it was duly found, determined and declared that the amendment of the Charter of the City of Palo Alto hereinafter set forth was ratified by a majority of the electors of said city voting thereon; and

That the Council of said city did by its Resolution No. 3997 adopted May 15, 1967, duly declare the results of said election as determined by the canvass of the returns thereof; and

That as to said charter amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith; and

That said amendment to the Charter of the City of Palo Alto consists of the deletion of the following sentence from Section 3 of Article VII thereof:

"Any person otherwise qualified may be a candidate for an elective office at any election, regular or special, by filing with the clerk, not less than twenty-five days prior to the day of election, a petition signed by at least twenty-five qualified and registered voters."

so that henceforth Section 3 of Article VII shall read as follows:

"Sec. 3. No ballot used at any municipal election shall contain any reference to a political party, and no designation or symbol shall be placed in connection with the name of any candidate."

In witness whereof, we have hereunto set our hands and caused the seal of the City of Palo Alto to be affixed hereto this 5th day of June, 1967.

(SEAL)

FRANCES K. DIAS
Mayor of the City
of Palo Alto
JACQUELINE C. KLAMM
City Clerk of the City
of Palo Alto

and

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the Charter of the City of Palo Alto as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of the City of Palo Alto.

## CHAPTER 104

*Senate Concurrent Resolution No. 39—Relative to slow driving.*

[Filed with Secretary of State June 27, 1967 ]

WHEREAS, The operation of slow-moving vehicles at less than the normal speed of traffic presents a serious hazard to the safety of the motoring public, and serves to impede the expeditious movement of traffic upon the street and highway system; and

WHEREAS, Accident investigation and safety studies have determined that the slow driver intermingled with regular moving traffic presents a serious potential for accident involvement; and

WHEREAS, The California Vehicle Code contains numerous provisions regulating and controlling the slow driver, and provides authority for the posting of signs giving information on minimum speed laws to the slow driver; and

WHEREAS, Educational and public information efforts and highway signing have an important role in educating and alerting the motorist to his responsibility under the law; and

WHEREAS, The Department of Public Works, under the provisions of Vehicle Code Section 21654, has the authority to place official signs directing slow-moving traffic to use the right-hand traffic lane; and

WHEREAS, The secondary schools provide regular courses in driver education and driver training for the benefit of students and beginning drivers; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Department of Public Works be requested to expand the posting of signs under the existing law, and to provide the same and other adequate signing on the major highways entering the state along its borders; and be it further

*Resolved,* That the Department of Education be requested to recommend inclusion of laws and regulations relating to slow driving in driver education and driver training courses; and be it further

*Resolved,* That the California Highway Patrol and all law enforcement agencies be requested to continue with their efforts directed toward proper enforcement of this law; and be it further

*Resolved,* That the Secretary of the Senate shall transmit a copy of this resolution to the Director of the Department of Public Works, the Director of Education and the Commissioner of the California Highway Patrol.

## CHAPTER 105

*Assembly Concurrent Resolution No. 102—Relative to California Home Improvement Month.*

[Filed with Secretary of State June 27, 1967.]

WHEREAS, Californians have amassed unprecedented equities through home ownership, and the general quality of their housing is the envy of the nation; and

WHEREAS, Vigorous homebuilding and home improvement activity have the desirable effect of stimulating the economy, producing employment, and maintaining a high-quality environment within which Californians can live; and

WHEREAS, Several states and cities throughout the nation have adopted resolutions proclaiming the need for and urging home improvement within their jurisdictions; and

WHEREAS, The Congress, by joint resolution, has called upon the President to join in this effort by issuing a home improvement proclamation of national application; and

WHEREAS, The California Department of Housing and Community Development has requested and urged California's participation in this effort; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Governor be requested to proclaim the month of June 1967 California Home Improvement Month and to call upon all Californians to participate therein; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of California.

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## CHAPTER 106

*Assembly Concurrent Resolution No. 115—Relative to proclaiming the Fourth of July "Independence Day."*

[Filed with Secretary of State June 29, 1967.]

WHEREAS, The Fourth of July, 1776, is a day ever memorable in the annals of the history of this country, for it was on this day that the Declaration of Independence was adopted, declaring the independence of the 13 original colonies; and

WHEREAS, John Adams wrote, in reference to this epoch in man's continual struggle for freedom, that "It ought to be solemnized with pomp and parade, with shows, games, and sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward, forevermore"; and

WHEREAS, The growth of this nation from the 13 original colonies into 50 states, and the continued existence and well-

being of this nation and the principles upon which it stands, has depended, and will continue to depend, greatly on the moral fiber and industry of our people, which is largely the product of our independent and unique system of government; and

WHEREAS, The fourth day of July of every year has traditionally been celebrated by a show of national spirit and pride in the democratic processes of our government; and

WHEREAS, The ringing of bells and the displaying of American Flags upon July 4 has become symbolic of, and commemorates, the momentous occasion of 191 years ago and reaffirms our faith and belief, to the world, in the freedom and liberty of all people; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members request the Governor to proclaim the fourth day of July "Independence Day" and urge all citizens of this state and nation to participate in the celebration of this eventful occasion by the displaying of the American Flag and the ringing of bells at high noon; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Governor.

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## CHAPTER 107

*Senate Concurrent Resolution No. 34—Relative to encouraging cities, counties, and regional associations to cooperate with the Division of Mines and Geology.*

[Filed with Secretary of State June 30, 1967.]

WHEREAS, Rock, sand, and gravel resources are essential to the economy of the State of California and vitally important to public and private construction in this state; and

WHEREAS, The problems of development and conservation of these natural resources are by their very nature broad in scope and thus suggest a cooperative approach to study and planning; and

WHEREAS, The cooperation of cities, counties, and regional associations with the Division of Mines and Geology of the Department of Conservation is a vital element in the development and conservation of the rock, sand, and gravel resources of the state; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legislature respectfully urge cities, counties, and regional associations to cooperate with the Division of Mines and Geology of the Department of Conservation in the development and conservation of the rock, sand, and gravel resources of the state; and be it further

*Resolved,* That the Members of the Legislature do not intend by the enactment of this measure to interfere in any way, directly or indirectly, with local planning or local control of zoning or to indicate that any actions which may be taken, or any recommendations which may be made, by the State Geologist, or the Division of Mines and Geology of the Department of Conservation, represent any public policy of the state which is binding upon local jurisdictions.

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## CHAPTER 108

*Senate Concurrent Resolution No. 77—Relative to Boating Safety Week.*

[Filed with Secretary of State June 30, 1967.]

WHEREAS, Pleasure boating has become a major sport in California, involving over 400,000 boats and millions of participants; and

WHEREAS, The increasing use of the waters of the state for pleasure boating is accompanied by an increase in potential hazards, and therefore requires increased awareness of safety to avoid needless injury, loss of life, and destruction of property; and

WHEREAS, Boating organizations, the boating industry, and federal and state agencies must share the responsibility for promoting boating safety by informing the public of safety regulations and recommended safety practices, and must act through concerted efforts to assure that boating will be one of our safest recreational sports, as well as one of the most popular; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legislature of the State of California encourage all those using the waters of the state to learn and observe boating safety practices and emergency procedures, to extend courteous treatment to their fellow boatmen during National Safe Boating Week and throughout the year, and to minimize the injuries, loss of life, and destruction of property resulting from any boating accidents which may occur; and be it further

*Resolved,* That the Governor be requested to proclaim the week commencing on July 2nd as Boating Safety Week; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the Governor.

## CHAPTER 109

*Senate Joint Resolution No. 16—Relative to inclusion of the Middle Fork Feather River in proposed federal wild rivers system.*

[Filed with Secretary of State June 30, 1967.]

WHEREAS, The Middle Fork Feather River from the community of Sloat (Plumas County) downstream to Oroville Reservoir (Butte County) flows through the spectacular Middle Fork Canyon for 45 miles. This canyon and its river provide one of the most unique scenic and recreational areas in California. Its peak of scenic beauty occurs in Bald Rock Canyon where Bald Rock, a great granite dome, towers over 2,500 feet above the majestic view of Bald Rock Falls in the river below; and

WHEREAS, Tributary to Bald Rock Canyon is Feather Falls, the third highest (640 feet) waterfall in the United States. Numerous tributary streams between Sloat and Oroville Reservoir add cool, clear water to the main river, and are spawning and nursery grounds for one of the outstanding native trout fisheries in the nation; and

WHEREAS, The Middle Fork Feather River represents more than 17 percent of the remaining large, free-flowing mountain rivers in California that have no guarantee for perpetuation. It presently provides a fishing and hunting paradise to sportsmen seeking a quality experience; a picturesque haven to the photographer and artist; a thrilling raft trip to the experienced white-water navigator; and a varied outdoor laboratory to the scientist; and

WHEREAS, The Middle Fork Feather River could be a symbol of timelessness and continuity to future generations. It is a river that can and should be cherished in perpetuity in its natural, free-flowing state, and should be set aside as a wild river; and

WHEREAS, Development of the Middle Fork Feather River for irrigation and hydroelectric power is being considered. Such development would destroy much of the scenic, fishery and recreational qualities associated with this rare type of flowing river environment. The supplemental water needs of the irrigation interests involved can be met in several ways, without prohibiting agricultural expansion in the area. Hydroelectric power produced by the project would be surplus to northern California for at least the next 20 years; and

WHEREAS, Nowhere in California has a single river been dedicated to the wild river concept, wherein the scenic and recreational attributes are preserved in a free-flowing condition. The opportunity for such dedication is rapidly disappearing; and

WHEREAS, Because of the growing public demand for river-oriented recreation and the fact that the proposed waterpower development is not essential to the people of California,

it is evident that perhaps in no other area of the state could a wild river be established with so little impact upon conflicting needs of the citizens; and

WHEREAS, Almost all lands surrounding the area are federally owned and are included within a federal power withdrawal; and

WHEREAS, It is not now feasible for the State of California to designate or establish the Middle Fork Feather River as a wild river, but it is feasible for the Congress to include the Middle Fork Feather River in any proposed federal wild rivers system; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to include the Middle Fork Feather River in any proposed federal wild rivers system; and be it further

*Resolved*, That the Legislature of the State of California respectfully memorializes the Federal Power Commission to defer taking any action with respect to any pending license application for the development of the Middle Fork Feather River for irrigation and hydroelectric power pending possible congressional action regarding the inclusion of the river in a federal wild rivers system; and be it further

*Resolved*, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Chairman of the Federal Power Commission.

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## CHAPTER 110

*Senate Concurrent Resolution No. 12—Relative to the appointment of a new President of the University of California by the Regents of the University of California.*

[Filed with Secretary of State June 30, 1967.]

WHEREAS, The University of California is the leading educational institution of the world and has provided for the people of the State of California a significant source of exceptionally trained personnel and research facilities; and

WHEREAS, The Legislature of the State of California has long concerned itself with the support of the university, both financially and personally, in order to assure that this great institution will continue to maintain its leading position throughout the world as the greatest university in existence; and

WHEREAS, The Regents of the University of California are now engaged in the great responsibility of selecting a new president for the university; and

WHEREAS, The office of President of the University of California is a matter of significant responsibility and of greatest trust and demands an individual of unquestioned personal integrity, leadership ability, administrative firmness, and dedication to the principles of individual and academic freedom and intellectual achievement and integrity; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Regents of the University of California are earnestly implored to pursue with the greatest possible expediency the selection of a new President of the University of California, in order that the university, and through it the people of the State of California, may not suffer by the present vacancy in that position; and be it further

*Resolved,* That the Legislature of the State of California extends to the Regents of the University of California every possible assistance which may be required or requested in order to facilitate the selection of a new president; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Regents of the University of California.

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## CHAPTER 111

*Senate Concurrent Resolution No. 26—Relative to abolishing the Joint Legislative Committee on Tidelands and creating the Joint Legislative Committee on Public Domain.*

[Filed with Secretary of State June 30, 1967.]

WHEREAS, It has been found by the Joint Legislative Committee on Tidelands that there is insufficient information about state lands administered as proprietary or sovereign lands; and

WHEREAS, It is in the interest of all citizens of the state and the California State Legislature to be fully apprised of the extent, use and projected use of all state lands; and

WHEREAS, The Legislature can foresee that hundreds of millions of dollars in revenues can be saved or earned through the proper administration or utilization of state lands and the mineral rights therein; and

WHEREAS, The Joint Legislative Committee on Tidelands has prepared a comprehensive inventory study of all tidelands under trust in California, a major study of geothermal energy in California and other public domain studies; and

WHEREAS, The committee has an extensive file of information on all state-owned or administered lands; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* as follows:

1. The Joint Legislative Committee on Tidelands, created by Assembly Concurrent Resolution No. 64 (Res. Ch. 120),

1963 Regular Session, is abolished as of July 1, 1967, and shall be succeeded by the Joint Legislative Committee on Public Domain, which committee is hereby created.

2. The committee is hereby authorized and directed to continue to ascertain, study, and analyze all facts relating to the best use of the revenues which now or in the future accrue from the development of the tide and submerged lands held in trust, to meet the financial needs of the State of California and the trust provisions as outlined in the tideland grants, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating thereto and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

The committee's study shall take into account, among other things, the requirement set forth in grants of tide and submerged lands that such lands shall be used only for a specific purpose such as the establishment, improvement and conduct of a harbor, airport or other facilities for the promotion and accommodation of commerce and navigation; that the granted lands shall be improved by the grantee without expense to the State of California and that facilities developed thereon remain open to the public for all purposes of commerce and navigation; the financial requirements of the grantee to meet its obligation to improve said lands; that the State of California has the right to use the granted lands without charge for certain purposes; protection of the natural beauty of the area and the public health and safety; the use of proceeds for the wise and adequate development, maintenance and operation of the trust lands, and the provision of adequate financial reserves and safeguards to cover any unforeseen problems that might arise in connection with the trust development in the future.

3. The committee shall consist of five Members of the Senate appointed by the Committee or Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee and its members are authorized to study and inventory lands and rights therein owned or administered by the state, determine the uses to which these lands and rights are currently being put, prepare an analysis of the projected uses of such lands, and devise a system of automatic inventory and reporting of the uses of state lands.

6. In addition to the foregoing, the committee and its members shall study the potential state benefit from mineral re-

sources on state-owned lands and the extent to which such lands may be disposed of and returned to the tax rolls.

7. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership; provided, that the chairmanship shall be alternated annually between the Senate and Assembly membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

8. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 112

*Senate Concurrent Resolution No 68—Relative to memorializing Spiro James De Son.*

[Filed with Secretary of State June 30, 1967.]

WHEREAS, The Members of the Legislature were saddened to learn that on Saturday, May 27, Spiro James De Son, eminent Californian and long-time resident of Montebello, untimely passed away at the age of 52; and

WHEREAS, Spiro James De Son was born in Greece and came to the United States at the age of 36, quickly mastering the English language which he had been unable to speak and becoming an eloquent speaker in behalf of the worthy causes he espoused and the fine ideals he cherished; and

WHEREAS, This distinguished citizen had recently been appointed to the Joint Legislative Retirement Committee; and

WHEREAS, Among his many important responsibilities, Spiro James De Son was a Director for the 48th Agricultural District; the Great Western Exhibit Center; the Garfield Bank, Montebello; the Tri-City Bank, Oceanside; and a charter member of the State Democratic Finance Committee, serving as vice chairman; and

WHEREAS, He compiled a remarkable record of outstanding civic contributions through his work, which included zealous efforts in behalf of the East Los Angeles-Montebello "Pop" Warner Football Team, and inestimable assistance to the needy through various organizations and individuals, and was a highly regarded member of the Masonic and Moose Lodges; and

WHEREAS, Spiro James De Son was a good and unfailing family provider, a devoted husband and loving father, a man with strict adherence to the highest principles in personal, business, and civic relationships, and a person who never faltered in his loyalty to friends, and whose zeal and dedication to all things meaningful and constructive far transcended the measure expected of any individual; and

WHEREAS, In addition he was an inspiring individual whose rare human understanding, just attitudes and unusual mental acumen won for him a host of friends and admirers, withal keeping and manifesting that innate quality of humility which characterizes men of bigness and achievement; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legislature join the family and friends of Spiro James De Son in mourning his passing; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to his widow, Lillian Ann De Son, and to his two sons, James S. De Son and Spiro J. De Son, Jr.

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## CHAPTER 113

*Assembly Joint Resolution No. 17—Relative to mail order list brokers.*

[Filed with Secretary of State July 1, 1967.]

WHEREAS, The Attorney General's report on pornography indicates the people of California have been subjected to a deluge of unsolicited mailed material of a pandering sexual nature; and

WHEREAS, There is presently no adequate means of relief from these unsolicited and repeated mailings; and

WHEREAS, Many of these obnoxious mailings are caused by the sale of lists of names by mail order list brokers; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation regulating mail order list brokers; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 114

*Assembly Concurrent Resolution No. 117—Approving amendments to the Charter of the City of Los Angeles, a municipal corporation of the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a municipal election held therein on the 31st day of May, 1967.*

[Filed with Secretary of State July 1, 1967.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Los Angeles, a municipal corporation of the County of Los Angeles, State of California, as set forth in the certificate of the president of the council and city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California }
County of Los Angeles } ss.
City of Los Angeles }

We, L. E. Timberlake, President of the Council of the City of Los Angeles, and Walter C. Thiel, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said, City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by con-

current resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, P. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 31st day of May, 1967, all as required by law, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, respectively.

That on the 14th day of April, 1967, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 14, 1967, in "The Los Angeles Daily Journal," a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 14, 1967, to and including May 31, 1967; and a notice was advertised and published on and from April 14, 1967, to and including May 31, 1967, in "The Los Angeles Daily Journal," a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on May 31, 1967, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of said City of Los Angeles, which pursuant to law met on June 12, 1967, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of

said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 1

The Charter of The City of Los Angeles is hereby amended by amending Section 219.3 to read as follows:

Sec. 219.3. The Board of Water and Power Commissioners shall have power and authority (subject to authorization or approval by ordinance) to contract with others (including all or any of the following: the United States or any of its agencies, any state or state agency, and any corporation, public or private, within or without the State of California), for the construction, ownership, operation and maintenance of (1) an extra high voltage direct current transmission line and appurtenant facilities for the interchange of electrical power and energy between the Los Angeles area and hydroelectric generating facilities in the Pacific Northwest and (2) facilities to be located near the Colorado River, below Davis Dam, in Clark County, Nevada, for the generation of electrical power and energy, together with appurtenant facilities, including lines for the transmission of electrical power and energy between the facilities in Clark County, Nevada and the City of Los Angeles.

Any such contract may provide for a sharing of the use and benefits of such facilities and of the capital charges and other obligations associated therewith. The term of any such contract may extend over the period of the useful life of the facilities involved.

The Board of Water and Power Commissioners shall have power and authority (subject to authorization or approval by ordinance) to enter into contracts with the United States or any of its agencies for the exchange of electric energy for electric generating capacity. No such exchange contract shall obligate the City or the Department for a term in excess of 20 years.

Proposed Charter Amendment No. 2

The Charter of the City of Los Angeles is hereby amended by amending Section 125 thereof to read as follows:

Sec. 125. In addition to all other matters, the board shall by its rules provide for:

(a) The manner and order, not inconsistent with the provisions hereof, in which persons shall be suspended and restored where such suspension results from lack of work, lack of funds or abolishment of position or otherwise, excepting suspension for personal delinquency, and in all such cases such suspension and restoration shall be based upon seniority as hereinafter provided, or where not so provided, as provided by the rules of the board.

No assignment of employees to positions within a class, except as hereinafter in this section provided, for which no dif-

ferent examination requirements have been established by the board shall affect the requirements of this section governing suspension and restoration for lack of work, lack of funds or abolishment of position or otherwise, but, in all such cases, all employees within the same class-group, as hereinafter defined, and for which similar examinations are required by the board shall be considered as one class-group for such purposes.

Whenever suspension other than for personal delinquency is to be made in any class in an office, department or bureau of the city, or major division established in and by a department having control of definite revenues and funds (and hereinafter referred to as a class-group), the person to be suspended shall be selected in the order determined by his length of service in such class and in classes of higher rank since original regular appointment to such class in the classified civil service, after deducting periods of absence from such service as provided by the rules of the board. The person having the shortest length of service in such class and in classes of higher rank shall be suspended first; and any person so suspended shall be entitled to displace the person holding a position in a class-group in which a regular position was formerly held by the person so suspended, who has a shorter length of service in such class-group and in classes of higher rank since original regular appointment to such class in the classified civil service, after deducting periods of absence from the city service as provided by the rules of the board. Any person entitled to displace a person in the manner provided hereinabove may fill instead, with the consent of the appointing authority, a vacant position in the class-group in which he is entitled to displace.

The class-group in which suspension is to be made or the class-group in which restoration is to be made, shall include all positions created from such class-group subsequent to the original regular appointment therein of the person so suspended or restored. The determination of the Board of Civil Service Commissioners as to the class-group from which such positions were subsequently created shall be final and conclusive.

(b) The establishment in each class in each office, department or bureau of the city or major division established in and by a department having control of definite revenues and funds of a reserve list which shall consist of the names of those persons who have been theretofore regularly appointed to, and have served beyond the probationary period in or have been regularly promoted to a position in such class and have been suspended from their positions since January 1, 1928, for causes other than personal delinquency, whether for lack of funds, lack of work, abolishment of position or otherwise; provided, that any person in the classified civil service who has served therein since January 1, 1928, and was suspended for causes other than for personal delinquency shall be entitled upon his written request therefor to have his name placed upon the reserve list in each such class group in which

he was regularly appointed and served beyond the period of probation and from which class he was suspended prior to January 1, 1928. Each person whose name appears on the reserve list, until regularly restored to a position in his class in the office, department, bureau or major division from which he was suspended as hereinbefore provided for in this section, shall be certified for appointment, as in this section provided for, to a position in his class in the office, department, bureau or major division from which he was suspended; provided that after this section takes effect, the name of any person, except as in this section provided for, who has been out of the service of the city for more than five years shall be permanently stricken from the reserve list by the board.

During suspensions other than for personal delinquency, the name of the person so suspended shall be placed and retained on the reserve list, as in this section provided for, in each class in each office, department, bureau or major division in which such person has served beyond the period of probation and from which he has been suspended for any cause other than personal delinquency.

Whenever any vacancy is to be filled, it shall be filled in the following order: First, by certifying from such reserve list, if any, in the class and office, department, bureau or major division in which such vacancy exists, the name of the person with greatest length of previous service in such class and all classes of higher rank as hereinbefore provided, or by transfer of a person whose service in such class and classes of higher rank is greater than that of any person on the reserve list of the office, department, bureau or major division where such vacancy is to be filled; secondly, by certifying from the promotional list, if any, as provided for in Section 107 of this article, of the office, department, bureau or major division where such vacancy is to be filled; thirdly, by certifying from the reserve list of other offices, departments, bureaus and major divisions as shall be provided for by the rules of the board; fourthly, by certifying from the appropriate register of eligibles as elsewhere provided for in this article. As to certifications to be made from other than the reserve list of the office, department, bureau or major division in which such vacancy exists, the board may by its rules provide that when the list or register from which certification is to be made does not contain as many names as may be certified for any vacancy or vacancies under the provisions of Section 109 of this Charter, additional names, up to but not exceeding the maximum number therein specified, shall be certified from the list or register next in the order above provided.

The board shall have the same power and duty to review as to regularity of procedure all cases of suspension for lack of work, lack of funds or abolishment of position or otherwise, as elsewhere provided in the charter for removal, discharge, or suspension for cause; but the question of the necessity for

such suspension for lack of work, lack of funds or abolishment of position shall not be subject to such review.

Section 115 of this charter shall be deemed superseded hereby.

Proposed Charter Amendment No. 3

The Charter of The City of Los Angeles is hereby amended by amending paragraph (e) of subsection (1) of Section 220.1 thereof to read as follows:

(e) That said plan and system, subject to such rules, regulations and instructions as may from time to time be prescribed by the Board of Water and Power Commissioners, shall be managed and administered by a Board of Administration, which shall be composed of four ex officio and three elective members. The ex officio members shall consist of two members of the Board of Water and Power Commissioners to be selected by said Board, the General Manager and Chief Engineer of said Department (or, should the work of said Department be divided into two bureaus, the general manager of each such bureau, one member of the Board of Water and Power Commissioners to be selected by said Board), and the Chief Accounting Employee or the Auditor of said Department, whichever the Board of Water and Power Commissioners may designate. The elective members shall consist of three employees of said Department who are contributing members of said plan and system. The members of said Board of Administration shall serve thereon without compensation;

That the elective members of said Board of Administration shall be elected thereto by the contributing members of said plan and system, and shall hold office for a term of three years and until their successors have qualified. The rules and regulations governing the holding of such elections shall be prescribed by the Board of Water and Power Commissioners. In case any vacancy occurs among said ex officio members, the Board of Water and Power Commissioners shall fill such vacancy by appointment; and in case any vacancy occurs among said elective members, the Board of Administration shall, by resolution adopted by not less than five affirmative votes, fill such vacancy for the unexpired portion of the term;

That said Board of Administration, subject to such rules, regulations and instructions as may from time to time be prescribed by the Board of Water and Power Commissioners, shall have exclusive power and authority over the administration and investment of those certain funds which pertain to said plan and system and which are hereinafter more particularly specified in subdivision (f) hereof, and, notwithstanding anything in this Charter to the contrary, the procedure to be followed in connection with such investments, including, without limitation, all matters relating to the purchase, sale, payment for, transfer, exchange, registration, delivery, receipt, custody, and servicing of securities acquired by such funds; provided, however, that any money in such funds shall be kept on de-

posit with the Treasurer of the city, or be invested only in bonds or securities legal for investment by savings banks or public funds in the State of California; or in bonds or securities legal for investment by savings banks in the State of New York, or the State of Massachusetts; or in bonds issued by the Department of Water and Power, whether in its own name or in the name of the City of Los Angeles, and made payable out of the Water Revenue Fund or the Power Revenue Fund; or in common stock or shares of any corporation, to the extent of not to exceed 25% of the assets of each of the funds specified in subdivision (f) hereof determined on the basis of cost, or preferred stock or shares of any corporation, to the extent of not to exceed 5% of the assets of each of the funds specified in subdivision (f) hereof determined on the basis of cost, provided, with regard to such common or preferred stock, that, (1) such stock is registered on a national securities exchange, as provided in the Securities Exchange Act of 1934, or (i) is the common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds represented by capital, surplus and undivided profits of at least 50 million dollars, or (ii) is the common stock of an insurance company which has capital funds represented by capital, special surplus funds and unassigned surplus of at least 50 million dollars, or (iii) is preferred stock, (2) such corporation has total assets of at least 100 million dollars, (3) there are no arrears of dividend payments on preferred stock of such corporation, (4) such corporation has paid a cash dividend on its common stock in at least 8 of its 10 fiscal years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for such period of 10 fiscal years have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the 3 fiscal years next preceding the date of investment, (5) such investment in any one corporation by all of the funds specified in subdivision (f) hereof may not exceed 5% of the common stock shares outstanding, and (6) such investment in the common stock of any one corporation may not exceed 2% of the assets of each of the funds specified in subdivision (f) hereof determined on the basis of cost; or in bonds or notes secured by first mortgages or first deeds of trust on single-family residential real property to the extent of not to exceed 15% of the assets of each of the funds specified in subdivision (f) hereof determined on the basis of cost, provided such bonds or notes are either insured by the Federal Housing Administration under the provisions of the National Housing Act, or are guaranteed by the United States under the provisions of Chapter 37 of Title 38 of the United States Code; or in corporate interest-bearing securities regardless of whether or not such securities are expressly authorized by this section, to the extent of not to exceed 10% of the assets of each of the funds specified in subdivision (f) hereof determined on the basis of cost, in which

in the informed opinion of the Board of Administration it is prudent to invest retirement funds. In investing, reinvesting, purchasing, acquiring, exchanging, selling and managing the assets of each of the funds specified in subdivision (f) hereof, the Board of Administration shall exercise the same degree of judgment, care, good faith, reasonable prudence, discretion and intelligence as is required of a trustee by the provisions of subdivisions (1) and (2) of Section 2261 of the Civil Code of the State of California. The Board of Administration may contract for servicing any mortgages and deeds of trust in which it has invested only with banks and corporations that have and maintain a net worth of at least 1 million dollars. Nothing herein shall be construed to prohibit investment in convertible securities provided such securities would otherwise qualify for investment hereunder without such conversion feature and provided further that the Board of Administration shall not exercise any conversion option unless the securities to be issued upon such conversion qualify for investment hereunder. In making the factual determinations necessary under the provisions of this paragraph relating to qualification for investment hereunder, the Board of Administration may rely upon the last financial statement audited by independent certified public accountants issued by it next preceding the date of investment or conversion, and upon the last annual report to stockholders issued by the corporation concerned next preceding the date of investment or conversion;

Proposed Charter Amendment No. 4

The Charter of the City of Los Angeles is hereby amended by amending Section 316.1 thereof to read as follows:

Sec. 316.1. A filing fee equal to two per cent of the first year's salary fixed for the elective office shall be paid by each candidate therefor to the City Clerk as provided in Sections 316.2 and 320, except that the filing fee to be so paid for the office of a member of the Board of Education shall be two per cent of the total of the first year's maximum possible compensation fixed for such office.

Proposed Charter Amendment No. 5

The Charter of the City of Los Angeles is hereby amended by amending Section 236 thereof to read as follows:

Sec. 236. The Board of Public Works shall present to the Council at its meeting in the second week of July, in each year, a report for the year ending on the thirtieth day of June next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also such information and suggestions as it may deem of general interest; and the Board of Public Works shall also prepare and present to the Council

similar statements of all expenditures of the moneys derived from the sale of bonds as directed by the Council.

Proposed Charter Amendment No. 6

The Charter of the City of Los Angeles is hereby amended by amending subsection (c) of Section 70 and Article XV thereof to read as follows:

(c) Animal Regulation
Building and Safety
City Planning
Health
Municipal Arts
Public Utilities and Transportation
Social Service
Traffic

Said departments shall each be under the control and management of a general manager.

Each of these departments shall have a board of commissioners to exercise the powers and perform the duties provided for in this charter.

Article XV
Department of Municipal Arts

Sec. 165. Hereafter no work of art shall become the property of the City of Los Angeles by purchase, gift or otherwise, unless such work of art or the design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the Board of Municipal Arts Commissioners by a majority vote thereof; nor shall any work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon any municipal building, street, avenue, park or other public place or ground belonging to or under the control of the City of Los Angeles. The said board may, when it deems proper, also require a complete model of the proposed work of art to be submitted to such board. The term "work of art" as used in this Article shall apply to and include all paintings, mural decorations, inscriptions, stained glass, statutes, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration. No existing work of art belonging to or in the possession of the city shall be removed, relocated or altered in any way without the like approval of the board. The design of no public building, bridge, approach, fence, retaining wall, lamp, lamp post, or other similar structure proposed to be erected by or under the authority of the city upon any land or in any place belonging to or under control of the city shall be adopted by any board or officer having charge, superintendence or control of the design or construction thereof, unless such design shall have been first submitted to and approved by the Board of Municipal Arts Commissioners

by a majority vote thereof. No arch, bridge, structure or approach belonging to any private individual or corporation shall be permitted to extend over, into or upon any street, avenue, highway, park or other public place belonging to or under the control of the City of Los Angeles, unless the design and location thereof shall have first been approved by the said board as hereinbefore provided.

Sec. 166. If the said board shall fail to decide upon any matter submitted to it within fifteen days after such submission, its decision shall be deemed unnecessary; provided, however, that the time for such decision may be extended by the Council by resolution.

In the event that the immediate removal or relocation of any existing work of art owned or controlled by the city is deemed necessary by the board or officer of the city having the charge or custody thereof, the Board of Municipal Arts Commissioners shall within two days after notice in writing from such board or officer, approve or disapprove such removal or relocation, and in case said Board of Municipal Arts Commissioners shall fail to so act within two days after the receipt of such notice, it shall be deemed to have approved of the same.

Sec. 167. There may be expended for art productions, to be selected by the Board of Municipal Arts Commissioners and placed in public buildings, grounds or parks of the city, such amount as may be included in the annual budget for that purpose. The word "productions" shall be held to include, among other works of art, mural paintings or decorations which artists may be employed to put on the walls of public buildings, mosaic and stained or painted glass.

## Proposed Charter Amendment No. 7

Article XVII of the Charter of the City of Los Angeles is amended by amending Section 180 thereof and by adding Sections 184.65 and 184.8 thereto, and Article XVIII of said Charter is amended by amending Subsections (j), (m), (p), (s) and (t) of Section 190.02 thereof and by adding Subsection (q-2) thereto, by amending Sections 190.04, 190.05 and 190.07, Paragraphs (1), (3) and (8) of Subsection (a) and Subsection (b) of Section 190.13 and Subsection (b) of Section 190.14 thereof and by adding Section 190.16 thereto, to read:

Sec. 180. The Board of Pension Commissioners shall administer the fire and police pension system of the City, and have exclusive control of the administration and, within the limitations contained in this section, the investment of the Fire and Police Service Pension Fund and of the Fire and Police General Pension Fund which hereinafter are created and established; provided, however, that any moneys in said funds shall be kept on deposit in the City Treasury or be invested as herein provided. The board may adopt rules and regulations, and may change, amend or nullify the same,

with respect to its investment policies which, however, shall be subject to the limitations contained in this section and not inconsistent with the provisions thereof. All securities and other documents purchased or otherwise obtained by reason of transactions made by the board pursuant to the provisions of this section, regardless of the form, description or legal effect of any of the same, shall be placed in the custody of the City Treasurer who hereby is directed to act as a depositary for such securities and other documents. The board shall retain a competent investment counsel or advisor and shall purchase or sell securities, except United States Treasury bills, only upon the recommendation or advice of such investment counsel or advisor. Whenever the board shall have taken under consideration the advisability of making or entering into any transaction for any authorized investment of money in either of the funds, other than the investment thereof in any security, it may contract and pay for services by or the advice of a recognized expert in the business or field to which any such transaction shall be related.

Equity-type Securities.

The board, upon the terms and conditions and within the limitations hereunder set forth, may invest up to but not exceeding thirty-five percent of each fund, determined on a cost basis, in equity-type securities, such as common stocks or preferred stocks but not limited thereto.

Common Stocks.

To be eligible, any common stock shall be registered on a national securities exchange and as provided in the Federal Securities Exchange Act, any amendment thereto or any subsequent legislation in place thereof, except for common stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, life insurance companies, and fire or casualty insurance companies. Further, any common stock to be eligible shall have paid dividends for not less than five consecutive years next preceding the date of investment. Not more than two percent of each fund shall be invested in the common stock of a single corporation nor shall the total number of shares of common stock held in any single corporation by both funds exceed five percent of the issued and outstanding shares of common stock of such corporation.

Preferred Stocks.

In order for any preferred stock to be eligible, the issuing corporation, for a period of not less than three years next preceding the date of investment, shall have had net income, before fixed charges and taxes on income, equal to at least one and one-half times the sum of the average annual fixed charges plus preferred stock dividend requirements for such period (as used herein, fixed charges shall

mean interest on funded or unfunded debt, amortization of debt discount and expense, and expense and rentals for leased property and, in the case of consolidated earnings statements of parent and subsidiary corporations shall include all fixed charges and preferred stock dividend requirements, if any such preferred stock be held by others than the consolidated companies, of the subsidiaries); the issuing corporation shall not have defaulted in the payment of the principal or interest on any of its bonds or other evidence of indebtedness at any time during five years prior to the date of investment and, at the date of investment, shall not be in arrears in the payment of preferred stock dividends.

Debt-type Securities.

The board may invest one hundred percent of each fund in debt-type securities, such as bonds or debentures but not limited thereto, which, at the date of investment, shall be rated, either provisionally or finally, within the three highest classifications established by at least two standard rating services, or which shall be legal for investment by savings banks or pension and retirement funds upon the same terms and conditions contained in the first paragraph of Section 1372 of the Financial Code of the State of California as of the effective date of this section.

The board, as provided in the third paragraph of Section 1372 of the Financial Code of the State of California as of the effective date of this section, may invest up to but not exceeding twenty percent of each fund, determined on a cost basis, in debt-type securities, such as bonds or debentures but not limited thereto, whether or not such securities are expressly authorized by and whether or not they qualify under the provisions of the first paragraph of said section, in which in the informed opinion of the board it is prudent to invest retirement funds.

First Mortgages and First Deeds of Trust.

The board may invest, by purchase or otherwise, up to but not exceeding fifteen percent of each fund, determined on a cost basis, in private bonds or notes secured by first mortgages or deeds of trust, provided, however, that payment of the principal amount of any such bond or note shall be insured or guaranteed by an agency of the United States Government.

Real Property.

The board may invest up to but not exceeding ten percent of each fund, determined on a cost basis, in real property in the City of Los Angeles, provided, however, that any such investment shall yield at least one-half percent more than shall be the yield, at the time of the making of the investment, on long-term bonds of the United States Government. No such investment shall be made unless it shall be authorized by an order, motion or resolution adopted by all five members, and

never less than all five members, of the board. Except as hereinabove provided, the board may make any such investment only for the same purposes, upon the same terms and conditions and within the same limitations, except as hereunder provided, contained therefor, with respect to County Employees' Retirement Systems, in Sections 31601, 31602(a), 31604, 31604.1, 31605 and 31606 of the California Government Code as of the effective date of this section. For the purposes hereof, the words "the board", "the board of supervisors of the County" and "the county", as used in said code sections, shall have substituted for them, respectively, the words "the Board of Pension Commissioners", "the City Council' and "the City". In applying the provisions of the code sections to any investment authorized thereunder: the rate prescribed in Section 31603 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the rate of yield hereinabove provided shall be applicable; the rate prescribed in Section 31591 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the assumed rate of interest per annum as provided in Section 186.1 or as established by the Board of Pension Commissioners pursuant to the provisions thereof shall be applicable; and the four-fifths vote of approval by the members of the board of supervisors of the county, as provided in said Section 31601, shall not be applicable but, in lieu thereof, any such authorized investment shall be approved by an ordinance adopted by a two-thirds vote of the members of the City Council with the approval of the Mayor or by a three-fourths vote of the members of the City Council over the veto of the Mayor.

Sec. 184.65. Subject to and upon the conditions contained in this section, the minimum monthly amount of pension provided by Section 184.6 shall be applicable, from and after the effective date of this section, to all pensions heretofore or hereafter granted pursuant to this Article. The monthly amount of each pension which, as of the first day of the month following the effective date of this section, is in a lesser monthly amount than the minimum monthly amount of pension provided by Section 184.6, as augmented pursuant to Section 184.7, shall be increased, effective as of said first day of the month, to the minimum monthly amount of pension so provided and as so augmented. Each pension granted effective subsequent to said first day of the month shall be in a monthly amount not less than the minimum monthly amount of pension provided, as of the effective date of the pension, by Section 184.6, as augmented pursuant to Section 184.7. The monthly amount of any pension which is or shall be affected by the minimum monthly amount of pension provided by Section 184.6, as augmented pursuant to Section 184.7: (a) shall be subject to be reduced pursuant to Section 182½ despite any other provisions of this Article;

and (b) shall be subject to be reduced pursuant to Section 182, Section 183 or Section 183½, whichever shall be applicable, provided, however, that any such reduction under this (b) shall be made only if it shall not reduce the monthly amount of the pension to a lesser monthly amount than the monthly amount of pension to which it had been increased pursuant to Section 184½ or to a lesser monthly amount than the minimum monthly amount of pension provided by Section 184.6, as augmented pursuant to Section 184.7 effective as of the date of any such reduction, whichever shall be the greater.

Sec. 184.8. The provisions of Section 184.7, if otherwise not applicable as of the effective date of this section to any pension referred to in Section 184.65, shall be applicable thereto, from and after the effective date of this section, to the same extent and in the same manner as they are applicable to any pension referred to in Section 184.6. Any adjustments provided to be made in monthly amounts of pensions pursuant to Section 184.7 shall be applicable to the monthly amounts of other pensions which are not referred to in said section or in the foregoing provisions of this section whenever the monthly amounts of any such other pensions otherwise would be in lesser monthly amounts than the minimum monthly amount of pension provided by Section 184.6, as then augmented pursuant to Section 184.7.

Sec. 190.02. Definitions.

(j) "Qualified Surviving Spouse" means a person who is the widow or widower of a deceased System Member or Retired Member who had been married (1) to the System Member for at least one year prior to the date of his or her nonservice-connected death while a System Member, or (2) to the System Member as of the date of his or her service-connected death while a System Member, or (3) to the Retired Member for at least one year prior to the effective date of his or her retirement upon a service pension or upon a nonservice-connected disability pension pursuant, respectively, to Section 190.11 or Section 190.12(b), or (4) to the Retired Member as of the effective date of his or her retirement upon a service-connected disability pension pursuant to Section 190.12(a), provided, however, that such person shall be a qualified surviving spouse only until he or she shall marry or die, whichever shall first occur.

(m) "Dependent Parent" means a person who is a parent of a deceased System Member or Retired Member who was domiciled in the United States as of the date of death of such member and to or for whom such member, during at least 1 year immediately preceding his death, contributed ½ or more of such person's necessary living expenses and who is unable to pay such expenses without the receipt of a pension, provided, however, that such penson shall be a dependent parent only until he shall be able to pay his necessary living expenses.

(p) "Monthly Salary" means the gross monthly salary or $\frac{1}{12}$ of the gross annual salary which shall be provided by ordinance for the System Member's permanent rank as of the date of the termination of his status as a Department Member excluding, however, length of service pay, special pay and hazard pay as hereinafter defined.

(q-2) "Special Pay" means any additional gross monthly pay or 1/12 of any additional gross annual pay which, by reason of assignment to perform special duties other than hazardous duties. shall be provided by ordinance, upon the conditions therein set forth, for the System Member's permanent rank as of the date of the termination of his status as a Department Member.

(s) "Normal Pension Base" of any System Member means the sum of: (1) his monthly salary; (2) any length of service pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member; (3) any special pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member; and (4) any hazard pay which he had received immediately preceding the date of his retirement or death or upon the last day he had performed duties as a Department Member or, if he had not received the same at either such time but had received such pay at some time prior thereto, 10% of the hazard pay which he had received at the time of the termination of his last assignment to hazardous duties for each year in the aggregate of his assignment to any hazardous duties not exceeding, however, 10 years in the aggregate.

Notwithstanding any of the foregoing, if a Retired Member were to be restored to active duty as a Department Member and thereby again were to become a System Member and if he again were to retire or to be retired without having performed his duties for at least 1 year subsequent to such restoration, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him prior to such restoration, the Normal Pension Base which shall be applicable to his later retirement shall be the Normal Pension Base which had been applicable to his previous retirement.

(t) "Nonservice-Connected Pension Base" of any System Member means the sum of: (1) the highest monthly salary provided, as of the date of the System Member's retirement or death, whichever shall first occur, for a Department Member then holding the basic rank of fireman or policeman; and (2) the highest length of service pay provided, as of the date of the System Member's retirement or death, whichever shall first occur, for a Department Member then holding either of said basic ranks.

Sec. 190.04. Request to Become A System Member.

Each Department Member who was appointed as such prior to the effective date of this Article shall have the right to become a System Member and may exercise such right only by filing a request therefor with the Board or in the office of the Board within 1 year immediately following the effective date of this Article, except as is hereinafter otherwise provided. Each such Department Member who shall be serving in the armed forces of the United States as of such effective date and who thereafter shall return to active duty as a Department Member, within the time required for job rights and other benefits, may exercise such right only by filing a request therefor with the Board or in the office of the Board within 1 year immediately following such effective date or within 90 days immediately following such return to active duty, whichever shall be the later. Each person who shall be receiving a disability pension pursuant to Section 182 or to Section 182¼ of Article XVII of this Charter as of such effective date and who thereafter shall be restored to active duty as a Department Member may exercise such right only by filing a request therefor with the Board or in the office of the Board within 1 year immediately following such effective date or within 90 days immediately following such restoration to active duty, whichever shall be the later. The legally appointed, qualified and acting guardian of the estate of any such Department Member may exercise such right for and on behalf of the Department Member only by filing a request therefor with the Board or in the office of the Board within 1 year immediately following such effective date, provided, however, that Court approval therefor first shall have been obtained.

The Board, for good cause and in its discretion, may extend the time within which any such Department Member or the guardian of the estate of any such Department Member may file such a request, whether the applicable period hereinabove prescribed therefor shall have or shall not have elapsed, and may impose whatever terms and conditions which it shall deem to be reasonable and just for the giving of any such extension of time.

Each such request shall be in writing, shall be signed by such Department Member or by the legally appointed, qualified and acting guardian of the estate of such Department Member, shall contain his full and complete waiver of any and all present and future pension rights and benefits provided by Article XVII of this Charter, including derivative rights and benefits for widows and other beneficiaries, shall contain his full and complete release, discharge and acquittance of the City and the Board of and from any and all present and future liabilities for the payment of any such benefits pursuant to said Article XVII and shall contain his election to become a System Member. The contents of such request need not be restricted to the aforementioned items and such request may include any and all provisions which the Board and the City Attorney may deem to be necessary or desirable to effec-

tuate such full and complete release, discharge and acquittance by each such member of the City and the Board of and from any and all present and future liabilities for the payment of any such benefits pursuant to said Article XVII, and the Board, after the effective date of this Article, shall have the power and authority to expend moneys for the preparation of such requests and for the distribution thereof to such Department Members.

Each such request, whether signed by such Department Member or by the guardian of his estate, shall be signed by the spouse of such Department Member whereby he or she shall freely and voluntarily join in and consent to everything contained therein with the same force and effect as if he or she had signed the same as a member, and such request, when so signed, shall be both effective and irrevocable upon the filing thereof with the Board or in the office of the Board. However, the Board, in its discretion but only upon the written request therefor by the particular Department Member involved, may waive the requirement that the request hereinabove mentioned shall be signed by the spouse of such Department Member, except in the case of any Department Member who was appointed as a member of the Fire Department or of the Police Department prior to January 17, 1927, and such request, when signed by the Department Member or the guardian of his estate, shall be both effective and irrevocable upon the filing thereof with the Board or in the office of the Board subsequent to but not prior to the Board's action waiving said requirement.

Sec. 190.05. Administration.

The New System shall be under the exclusive management and control of the Board which, in its exercise thereof, shall make use of the same facilities which it uses or shall use to administer the Fire and Police Pension System provided by Article XVII of this Charter. In the discretion of the Board, the position of general manager of the Department of Pensions and the position of secretary to the Board may be consolidated. The Board shall keep in convenient form, in addition to its other records and accounts, such information and data as shall or may be necessary or desirable for the making of the actuarial valuations and investigations which are required for the purposes of this Article.

The Board shall have the power and authority to prescribe the various forms which shall be used with respect to any of the provisions of this Article, and to adopt any rules and regulations to effectuate the purposes of this Article which it, in its discretion, may deem to be necessary or desirable.

Each action of the Board, whether by order, motion, resolution or otherwise, shall be adopted by a vote of at least 3 of its members but never by a vote of 2 of its members out of a mere quorum of 3 of its members, except as is provided in Section 190.07 for the unanimous vote of all 5 members thereof.

Sec. 190.07. Investments.

The Board shall have exclusive control of the administration and, within the limitations contained in this section, the investment of the New System Service Pension Fund and of the New System General Pension Fund which hereinabove are created and established, provided, however, that any moneys in said funds shall be kept on deposit in the City Treasury or be invested as hereinafter provided. The Board may adopt rules and regulations, and may change, amend or repeal the same, with respect to its investment policies which, however, shall be subject to the limitations contained in this section and not inconsistent with the provisions thereof. All securities and other documents purchased or otherwise obtained by reason of transactions made by the Board pursuant to the provisions of this section, regardless of the form, description or legal effect of any of the same, shall be placed in the custody of the City Treasurer who hereby is directed to act as a depositary for such securities and other documents.

The Board shall retain a competent investment counsel or advisor and shall purchase or sell securities, except United States Treasury bills, only upon the recommendation or advice of such investment counsel or advisor. Whenever the Board shall have taken under consideration the advisability of making or entering into any transaction for any authorized investment of money in either of the funds, other than the investment thereof in any security, it may contract and pay for services by or the advice of a recognized expert in the business or field to which any such transaction shall be related.

Equity-type Securities.

The Board, upon the terms and conditions and within the limitations hereunder set forth, may invest up to but not exceeding thirty-five percent of each fund, determined on a cost basis, in equity-type securities, such as common stocks or preferred stocks but not limited thereto.

Common Stocks.

To be eligible, common stocks shall be registered on a national securities exchange and as provided in the Federal Securities Exchange Act, any amendment thereto and any subsequent legislation in place thereof, except for common stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, life insurance companies, and fire or casualty insurance companies. Further, any common stock to be eligible shall have paid dividends for not less than 5 consecutive years next preceding the date of investment. Not more than 2% of each fund shall be invested in the common stock of a single corporation nor shall the total number of shares of common stock held in any single corporation by both funds exceed 5% of the issued and outstanding shares of common stock of such corporation.

Preferred Stocks.

In order for any preferred stock to be eligible, the issuing corporation, for a period of not less than 3 years next preceding the date of investment, shall have had net income, before fixed charges and taxes on income, equal to at least 1½ times the sum of the average annual fixed charges plus preferred stock dividend requirements for such period (as used herein, fixed charges shall mean interest on funded or unfunded debt, amortization of debt discount and expense, and expense and rentals for leased property and, in the case of consolidated earnings statements of parent and subsidiary corporations shall include all fixed charges and preferred stock dividend requirements, if any such preferred stock be held by others than the consolidated companies, of the subsidiaries); the issuing corporation shall not have defaulted in the payment of the principal or interest on any of its bonds or other evidence of indebtedness at any time during 5 years prior to the date of investment and, at the date of investment, shall not be in arrears in the payment of preferred stock dividends.

Debt-type Securities.

The Board may invest one hundred percent of each fund in debt-type securities, such as bonds or debentures but not limited thereto, which, at the date of investment, shall be rated, either provisionally or finally, within the 3 highest classifications established by at least 2 standard rating services, or which shall be legal for investment by savings banks or pension and retirement funds upon the same terms and conditions contained in the first paragraph of Section 1372 of the Financial Code of the State of California as of the effective date of this section.

The Board, as provided in the third paragraph of Section 1372 of the Financial Code of the State of California as of the effective date of this section, may invest up to but not exceeding twenty percent of each fund, determined on a cost basis, in debt-type securities, such as bonds or debentures but not limited thereto, whether or not such securities are expressly authorized by and whether or not they qualify under the provisions of the first paragraph of said section, in which in the informed opinion of the Board it is prudent to invest retirement funds.

First Mortgages and First Deeds of Trust.

The Board may invest, by purchase or otherwise, up to but not exceeding fifteen percent of each fund, determined on a cost basis, in private bonds or notes secured by first mortgages or deeds of trust, provided, however, that payment of the principal amount of any such bond or note shall be insured or guaranteed by an agency of the United States Government.

Real Property.

The Board may invest up to but not exceeding ten percent of each fund, determined on a cost basis, in real prop-

erty in the City of Los Angeles, provided, however, that any such investment shall yield at least ½% more than shall be the yield, at the time of the making of the investment, on long-term bonds of the United States Government. No such investment shall be made unless it shall be authorized by an order, motion or resolution adopted by all 5 members, and never less than all 5 members, of the Board. Except as hereinabove provided, the Board may make any such investment only for the same purposes, upon the same terms and conditions and within the same limitations, except as hereunder provided, contained therefor, with respect to County Employees' Retirement Systems, in Sections 31601, 31602(a), 31604, 31604.1, 31605 and 31606 of the California Government Code as of the effective date of this section. For the purposes hereof, the words "the board", "the board of supervisors of the county" and "the county", as used in said code sections, shall have substituted for them, respectively, the words "the Board of Pension Commissioners", "the City Council" and "the City". In applying the provisions of the code sections to any investment authorized thereunder: the rate prescribed in Section 31603 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the rate of yield hereinabove provided shall be applicable; the rate prescribed in Section 31591 of the California Government Code, as referred to in said Section 31604, shall not be applicable and, in lieu thereof, the assumed rate of interest per annum as provided in Section 186.1 or as established by the Board pursuant to the provisions thereof shall be applicable; and the four-fifths vote of approval by the members of the board of supervisors of the county, as provided in said Section 31601, shall not be applicable but, in lieu thereof, any such authorized investment shall be approved by an ordinance adopted by a two-thirds vote of the members of the City Council with the approval of the Mayor or by a three-fourths vote of the members of the City Council over the veto of the Mayor.

Sec. 190.13. Pensions for Other Beneficiaries.

(a) Pension for Qualified Surviving Spouse.

(1) System Member's Service-Connected Death. The qualified surviving spouse of a System Member who shall die while he is a Department Member, by reason of injuries received or sickness caused by the discharge of his duties, shall be paid, for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which shall be equal to 50% of such System Member's Normal Pension Base or, alternatively, in an amount which shall be equal to 55% thereof in the event that such member shall have had 25 years of service or more as of the date of his death.

(3) System Member's Death While on Service-Connected Disability Pension. The qualified surviving spouse of a Retired Member, who shall die while he is receiving a pension pursuant to subsection (a) of Section 190.12, shall be paid,

for life or until she shall cease to be a qualified surviving spouse, a monthly pension in an amount which shall be equal to 50% of such Retired Member's Normal Pension Base or, alternatively, in an amount which shall be equal to 55% thereof in the event that such member shall have had 25 years of service or more as of the effective date of his retirement.

(8) Reinstatement of Pension of Reinstated Qualified Surviving Spouse. Any qualified surviving spouse, who shall marry and thereby cease to be a qualified surviving spouse, shall be reinstated as a qualified surviving spouse as of: (i) the date upon which a judgment or decree shall become final dissolving such marriage upon any ground or declaring a void or voidable marriage to have been null and void or voided, provided, however, that such date shall be within 5 years from the date of the marriage ceremony; or (ii) the date upon which such marriage shall be dissolved by the death of the other party thereto, provided, however, that such date shall be within 5 years from the date of the marriage ceremony. Such reinstated qualified surviving spouse shall be entitled to the reinstatement of her pension effective as of either such date, whichever shall be applicable, but shall not be entitled to the payment of any pension for the period prior to such applicable date and subsequent to the date of the marriage ceremony. The pension paid to any other Beneficiary or Beneficiaries during the period of the marriage or purported marriage of such reinstated qualified surviving spouse shall cease when her pension shall be reinstated, except as is otherwise provided in paragraph (7) of this subsection of this section. However, should such reinstated qualified surviving spouse thereafter be a party to another marriage ceremony, her pension as such shall cease and never again shall be reinstated regardless of whether such marriage ceremony shall result in a valid marriage or in a voidable or void marriage and whether or not the same legally shall be terminated.

(b) Pension For Minor Child or Children and Dependent Child or Children. Whenever any System Member or Retired Member shall die, without leaving a qualified surviving spouse, the guardian of the estate of his minor child or children or dependent child or children shall be paid, until each such child shall cease to be a minor child or dependent child, a monthly pension pursuant to paragraph (1), to paragraph (2), to paragraph (3), to paragraph (4), to paragraph (5), or to paragraph (6) of subsection (a) of this section, whichever shall be applicable. Whenever any such member shall die, leaving a qualified surviving spouse who thereafter shall cease to be a qualified surviving spouse or who thereafter shall cease to be a reinstated qualified surviving spouse, the guardian of the estate of his minor child or children or dependent child or children shall be paid, until each such child shall cease to be a minor child or dependent child, a monthly pension pursuant to one of the aforementioned paragraphs

of subsection (a) of this section, whichever shall be applicable. In either of the foregoing events and if there were to be more than 1 minor child or dependent child, an equal share of such monthly pension shall be paid for and on behalf of each such child to the guardian of his estate and shall be adjusted as each of them shall cease to be a minor child or dependent child in the manner set forth in paragraph (7) of subsection (a) of this section.

Sec. 190.14. Cost of Living Adjustments to Certain Pensions.

(b) Adjustments to be Made in Pensions. Commencing as of July 1st of the year in which the Board shall determine the percentage of increase or decrease in the cost of living, the monthly amounts of certain pensions, as hereinafter identified and upon the conditions hereunder stated therefor, shall be increased or decreased by reason of such determined percentage of increase or decrease in the cost of living but not to exceed, however, 2% in any given year. Such determined percentage of increase or decrease in the cost of living, as so limited, shall be applied to the monthly amounts of such pensions which shall be payable prior to the applicable July 1st, including any previous percentage of increase or decrease in the cost of living which had been made with respect thereto.

The percentage of increase or decrease in the cost of living first shall be applied to:

(1) The pension of any Retired Member who shall retire pursuant to Section 190.11, with less than 25 years of service, upon the July 1st following the date upon which he would have had 25 years of service if he had not retired prior thereto;

(2) The pension of any Retired Member who shall retire pursuant to Section 190.11, with 25 years of service or more, upon the July 1st following the effective date of his pension;

(3) The pension of any Beneficiary or Beneficiaries which shall be granted pursuant to paragraph (5) or to paragraph (6) of subsection (a) of Section 190.13, whether by reason of the provisions thereof or of those of subsection (b) or of subsection (c) of said section, including any additional pension amounts payable pursuant to paragraph (7) of subsection (a) of said section, following the death, with less than 26 years of service, of a Retired Member who had been retired pursuant to Section 190.11 or of a System Member who had become eligible to retire pursuant thereto, upon the July 1st following the date upon which such Retired Member or such System Member, as the case may be, would have had 26 years of service if he, the Retired Member, had not retired prior thereto and had been alive on that date, or if he, the System Member, had been alive on that date; and

(4) The pension of any Beneficiary or Beneficiaries which shall be granted pursuant to paragraph (5) or to paragraph (6) of subsection (a) of Section 190.13, whether by reason of the provisions thereof or of those of subsection (b) or of subsection (c) of said section, including any additional amounts

payable pursuant to paragraph (7) of subsection (a) of said section, following the death, with 26 years of service or more, of a Retired Member who had been retired pursuant to Section 190.11 or of a System Member who had become eligible to retire pursuant thereto, upon the July 1st following the effective date of the pension of such Beneficiary or Beneficiaries.

(5) The pension which shall become payable to any minor child or children or dependent child or children, whenever any qualified surviving spouse or reinstated qualified surviving spouse shall cease to be such, shall commence in the same monthly amount which then would have been payable if such pension had become effective upon the date following the date of death of the System Member or Retired Member and thereafter it shall be adjusted as otherwise provided in this section. The pension which shall become payable to any reinstated qualified surviving spouse, as reinstated pursuant to paragraph (8) of subsection (a) of Section 190.13, shall commence in the same monthly amount which then would have been payable if she never had ceased to be a qualified surviving spouse and thereafter it shall be adjusted as otherwise provided in this section. The pension which shall become payable to any reinstated dependent parent or parents, as reinstated pursuant to subsection (c) of Section 190.13, shall commence in the same monthly amount which then would have been payable if he or she or each of them never had ceased to be a dependent parent and thereafter it shall be adjusted as otherwise provided in this section.

(6) The amount of any pension referred to in (1), (2), (3), (4) or (5) of this subsection never shall be reduced, by reason of the application thereto of this section, to an amount less than the amount thereof payable pursuant to the provisions of this Article other than those of this section.

Sec. 190.16. Miscellaneous Provisions.

The provisions of this section shall be controlling if there were to be any other provision contained elsewhere in this Article which is or could be construed to be contrary thereto, in conflict therewith or different therefrom.

(1) Any System Member who shall believe that he is eligible to be retired pursuant to Section 190.11 and that he also is eligible to be retired pursuant to Section 190.12, shall have the right to file his written application to be retired pursuant to either one of said sections and the Board, if it were to determine that the contingencies provided in this Article for retirement pursuant to the particular section involved had happened or occurred as to such member, shall retire him in accordance with his written application therefor.

(2) In the event that any System Member were to file his written application to be retired and a written request for him to be retired also were to be filed by or on behalf of the head of the department in which he is a Department Member, the Board shall not consider or make any deter-

mination with respect to such written request unless and until it first shall have considered such member's written application and shall have determined that he is not entitled to be retired in accordance therewith.

(3) Any former System Member who shall believe that he is eligible to be paid a pension pursuant to Section 190.11 or pursuant to Section 190.12, may file his written application for the payment to him of a pension pursuant to either one of said sections within the time prescribed for the filing thereof by any applicable provision of law and the Board, if it were to determine that the contingencies provided in this Article for the payment thereof had happened or occurred as to such former member prior to the date upon which he had ceased to be a System Member and if there is no legal bar or defense to the granting to him of such pension or to any judicial action or proceeding which could be brought by him with respect thereto, shall grant him the pension in accordance with his written application therefor.

Proposed Charter Amendment No. 8

The Charter of the City of Los Angeles is hereby amended by amending subsection (b) of Section 70 and Section 71 to read as follows:

(b) Personnel
Fire
Police

Said departments shall each be under the control and management of a board of five commissioners.

Sec. 71. Each said board shall be known as the Board of (insert name of department) Commissioners, and the members of each such board shall be known as the commissioners of their department, except that the Board of Personnel Commissioners shall be known as the Board of Civil Service Commissioners. Any such board may be referred to as a citizen board. An attendance fee of Ten Dollars ($10.00) per meeting attended, not exceeding One Hundred Dollars ($100.00) in any calendar month to any member, shall be paid to each member of any of said boards; except that as to the Department of Airports, Harbor Department and Department of Water and Power said attendance fee shall be Twenty-five Dollars ($25.00) per meeting attended, not exceeding Two Hundred Fifty Dollars ($250.00) in any calendar month.

Proposed Charter Amendment No. 9

The Charter of the City of Los Angeles is hereby amended by amending Section 111 thereof to read as follows:

Sec. 111. The provisions of this Article shall apply to all departments, divisions and offices of the city government including therein all employees of the city, except that the following shall be exempt therefrom, to wit:

All officers elected by the people.

All members of the several boards.

Members of the Board of Zoning Adjustment.

The secretary to the Mayor and such other persons employed in positions established by the Council in the Office of the Mayor, except clerks, stenographers and secretaries other than the secretary to the Mayor.

Such persons employed in positions established by the Council for the purpose of assisting the members of the Council in the performance of their duties, except clerks, stenographers, secretaries and administrative analysts.

The Chief deputy of the Controller.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The General Manager who is the Chief Engineer of the Department of Water and Power, and two deputies of said General Manager; provided that if the work of that Department be divided into two bureaus as provided elsewhere in this Charter, then there shall be exempted the General Manager who is the Chief Engineer of the Bureau of Water Works and Supply and the General Manager who is the Chief Electrical Engineer of the Bureau of Power and Light, and a Deputy of the General Manager of each of the two Bureaus.

The Auditor and the Cashier of the Department of Water and Power.

Four persons employed to render services in the Department of Water and Power as assistants or deputies, at a position level in any supervisory line of authority in said Department higher than any position existing under the classified civil service in said line of authority, or as members of the staff of the General Manager of that department, or as they may be divided by action of the Board of Water and Power Commissioners between the respective General Managers if the work of that department be divided into two bureaus; provided that each such person must, at the inception of such exempt employment, hold a position in the Department of Water and Power under the classified civil service provisions of this charter, and must have held one or more such positions for an aggregate period of fifteen years or more, and provided further that the exemption of each such person shall be declared by the Board of Water and Power Commissioners.

The General Manager of the Department of Airports.

The City Administrative Officer and two Assistant City Administrative Officers.

The Traffic Manager and the Port Warden of the Harbor Department.

The Inspector of Public Works.

All physicians appointed by the Health Board other than those employed on a regular full-time permanent basis.

All physicians appointed on or after January 1, 1955, to render services in the Department of Water and Power; provided that such appointments shall be without prejudice to those appointed subject to this article before said date.

All officers of election.

Persons specially employed by the City Clerk, as authorized by the provisions of Section 305 hereof, to assist in the conduct of any election

The Police Surgeon and assistant police surgeons.

All employees of Advisory Borough Boards.

Persons or positions elsewhere specifically exempted by the provisions of this charter.

Persons employed to render professional, scientific, technical or expert services of an exceptional character upon the request of the head of the department, division or office in which such persons are to be employed, approved by resolution of the Council, and by the Board of Civil Service Commissioners.

Any of the following persons may be exempted from the provisions of this article upon the request of the head of the department, division or office in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution, to wit: (a) the first and second deputies in any department, division or office, or either of such deputies where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings. In the same manner there may be exempted in any department, division or office any position requiring the services of one individual for not more than half time and paying a salary not to exceed three-fourths of the monthly rate established by the salary fixing authority of such department, division or office for entering level clerical positions Any exemption made under the provisions of this paragraph may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Each and every person exempted by or pursuant to the provisions of this section shall during the period of such exempt employment, be considered as being on leave of absence from the classified civil service if at the time of such exemption he holds a position in the classified civil service, or is entitled to hold a position therein, and shall continue, during such period, to accrue seniority credit the same as though serving in the position in the classified civil service from which he is deemed to be on leave.

## Proposed Charter Amendment No. 10

The Charter of the City of Los Angeles is hereby amended by amending Section 103 thereof to read as follows:

Sec. 103. All applicants for office, places, or employments in said classified civil service shall be subject to examination, which shall be public, competitive and open to all citizens of the United States, with specified limitations as to residence,

age, sex, health, habits, experience and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health and manual skill. No question in any examination shall relate to political or religious opinions or affiliations No limitation or restriction whatsoever shall be imposed, excepting in the departments of fire and police, fixing a maximum age in excess of which persons shall be deprived from taking examinations for or being employed in the classified civil service. The board shall control all examinations, and may whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

Proposed Charter Amendment No. 11

The Charter of the City of Los Angeles is hereby amended by amending Section 108 thereof to read as follows:

Sec. 108. The Board of Civil Service Commissioners may by its rules provide for status and seniority for civil service employees in classes other than those for which they were examined, where (a) an employee is incapable of performing satisfactorily the duties of his position because of injury or sickness resulting from the discharge of the duties of such position or from the discharge of his duties as a member of the armed forces of the United States in time of war, or (b) an employee has completed a probationary period in the city service. Any rules adopted by the board pursuant to this section shall provide: (1) no employee may be placed in a different class unless he shall first have filed his written consent thereto; (2) no change of class status may be allowed where the same would result in a promotion; (3) no employee may be placed in a different class unless he possesses the minimum qualifications required for such class and that he is capable of performing the duties prescribed therefor. No employee who is placed in a different class pursuant to the provisions of this section may at the time he is placed in such class be credited with more seniority therein than he had accumulated in his former class.

The authority of the Board of Civil Service Commissioners under this section shall be in addition to and may be exercised without regard to the provisions of Section 125 of this Charter.

Proposed Charter Amendment No. 12

The Charter of the City of Los Angeles is hereby amended by amending subsection (c) of Section 109 thereof to read as follows:

(c) The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months, except that a longer period, not exceeding twelve months, may be fixed for management personnel, for those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of regular police officers, and for those members of the Fire Department appointed under civil service rules and regulations to perform the duties of regular firemen. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said board may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the probationary period, the appointing authority of the department or office in which the candidate is employed may terminate him upon assigning in writing the reasons therefor to said board. Unless he is thus terminated during the probationary period his appointment shall be deemed complete. The board may, by its rules, provide for restoration to the register of eligibles of candidates who are terminated during the probationary period; any rules adopted pursuant to this subsection shall provide that the board may not certify any such candidate to the department or office which terminated him except at the specific request of the appointing authority of that department or office.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 12th day of June, 1967.

(SEAL)

L. E. TIMBERLAKE
President of the Council of the
City of Los Angeles
WALTER C. THIEL
City Clerk of the City of
Los Angeles
By: HENRY P. RIO
Chief Deputy City Clerk

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Los Angeles as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Los Angeles.

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## CHAPTER 115

*Assembly Concurrent Resolution No. 38—Relating to the naming of a bridge in memory of the late Elmer Hurlbutt.*

[Filed with Secretary of State July 6, 1967.]

WHEREAS, The settlement of southern Humboldt County was to a great extent limited by access and the access by sea was only supplanted through the efforts of our early pioneers in the development of primitive trails and roadways; and

WHEREAS, Outstanding among the limited number of pioneers representing the force that resulted in the dramatic progress of a beautiful but primitive area was Elmer Hurlbutt, a native of Humboldt County, who was born at Ferndale on October 13, 1882; and

WHEREAS, He was one of the main participants in the settling of southern Humboldt County, and he played a key part in developing the area in and around Garberville, introducing new industry in the area, and becoming one of the most influential sheep and cattle growers in southern Humboldt County; and

WHEREAS, Elmer Hurlbutt, with the cooperation of others, developed the first organization to provide public service, the Garberville Water Company, which still serves the community; and

WHEREAS, He maintained his active interest in the welfare of the area until his death on May 7, 1965, at the age of 82; and

WHEREAS, It is highly fitting that the Dean Creek bridge on U.S. Highway 101 near Garberville be named the Elmer Hurlbutt Memorial Bridge in memory of the contributions of the late Elmer Hurlbutt; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Dean Creek bridge on

U.S. Highway 101 near Garberville is hereby officially designated and named the Elmer Hurlbutt Memorial Bridge; and be it further

*Resolved*, That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on the bridge showing this official designation; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Division of Highways in the Department of Public Works.

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## CHAPTER 116

*Assembly Concurrent Resolution No. 90—Relative to the Golden Empire Council of the Boy Scouts of America.*

[Filed with Secretary of State July 6, 1967.]

WHEREAS, Fifteen thousand boys ranging in age from 8 to 18 from the five counties of Amador, El Dorado, Sacramento, Solano, and Yolo will soon assemble on the California State Fair Grounds for the biggest public demonstration of scouting skill and activity to be seen in northern California; and

WHEREAS, The Camp-O-Rama, as this event is called, represents the effort and support of an estimated 4,000 adult volunteers who will assist boys of all ages in the construction and organization of Cub Scout Village, Boy Scout Fort, and Explorer City, and the activities thereof; and

WHEREAS, The responsibility for planning and coordination for the Camp-O-Rama has been vested in the person of Colonel Robert R. Sauer, commander of Mather Air Force Base, and his duly appointed vice chairmen: John Dyer, John W. Harris, John Ickes and Robert Montgomery; and the special assistance of William Smith, council activities chairman, and David Dolder, assistant Scout executive; and

WHEREAS, These gentlemen and a select volunteer committee of 75 men have invested hundreds of manhours in preparation and planning for the Camp-O-Rama, the largest demonstration of 'Scouting in action' ever held in northern California; and

WHEREAS, We recognize that the Camp-O-Rama is only one example of a continuous program of teaching character development, citizenship training and physical fitness to American Youth; and

WHEREAS, The Golden Empire Council is recognized as one of the finest area organizations in the nation, and since 1923, has provided the advantages of the Scouting program to over 500,000 Sacramento area boys; and

WHEREAS, A volunteer board of directors presently under the leadership of Robert Pokorny, council president, Dr. Robert Clements, Scout commissioner, and Merle Krulish,

Scout executive, are responsible for providing leadership and proper administration in the continuation of this dynamic youth program; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That Colonel Robert Sauer and the members of his Camp-O-Rama Committee, and the 8,000 volunteer men and women working throughout the year with an estimated 22,000 boys within the Council area, be accorded the commendation and congratulations of the California State Legislature for their splendid achievements and best wishes for a successful Camp-O-Rama on May 12, 13 and 14; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit suitably prepared copies of this resolution to the Scouting volunteers named in this resolution.

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## CHAPTER 117

*Assembly Joint Resolution No. 23—Relative to petitioning the Postmaster General of the United States to issue a commemorative stamp honoring law enforcement.*

[Filed with Secretary of State July 6, 1967.]

WHEREAS, The contribution of the law enforcement agencies of our nation is often overlooked; and

WHEREAS, Law enforcement is so vital to our well-being and security; and

WHEREAS, A commemorative stamp honoring the law enforcement agencies of the United States would promote greater community acceptance and understanding of local peace officers; and

WHEREAS, Such a stamp would be in keeping with our national goal of reducing crime and creating respect for law and order; and

WHEREAS, A stamp honoring law enforcement would serve as permanent testimony to our dependence upon and esteem for law enforcement; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Postmaster General of the United States to issue a commemorative stamp in honor of law enforcement; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Postmaster General of the United States.

## CHAPTER 118

*Assembly Concurrent Resolution No. 82—Relative to making additional funds available to the Legislative Audit Committee.*

[Filed with Secretary of State July 6, 1967.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That in addition to any money heretofore made available to it, the sum of four hundred seventy thousand dollars ($470,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid equally from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 119

*Assembly Concurrent Resolution No. 120—Relative to ringing of bells on the Fourth of July.*

[Filed with Secretary of State July 6, 1967.]

WHEREAS, The tolling of the Liberty Bell at Independence Hall, Philadelphia, Pennsylvania, at 2 o'clock in the afternoon of the Fourth of July, 1776, proclaimed the signing of the Declaration of Independence; and

WHEREAS, The adoption of this historic document marked the birth of our country as a free and independent nation; and

WHEREAS, It is fitting that the anniversary of this great event should be appropriately observed in each year at the same moment throughout the nation; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Governor is requested to proclaim that the anniversary of the signing of the Declaration of Independence should be observed by ringing of bells throughout the state at the hour of 11 o'clock in the morning of the Fourth of July and that civic and community leaders in the state be urged to take appropriate steps to encourage public participation in such observance; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Governor.

## CHAPTER 120

*Senate Joint Resolution No. 27—Relative to withdrawal of lands in public domain from lease or mineral location for development of geothermal steam.*

[Filed with Secretary of State July 6, 1967.]

WHEREAS, The outstanding strength and world position of this nation and the advanced state of the arts and sciences attained by its citizens has been due in large part to its wealth of natural resources, and in turn to the capacity it has developed over the years for production of raw natural resources and for their conversion to manufactured goods essential to our society; and

WHEREAS, The products of mines form a very large part of these natural resources; and

WHEREAS, A close relationship may be inferred between the capacity of this nation for production from mines, and the system put into being by congressional acts, particularly by means of the General Mining Law of 1872, whereby the discoverer of valuable minerals on the public domain has been able to take such discovery into possession without let or disturbance on the part of his fellow citizen or even of his government; and

WHEREAS, From time to time certain areas of the public domain have been withdrawn from mineral location by the federal government (when the lands were properly shown to be needed for such purposes as national parks, reservoirs, military bases, and the like) under prescribed procedures and with due consideration, with at least one form of such withdrawal requiring express congressional approval; and

WHEREAS, All such withdrawals have been within distinctly described boundaries, and all have been more or less localized and limited in extent; and

WHEREAS, Though conflicts have developed from time to time between claimants and even owners of surface resources, on the one hand, and of mineral resources below ground, on the other, as for example conflicts developing in the 1950's between uranium mining claimants on the Colorado plateau and holders of federal leases for gas and oil production on the same lands, all such conflicts have been resolved either by judicial process or by occasional act of Congress amending but not rescinding the basic philosophy of the General Mining Law of 1872; and

WHEREAS, The foregoing notwithstanding, there was published in the Federal Register, on February 7, 1967, a proposal by the Department of the Interior, Bureau of Land Management, for withdrawal from all forms of mineral location or leasing of all those lands of the public domain valuable or prospectively valuable for geothermal steam, the lands being no further described, and apparently being subject only to

designation by the U.S. Geological Survey as to potential value for such purposes; and

WHEREAS, Not until March 24, 1967, was the issue clarified by the publication, in the Federal Register for that date, of a modified request in which the lands to be withdrawn are described by reference to legal subdivisions of the United States survey and total more than 800,000 acres in California; and

WHEREAS, The legal effect of publication in the Federal Register of the proposal for such withdrawal is tantamount to immediate withdrawal of all land so designated, and renders invalid all claims staked thereon since date of publication (March 24, 1967) including those unwittingly staked on such lands by prospectors and miners not accustomed to reading the Federal Register; and

WHEREAS, In addition the legal effect also has caused suspension of all negotiations and proceedings in progress in the state on the part of the U.S. Bureau of Land Management and the U.S. Forest Service that would have completed mineral leases, including petroleum leases, land exchanges, and patents, within the area designated; and

WHEREAS, Conflict that may be anticipated between lessees from the federal government of lands for geothermal purposes and locators, under the mining law, of locatable minerals on the same land, is open to solution by many means other than cancellation of location privileges; and

WHEREAS, Energy from geothermal steam may be important in the future but today is so new and so undeveloped and in some of its aspects (especially geological relationships) is so little understood as to render unfeasible any exact definition of land of geothermal steam potential except in unusual and extremely limited cases; and

WHEREAS, If administrative convenience is at stake, this is of no such importance to the nation as is the need for administratively unhampered, orderly, and continuous production of mineral raw materials by private industry; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature of the State of California records its opposition to the proposed withdrawal as being most harmful to existing land uses, as unnecessary to the anticipated needs, as too broad, as embracing far too much land, as unnecessary to the control of water pollution, if that is a purpose, and, finally, as being contrary to the expression of Congress in the general mining laws that the public domain be open to discovery, possession, and utilization of mineral deposits by citizens; and be it further

*Resolved*, That the Legislature of the State of California respectfully memorializes the President of the United States and the Secretary of the Department of the Interior to rescind the action taken by publication in the Federal Register of the proposed withdrawal; and be it further

*Resolved*, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Department of Interior and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 121

*Senate Concurrent Resolution No. 59—Relative to the death of State Senator J Eugene McAteer.*

[Filed with Secretary of State July 11, 1967.]

WHEREAS, On Friday, May 26, the Honorable J Eugene McAteer, distinguished Senator from San Francisco, was fatally stricken while engaged in vigorous physical exercise, and

WHEREAS, Senator McAteer was born in San Francisco, received his early education in the schools of his home city, graduated from the University of California, A.B., 1937, where he was captain of the football team; School of Law, University of San Francisco, LL.B., 1952; volunteered his services to his country and served in the Navy, 1941–46, as a lieutenant commander, receiving four combat decorations, one of which was for "outstanding courage and gallant leadership" after he swam ashore with a line from a ship in distress; was a member of the California Veterans Board 1948–52, and became Naval Aide to General Ridgeway in 1952, serving with SHAPE in Paris; was elected a member of the Board of Supervisors, City and County of San Francisco in 1953, serving in that capacity until 1958; and

WHEREAS, Senator McAteer was a man of unusually broad general interests, which attribute was exemplified by his success as an attorney and businessman, and by his membership in the American Legion, Veterans of Foreign Wars; Disabled American Veterans (his left leg and knee were permanently disabled as a result of a wound); Pile Drivers, Bridge, Wharf and Dock Builders Union, Local 34; Native Sons of the Golden West; Phi Alpha Delta (Legal Honorary); California Bar Association; Press Club; Union League Club; South End Rowing Club; Old Timers Baseball Association, and the Olympic Club, of which he was president in 1957; and

WHEREAS, Senator McAteer was elected to the Senate of the State of California in 1958 and reelected in 1962 and 1966, in which office he has served with distinction, and to the satisfaction of his constituents, having given serious and competent attention to the work of the various committees to which he was appointed, and having been, at the time of his death, chairman of the important Committee on Governmental Efficiency; and

WHEREAS, During all of his labor in company with his fellow senators he demonstrated a keen and active mind and proved himself to be an opponent to be respected and an ally to be valued; and

WHEREAS, In addition to his successes and distinctions Senator McAteer was a man of great personal charm, friendly and convivial and highly esteemed by hosts of friends and admirers, and one whose absence from the sessions of the California Senate will be keenly felt; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That its members and officers mourn the passing of this stalwart statesman in the prime of his life, at a time when his service to society was at its zenith, and desire by this resolution to express their grief and to extend their sympathy to those most bereaved; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to present appropriately prepared copies of this resolution to his widow, Frances M. McAteer; and to his three sons, Thomas McAteer, Timothy McAteer, and Terrence McAteer.

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## CHAPTER 122

*Senate Joint Resolution No. 26—Relative to mining deposits on public lands.*

[Filed with Secretary of State July 11, 1967.]

WHEREAS, The term "common varieties" as contained in the Act of Congress of July 23, 1955 (69 Stat. 368), also commonly known as Public Law 167 and as the Common Varieties Act, has been misunderstood and is vague and uncertain and has misled large numbers of persons and firms engaged in good faith in prospecting and mining upon the public domain; and

WHEREAS, The Committee on Interior and Insular Affairs of the Senate of the United States, as stated in its Report No. 1608 dated September 19, 1966, to the 89th Congress, 2nd Session, found that the act had not been interpreted or administered in accordance with the congressional intent, had given rise to many abuses, was imposing inequitable hardship on bona fide mining men and because of uncertainty as to just what the administrative agencies would determine to be a common variety, was seriously impeding the development of the mineral resources of the public domain; and

WHEREAS, Many persons and firms in the State of California are engaged in mining upon the public domain and are or can easily be subject to the inequitable hardship mentioned by the Senate Committee; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such action as may be necessary to

clarify the intent of the Congress in enacting Section 3 of the Act of July 23, 1955 (69 Stat. 368), also commonly known as the Common Varieties Act; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 123

*Assembly Concurrent Resolution No. 33—Relative to the color of schoolbuses.*

[Filed with Secretary of State July 11, 1967.]

WHEREAS, Section 16852 of the Education Code authorizes the State Board of Education to adopt reasonable regulations relating to the color of schoolbuses; and

WHEREAS, Pursuant thereto, the State Board of Education has adopted a regulation (5 Cal. Adm. C., Sec. 1160) requiring the entire body of a schoolbus, except bumpers, grills, lamp bodies and other exterior accessories, to be painted National School Bus Chrome (#1305, National Bureau of Standards); and

WHEREAS, The intense sun in certain areas of this state shining on the horizontal flat surface on top of schoolbuses makes the interior of schoolbuses operating in these areas extremely hot and uncomfortable for students riding in the buses; and

WHEREAS, The use of white or some other reflective color on the horizontal flat surface on top of the buses would help reduce the extreme heat inside the buses and would make bus transportation less uncomfortable for students; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Board of Education is respectfully requested to revise its regulations so as to authorize school districts to paint the flat horizontal surface on top of their schoolbuses white or some other reflective color; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the State Board of Education and to the Superintendent of Public Instruction.

## CHAPTER 124

*Senate Concurrent Resolution No. 47—Relative to Colorado River Boundary Commission and the necessity for locating and surveying section corners along the Arizona-California boundary.*

[Filed with Secretary of State July 17, 1967.]

WHEREAS, The Colorado River Boundary Commission was created and exists by and by virtue of Chapter 1693 of the Statutes of 1953, as amended by Chapter 1679 of the Statutes of 1955, to investigate and report to the Legislature as to the necessity and advisability of a compact between the States of Arizona and California defining and relocating the common boundary; and

WHEREAS, Such investigation and report has been made and a boundary compact has been entered into by and between the States of Arizona and California, and approved by the Legislature of California upon the enactment June 11, 1963, of Chapter 859, Statutes of 1963, and approved by the Legislature of Arizona upon the enactment April 2, 1963, of Chapter 77, S.B. 251, 26th Legislature, First Regular Session, and ratified and approved by the Congress of the United States upon the enactment of Public Law 89-531, 89th Congress (S. 3249, approved by the President August 11, 1966); and

WHEREAS, Pursuant to Section 2 of said Chapter 859, the Honorable Edmund G. Brown, as Governor of California, did issue a proclamation under date of December 5, 1966, of the fact that the State of Arizona has ratified and approved said compact and that the Congress of the United States has approved said compact; and

WHEREAS, Said Interstate Boundary Compact is now in full force and effect and said interstate boundary has been thereby relocated from its former position as "the middle of the channel of said (Colorado) river . . ." to a fixed location as described in Exhibit "A" of said compact; and

WHEREAS, There are numerous problems of conflicting land titles, rights or claims of persons, public and private, natural or artificial, to lands on or adjacent to the channel of the Colorado River and the interstate boundary line, as set forth in the Interstate Boundary Compact; and

WHEREAS, As a result of the reestablishment of the location of the boundary between the States of Arizona and California, confusion and uncertainty has arisen with respect to titles, rights and claims of the State of California and persons, public and private, to lands in the vicinity of the Colorado River and the newly created interstate boundary; and

WHEREAS, Lands heretofore considered a part of the State of Arizona are under the terms of the Interstate Boundary Compact now within the boundaries of the State of California, and lands heretofore considered a part of the State of Cali-

fornia are under the terms of the said Interstate Boundary Compact now within the boundaries of the State of Arizona; and

WHEREAS, Numerous lawsuits have been instigated affecting the interests of the United States of America, the State of California, and public and private parties with respect to lands along the Colorado River; and

WHEREAS, Accurate land descriptions are required to enable the parties and the courts to determine factual and legal issues in such litigation; and

WHEREAS, Uncertainties exist as to the right and duty of officials of the State of California and of the Counties of Imperial, Riverside and San Bernardino; and

WHEREAS, Persons who own land adjacent to the channel of the Colorado River and the Arizona-California boundary are in several instances having their land assessed for real property or possessory interest taxes by both Arizona and California, and are uncertain which state has jurisdiction to levy and collect taxes upon their lands; and

WHEREAS, Because there are excellent dove and waterfowl populations along the entire length of the Colorado River, both California and Arizona hunters concentrate there in great numbers, and California fish and game wardens are unable to determine the precise location of the interstate boundary, and are therefore impeded in the enforcement of fish and game laws in this area; and

WHEREAS, State-owned lands along the Colorado River are blessed with an abundance of wildlife cover and excellent fishing, both of which are being rapidly lost to private interests who by virtue of occupancy lay claim to both the land and roadways through it which provide access to the river; and

WHEREAS, All past efforts of fish and game wardens and other law enforcement officers to defend against this type of squatter acquisition have met with frustration for lack of means of identification of section corners to establish lines of demarcation between titled fee lands and lands which rightfully belong to the State of California; and

WHEREAS, The performance of engineering and survey work is necessary in order to protect the interests of the state and its citizens in connection with land titles, rights, claims and boundary disputes; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Colorado River Boundary Commission is hereby requested to report to the Legislature as to the necessity and desirability of, and as to the means and methods of accomplishing, as well as the estimated cost of (a) mapping all of the state-owned bed of the Colorado River, (b) resetting any missing section corners on both sides of the Colorado River from the Nevada-Arizona line to the international boundary line between California and the United Mexican States, (c) installing visible boundary markers along the Colorado River, and (d) locating, identifying, surveying and

providing legal descriptions of all state-owned lands adjacent to the Colorado River; and, be it further

*Resolved,* That the said boundary commission is requested to report to the Legislature its findings and recommendations thereon not later than the fifth legislative day of the 1968 Regular Session.

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## CHAPTER 125

*Senate Joint Resolution No. 36—Relative to the domestic trawl fish industry.*

[Filed with Secretary of State July 17, 1967.]

WHEREAS, The nutritional value of fish and shellfish in the diet of America and the world and the value of such fish as a protein resource are becoming increasingly important; and

WHEREAS, Appropriate federal agencies have found on a number of occasions that our domestic trawl fish industry was being badly hurt by foreign imports, but no executive action was taken to provide the needed protection; and

WHEREAS, Since 1954 the United States domestic fishery production has consistently diminished so as to drop from second to fifth place in world production; and

WHEREAS, The domestic fishing industry has found it impossible to undergo needed modernization and to upgrade itself as long as all foreign nations can so conveniently ship fishery products into the United States; and

WHEREAS, Only 19.2 percent of the total United States supply of bottomfish in 1966 was attributable to United States production, while 80.8 percent was attributable to foreign imports; and

WHEREAS, The problem of foreign fishing along our coast is identical to the problem of foreign imports and is destroying the domestic trawl industry; and

WHEREAS, Processing plants in California are limiting the landings of bottomfish due to the heavy and steadily increasing imports of similar species; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take appropriate action to ensure and provide a sound and healthy trawl fishery through tariff or quota protection against such imported products; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

## CHAPTER 126

*Senate Concurrent Resolution No. 33—Relative to the eradication of tuberculosis in California.*

[Filed with Secretary of State July 18, 1967.]

WHEREAS, More than 5,000 newly reported active cases of tuberculosis are being detected annually in California; and

WHEREAS, The rapidly increasing population in the state and the mobility thereof creates problems in the early discovery, the continuity of case supervision, and the prevention of infection among children; and

WHEREAS, The direct and indirect costs for tuberculosis control and treatment in California are estimated to be $45 million annually; and

WHEREAS, Through an augmented and accelerated program in tuberculosis control activities, with priorities established, the California Interagency Council on Tuberculosis has established the eradication of this communicable disease as a statewide goal; and

WHEREAS, The elements and specifics recommended to achieve the goal of eradication were formulated by recognized experts from throughout the state; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Legislature, in recognizing the importance of achieving the eradication of tuberculosis in California, strongly urges that the state agency and the advisory council responsible for implementing Public Law 89-749 (The Comprehensive Health Planning and Public Health Service Amendments of 1966) in California take due cognizance of the tuberculosis eradication proposal and goal for California and include pertinent specifics thereof in the statewide California Health Plan when such is submitted to the federal Department of Health, Education and Welfare; and be it further

*Resolved*, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Administrator of the Health and Welfare Agency, to the Director of the State Department of Public Health, and to the Chairman of the Advisory Council engaged in implementation of Public Law 89-749.

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## CHAPTER 127

*Senate Concurrent Resolution No. 85—Relative to proclaiming Miss California the official hostess of the State of California.*

[Filed with Secretary of State July 24, 1967.]

WHEREAS, The Miss California Pageant was first held in 1924 and is subsequently held each year as the state final for

the Miss America Pageant, and is the oldest, best known, and most respected beauty pageant in California; and

WHEREAS, The Miss America Pageant and its preliminaries comprise the largest women's scholarship foundation in the world, with the intent of securing participants who are interested in pursuing their education as a first attribute and, further, judges the participants on the basis of the whole person, including talent, intelligence, personality, poise, as well as beauty, to find a well-rounded young lady most capable of representing California; and

WHEREAS, These attributes, upon which the winner of the pageant is judged, are identical to those which would be sought in a young lady to be official hostess for the State of California; and

WHEREAS, California does not now have an official hostess; and

WHEREAS, It would be of great benefit to the State of California at appropriate occasions and in its public relations within the state and with dignitaries from outside the state to have a young lady serve as official hostess; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members proclaim that henceforth the current Miss California, Miss Karen Pursell, and all future Miss Californias who succeed her, shall serve as the official hostess of the State of California; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit a suitably prepared copy of this resolution to Miss Karen Pursell.

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## CHAPTER 128

*Assembly Joint Resolution No. 26—Relative to federal motor vehicle safety standards.*

[Filed with Secretary of State July 24, 1967.]

WHEREAS, Motorists increasingly are using turn signals to indicate their intention to turn; and

WHEREAS, Motorists must communicate to other motorists and pedestrians their intention to turn in order to avoid accidents; and

WHEREAS, Motorists often change their intentions but forget to turn off their signals, or often the turn signals do not automatically turn off after a turn is completed; and

WHEREAS, The combination of turn signals providing misleading information and other drivers governing their actions by reliance on turn signals has led to an increased incidence of accidents, with the resulting horrors of injury, death, and property damage; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of Cali-

fornia respectfully memorializes the National Traffic Safety Bureau to study the problem of turn signals which do not reliably turn off after the completion of a turn and to promulgate safety standards which would require all motor vehicles to have suitable equipment, such as automatic current cancelers or clear visual and audible indicators, which would eliminate this problem; and be it further

*Resolved*, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the National Traffic Safety Bureau and to each Senator and Representative from California in the Congress of the United States, and to the Commissioner of the California Highway Patrol.

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## CHAPTER 129

*Assembly Joint Resolution No. 24—Relative to establishment of a federal water pollution control research facility in California.*

[Filed with Secretary of State July 26, 1967.]

WHEREAS, Regional research facilities for the conduct of technical investigations, experiments, field studies and training relative to the prevention and control of water pollution are urgently needed to supplement the activities of existing regional laboratories of the Federal Water Pollution Control Administration in providing technical assistance to the states and local agencies on the mounting problems of water pollution control and water resources management; and

WHEREAS, It is both logical and desirable that a regional research facility be established in California, not only because of the magnitude of water pollution and water quality problems in this state but also for the reason that California agencies have been conducting a substantial portion of water pollution control research at the state level; and

WHEREAS, California is one of the areas of the United States in which the problems of water quality management are both critical and of great magnitude as evidenced by the fact that the state's present population of over 17 million is expected to almost double in the next 20 years; and

WHEREAS, California is the leading state in waste water reclamation, one of the most important aspects of the problem of pollution, and will probably be the location of more waste water reclamation activity than any other state; and

WHEREAS, California is ideally located for studying the ground water quality problems that are unique to the southwest, since one-third of the nation's ground water supplies are developed here and since California has been the forerunner in conserving and augmenting water resources by recharging ground water basins; and

WHEREAS, Ground water problems associated with sea water intrusion also can be studied in California for the reason that

13 ground water basins along the state's coastline already have been damaged by the encroachment of saline waters and other basins are now being threatened; and

WHEREAS, California has the added geographical advantage of being situated where studies of marine waste disposal problems can be undertaken since two-thirds of the state's sewage and industrial wastes are discharged into ocean waters; and

WHEREAS, The colleges and universities of California are carrying on very extensive research activities in the field of water pollution control which engage a large number of resident graduate students and sanitary engineers; and

WHEREAS, A research facility located in the State of California would be able not only to draw upon a large reservoir of academic personnel and graduate students but also benefit from the extensive research being conducted by California's institutions of higher learning in the fields of water pollution control and water resources management; and

WHEREAS, It is required that regional water pollution control research facilities be located near an institution of higher learning and it is essential that the people of California agree upon a particular site for the construction of such a laboratory; and

WHEREAS, The various campuses of the University of California provide excellent locations for such a facility, but the Riverside Campus has been recommended by the University of California as having the best combination of advantages; and

WHEREAS, The Assembly Water Committee has conducted an intensive study of water pollution and waste water reclamation in California and has found unanimous approval in California of the need for such a laboratory here; and

WHEREAS, President Johnson's Water Pollution Control Advisory Board has already gone on record urging the selection of a site for such a facility in California; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President, the Department of the Interior, and the Congress of the United States to take such steps as are necessary for the establishment of a regional water pollution control research facility on the Riverside Campus of the University of California; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to the Secretary of the Interior.

## CHAPTER 130

*Assembly Concurrent Resolution No. 71—Relative to roadside water supplies and windbreaks.*

[Filed with Secretary of State July 31, 1967.]

WHEREAS, There is a definite need for permanent water supplies adjacent to state highways at roadside rests and for landscaping purposes; and

WHEREAS, Presently highway construction contractors are required to develop temporary water supplies for construction purposes; and

WHEREAS, There is also a definite need for the planning of windbreaks; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the California Highway Commission and the Department of Public Works are hereby requested to consider the inclusion in highway construction contracts of provisions for the establishment of permanent water supplies adjacent to state highways and to provide for the planning of windbreaks; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the California Highway Commission and the Department of Public Works.

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## CHAPTER 131

*Senate Concurrent Resolution No. 30—Relative to SERVE (Secondary Education Reserve Volunteer Effort).*

[Filed with Secretary of State July 31, 1967.]

WHEREAS, One of the problems in education today is the high school dropout—the boy or girl who loses interest in education and decides to quit school; and

WHEREAS, Teachers cannot always take the extra time to rekindle an interest or renew the challenge which is needed to keep the student in school; and

WHEREAS, To help the teachers and the potential dropouts, a volunteer effort for young people called SERVE—Secondary Education Reserve Volunteer Effort—will recruit outstanding high school and college students who are willing to give of their talents and time one or two afternoons each week to help potential dropouts with their studies; and

WHEREAS, With the aid of school administrators who can map out a special program, these outstanding high school and college students can perform an important service to society and their fellow students; and

WHEREAS, SERVE can be an opportunity for young people to help others and is in the greatest American tradition: individuals helping each other; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Members of the Legislature respectfully request the Governor of California to recognize SERVE as a noteworthy and worthwhile adjunct to the education effort in this state; and be it further

*Resolved,* That the Department of Education is requested to communicate with and encourage the high schools of the state to make it possible for students to participate in the program; and be it further

*Resolved,* That the Department of Education is requested to cause an insignia (with the State Seal as background and the word SERVE superimposed thereon) to be designed, manufactured and distributed to students who participate in the program; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Governor of California, to the Superintendent of Public Instruction, and to the Department of Education.

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## CHAPTER 132

*Senate Concurrent Resolution No. 49—Relative to the holding of a United Nations Conference on Geothermal Resources in California.*

[Filed with Secretary of State July 31, 1967.]

WHEREAS, There is growing interest in the potential of power production from natural steam and in minerals contained in superheated brine present in the earth, hereafter identified as geothermal resources; and

WHEREAS, It has been concluded that the power needs of California will at least double every decade; and

WHEREAS, In addition to potentially providing a major contribution to such power needs and to the strategic and other mineral needs of the state and nation, geothermal resources offer a new income base to the State of California and its several counties; and

WHEREAS, The United Nations is proposing to conduct a U.N. Conference on Geothermal Resources as an extension of its Conference on New Sources of Energy held in Rome, Italy, in 1961; and

WHEREAS, Such conference would be of immeasurable benefit to state and local government, and to industry in California, through presentations by representatives from all parts of the world of the most advantageous methods of exploration and development, waste products disposal, product marketing, eco-

nomics, plant design, geological occurrence, management procedures, and private and governmental activities; and

WHEREAS, The unique nature of California's geothermal resources would provide a functioning outdoor laboratory to complement such a conference for the participants therein; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Governor is respectfully requested to initiate liaison with the appropriate mission of the United Nations to express the interest of this state in having a Conference on Geothermal Resources under the auspices of the United Nations held in California, and to determine the extent to which California would be committed financially in cosponsoring such conference with the United Nations, and to determine such other details as may be necessary incident to such a conference, so that the Legislature and the administration may appraise the advisability of issuing a formal invitation to the United Nations to hold such conference; and be it further

*Resolved,* That the Governor advise the Legislature of his appraisal of the information secured through such liaison during the 1967 Regular Session of the Legislature, so that such action as may be deemed necessary by the Legislature can be taken as soon as possible; and be it further

*Resolved,* That the Secretary of the Senate be directed to transmit a copy of this resolution to the Governor and to the Administrator of the Resources Agency.

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## CHAPTER 133

*Senate Concurrent Resolution No. 58—Relative to national political conventions.*

[Filed with Secretary of State July 31, 1967]

WHEREAS, The present length of political campaigns is a relic of the days of campaigns by train and activities to meet the public face-to-face; and

WHEREAS, Modern press coverage, radio and television bring every speech of a presidential candidate into the voters' homes; and

WHEREAS, The present long campaigns overburden the finances of candidates, discouraging good candidates who cannot raise vast quantities of money, and overburden the patience and interest of many of the voters; and

WHEREAS, The presidential campaigns in the United States magnify the disadvantages and evils of the present long campaigns many times over; and

WHEREAS, The campaigns for local and legislative offices, both state and national, and campaigns for other state offices, are also lengthened, in states that have presidential primaries,

by the fact that the primary elections must be held before the national nominating conventions of the two parties, and this too greatly increases the duration and costs of such campaigns; and

WHEREAS, A two-month campaign period is adequate under the present swift and pervasive mass communications methods for all candidates to express their views and programs and to reach the voters effectively; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Members strongly urge and request that the national committees of the Democratic Party and the Republican Party set the dates for their national nominating conventions no earlier in a presidential election year than August 20 rather than as they have been set in the past; and be it further

*Resolved*, That the Secretary of the Senate is directed to transmit copies of this resolution to the Republican Party National Committee and to the Democratic Party National Committee.

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## CHAPTER 134

*Senate Concurrent Resolution No. 64—Relative to the Department of Rehabilitation.*

[Filed with Secretary of State July 31, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Department of Rehabilitation is hereby requested to make use, to the greatest extent possible, of existing trade schools, apprenticeship programs, and on-the-job training programs in the rehabilitation of the handicapped, particularly with regard to blind persons; and be it further

*Resolved*, That the Department of Rehabilitation shall submit a report to the Legislature by the fifth legislative day of the 1969 Regular Session regarding the progress being made in the use of such facilities and programs with respect to blind persons; and be it further

*Resolved*, That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the Director of Rehabilitation.

## CHAPTER 135

*Senate Concurrent Resolution No. 70—Relative to preservation of land.*

[Filed with Secretary of State July 31, 1967 ]

WHEREAS, The continued health, welfare and high standard of living of the people of California and the nation depends upon the preservation of agricultural lands of high production of food and fiber; and

WHEREAS, There is need to provide for adequate open space for scenic values and the outdoor recreational needs of all the people; and

WHEREAS, There is need to insure healthy environmental conditions for the people by contributing to the maintenance of good water quality and the control of air pollution; and

WHEREAS, There is need for orderly planning and development of urban and suburban residential, commercial and industrial areas compatible with the need for maintaining agricultural and other open space land areas; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That it be the policy of the State of California that all state agencies planning and constructing state projects harmonize their projects with the capabilities of the land to produce food and fiber, provide open space and outdoor recreation opportunity, contribute to maintaining good water quality and controlling air pollution, and provide for the orderly residential, commercial and industrial development as contemplated by cities, counties and cities and counties in their general plans; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Director of Agriculture, the Administrator of the Business and Transportation Agency, the Administrator of the Health and Welfare Agency, and the Administrator of the Resources Agency.

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## CHAPTER 136

*Senate Concurrent Resolution No. 87—Relative to La Fiesta de la Bandera.*

[Filed with Secretary of State July 31, 1967 ]

WHEREAS, Saturday, July 29th, 1967, marks the 121st anniversary of the raising of the American colors in San Diego by crew and forces aboard the sloop-of-war, USS CYANE; and

WHEREAS, The CYANE was commanded by Captain Samuel F. DuPont, the naval detachment raising the colors was commanded by Lieutenant Stephen C. Rowan, and the Marine detachment was commanded by Lieutenant William A. T. Mad-

dox and Major John C. Frémont's forces included the famous Kit Carson; and

WHEREAS, This raising of the American colors is commemorated and celebrated by La Fiesta de la Bandera, The Day of the Flag, in San Diego; and

WHEREAS, La Fiesta de la Bandera will be celebrated in Old Town San Diego on Saturday, July 29, 1967, by the citizens of San Diego, including the Old San Diego Chamber of Commerce, representing Californians of 121 years ago; and

WHEREAS, Participating in the festival will be a naval detachment including the Administrative Command Color Guard of the San Diego Naval Training Center representing Lieutenant Rowan and his valiant men, a detachment of Marines including a firing squad from the Sea School of the San Diego Marine Corps Recruit Depot representing Lieutenant Maddox and his intrepid men, and by the Kit Carson Mountain Men of Amador County including the Honorable Ray Fine of Fiddletown, this year's "Kit Carson," representing the original members of Major John C. Frémont's "American Arabs" who came into San Diego County aboard the CYANE as part of the Americanization of California; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the members urge Governor Ronald Reagan to proclaim July 29, 1967, as La Fiesta de la Bandera throughout the State of California; and be it further

*Resolved,* That the members express their approval of the festivities of La Fiesta de la Bandera and encourage the people of San Diego and of the State of California to participate in them; and be it further

*Resolved,* That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Old San Diego Chamber of Commerce.

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## CHAPTER 137

*Senate Joint Resolution No. 14—Relative to military status of law enforcement personnel.*

[Filed with Secretary of State July 31, 1967]

WHEREAS, Law enforcement officials in the metropolitan areas of the United States have become concerned at the alarming increase in crime; and

WHEREAS, A well-trained experienced police force stands in the front line between the lawless elements and our citizens; and

WHEREAS, City police departments throughout California are having increasing difficulty in recruiting police officers; and

WHEREAS, Despite extensive recruiting efforts both in California and in other states, many metropolitan police departments are operating understrength; and

WHEREAS, Those who are serving in the police departments have the mental and physical requirements which make them readily subject to the draft; and

WHEREAS, Many draft boards take the position that, because "police officer" is not listed among the "critical occupations," no consideration should be given to requests for deferment; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the Director of the Selective Service System to direct the Selective Service Headquarters in the several states to include police officers in the "critical occupation" category; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Director of the Selective Service System.

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## CHAPTER 138

*Senate Joint Resolution No. 19—Relative to federal education programs.*

[Filed with Secretary of State July 31, 1967.]

WHEREAS, Under various acts of Congress, federal funds are available to provide financial assistance to local educational agencies for special educational purposes; and

WHEREAS, Under some of these acts of Congress, the eligible local educational agency is not permitted to use allocated federal funds to provide buildings and classroom space for such educational purposes while some of these acts of Congress allow such use; and

WHEREAS, The use of allocated federal funds to local educational agencies to provide buildings and classroom space is often essential to accomplish the purpose of the special educational programs; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation and the officers and agencies in the executive branch of the federal government to take all appropriate measures regarding the various special educational assistance programs to local educational agencies to allow the

use of allocated federal funds to provide buildings and classroom space for such programs; and be it further

*Resolved,* That the Secretary of the Senate be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 139

*Senate Joint Resolution No. 32—Relative to a study of the San Joaquin River channel.*

[Filed with Secretary of State July 31, 1967.]

WHEREAS, An abnormal snowpack in the watershed of the San Joaquin River poses a threat of floods on the San Joaquin River during the early summer of 1967; and

WHEREAS, Friant Dam, constructed by the Bureau of Reclamation as a feature of the Central Valley Project, and upstream power reservoirs built by the Southern California Edison Company, provide a large degree of flood control protection on the upper San Joaquin River; and

WHEREAS, Without these reservoirs disastrous flooding would occur along the San Joaquin River and their presence has prevented, and is likely to prevent, several millions of dollars worth of damage this year; and

WHEREAS, Flood control criteria developed by the Army Corps of Engineers are based upon a channel capacity of 8,000 cubic feet per second between Friant Dam and Gravelly Ford and these criteria are being used in the operation of these facilities; and

WHEREAS, The State of California, in planning its flood control works for the lower reaches of the San Joaquin River, has also planned its operation on the basis of a channel capacity of 8,000 cubic feet per second on the upper reaches thereof; and

WHEREAS, It appears that some damage is occurring along the San Joaquin River due to natural and manmade encroachment upon the river channel; and

WHEREAS, It appears that there is no assignment of the responsibility for channel maintenance along the above described reach of the San Joaquin River; and

WHEREAS, It appears desirable that a study of the condition of the channel of the San Joaquin River be made and responsibility for its maintenance assigned; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the Congress of the United States to direct the Army Corps of Engineers to study the condition of the channel of the San Joaquin River at the earliest possible date

and make recommendations for whatever action is necessary to assure that the channel capacity is consistent with adopted criteria; and be it further

*Resolved*, That the Army Corps of Engineers include in its study the question of assigning responsibility for channel maintenance and recommendations therefor; and be it further

*Resolved*, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 140

### *Assembly Joint Resolution No. 25—Relating to interstate taxation.*

[Filed with Secretary of State August 1 1967.]

WHEREAS, There is now pending before Congress legislation affecting state and local taxation of interstate commerce; and

WHEREAS, If enacted, such legislation would (1) impose unduly restrictive jurisdictional standards on the imposition and collection of California sales and use taxes; (2) arbitrarily define interstate sales to include transactions that are in fact local sales; (3) permit out-of-state vendors to maintain employees and agents within this state for the solicitation of sales without being required to collect the California use tax; (4) impose restrictions on the reporting requirements and collection of local sales taxes which may jeopardize state administration of the California Bradley-Burns Uniform Local Sales and Use Tax Law; and (5) grant multistate corporations with a net income of one million dollars or less an option to apportion income for tax purposes on the basis of a two-factor formula; and

WHEREAS, The proposed legislation would grant tax immunities to out-of-state vendors doing business in California in competition with locally based businesses; and

WHEREAS, The optional use of a two-factor allocation formula in lieu of the three-factor allocation formula used by practically all states is tantamount to offering multistate corporations a tax reduction at their election; and

WHEREAS, An in-depth study of state tax problems conducted by the Special Subcommittee on State Taxation of Interstate Commerce of the Committee on the Judiciary House of Representatives and the federal legislation introduced as a result thereof have caused the states to expedite their action in alleviating compliance problems their taxing systems may have created: thus, 17 of the 39 income tax states have adopted the NCCUSL Uniform Allocation Act and such act is under consideration in all but one of the remaining income tax states;

22 of the 39 income tax states use the federal income tax base as their state income tax base, with some variations; 39 of the 45 states provide for a use tax credit on items subjected to sales tax when purchased in another state; and all but approximately 150 of the 2,500 municipal and county sales and use tax jurisdictions are subject to a uniform state statute requiring the filing of a single return with the state which in turn remits back to local government taxes collected for them; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the members find that in view of the substantial progress the states have made in alleviating compliance problems which may be encountered by interstate businesses the enactment of such legislation would be contrary to the best interests of the people and business community of California; and be it further

*Resolved,* That the Legislature respectfully requests the Congress not to enact legislation so affecting interstate taxation unless Congress determines that the states after a reasonable period of time are unable or unwilling to resolve any unreasonable compliance problems their tax systems have imposed upon interstate businesses; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 141

*Assembly Joint Resolution No. 28—Relative to the reorganization of the Active Reserve of the Army.*

[Filed with Secretary of State August 2, 1967.]

WHEREAS, The Department of Defense has announced a plan for the reorganization of the Active Reserve of the Army, and as part of that plan has proposed to eliminate 15 Army National Guard divisions and to replace California's 40th Armored Division and 49th Infantry Division with three separate brigades; and

WHEREAS, The two California divisions provide an effective command and control structure, contain the necessary major subordinate headquarters and support elements to carry out state emergency missions, and include a large staff possessing the necessary technical background to insure detailed planning and direction of operations, all of which are lacking in the proposed brigade organization; and

WHEREAS, The troop allocation offered California as a result of the plan does not meet the needs of this large and populous state to cope with major civil disturbances or natural disasters

such as have occurred in the past and is imbalanced in that it does not provide adequate command and control headquarters and logistic and service elements; and

WHEREAS, The elimination of the two California Army National Guard divisions would appear to be strategically unwise, and would give encouragement to unfriendly foreign powers and comfort to the elements of strife and disorder at home; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President, the Congress, and the Secretary of Defense to take immediate action to curtail or alter any plan which does not provide an adequate troop structure for the State of California; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 142

*Assembly Concurrent Resolution No. 50—Relative to requesting the Department of Industrial Relations of the State of California to promulgate regulations testing the operational safety of longshoring equipment.*

[Filed with Secretary of State August 2, 1967.]

WHEREAS, The Department of Labor of the United States has proposed certain amendments to their health and safety regulations concerning longshoring equipment to include certification of the operational safety of shore cranes, derricks, and other shore-based material-handling devices; and

WHEREAS, If the State of California does not have effective safety regulations established and being enforced which are comparable to the proposed regulations formulated by the Department of Labor of the United States, then federal standards will be enforced in California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members request the Department of Industrial Relations to promulgate administrative regulations which will test the operational safety of shore-base cranes, derricks and other shore-based material-handling devices used at marine terminals so that such equipment will meet the regulations adopted by the United States Department of Labor; and be it further

*Resolved,* That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of Industrial Relations in California.

# CHAPTER 143

*Assembly Concurrent Resolution No. 68—Relative to awards to state employees.*

[Filed with Secretary of State August 2, 1967.]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Albert E. McFarlane, deceased, formerly with the Department of Motor Vehicles, for a suggestion that results in annual savings of six thousand seven hundred seventy-six dollars ($6,776) by recommending an improved bank deposit procedure for field offices; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Shelton L. Sawyer, Division of Highways, for a suggestion that resulted in a one-time saving of three thousand nine hundred dollars ($3,900) and continuing annual savings of six hundred dollars ($600) by recommending the use of artists' airbrushes in coloring district maps to distinguish counties; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frances K. Richeson, Division of Highways, for a suggestion that resulted in annual savings of three thousand two hundred four dollars ($3,204) by recommending that several small units of the Service and Supply Accounting Unit be integrated into two larger groups; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Martin H. Theilen, Department of Corrections, for a suggestion that resulted in a one-time saving of twenty-one thousand four hundred twenty-eight dollars ($21,428) by designing and recommending an improved lock release mechanism for inmate room doors; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Patricia C. Justice, Department of Employment, for a suggestion that results in annual savings of two thousand eight hundred twenty-six dollars ($2,826) by recommending a form revision that eliminated the need for certain dictated letters; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to James B. McCormick, Department of Fish and Game, for a suggestion that results in annual savings of eight thousand eight hundred one dollars ($8,801) by recommending a form revision that eliminated the need for the completion of separate case reports on law violations involving criminal complaints; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Harriette S. Eubank, California State

College at Los Angeles, for a suggestion that results in annual savings of two thousand eight hundred ninety dollars ($2,890) by recommending an improved system for processing applications for the graduate study program; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Herbert M. Berg, Department of Agriculture, for a suggestion that results in annual savings of two thousand two hundred thirty-seven dollars ($2,237) by recommending an improved laboratory report form for pesticide analysis; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Benjamin Bradshaw, Department of General Services, for a suggestion that results in annual savings of four thousand two hundred dollars ($4,200) by recommending the installation of stock bins behind the gathering machines at the printing plant to prevent stock disorder and to facilitate the loading of the gathering machines; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Patricia J. Krier, California Highway Patrol, for a suggestion that results in annual savings of nine thousand dollars ($9,000) by recommending changes in CHP Form 239 which reduce typing time and improve proofreading and filing procedures; and

WHEREAS, An award of three hundred two dollars ($302) has already been made to Gerald P. Storms, Department of Motor Vehicles, and an award of ninety dollars ($90) has been made to his supervisor, Josephine J. Lobue, for that part of a suggestion that results in annual savings of three thousand twenty-five dollars ($3,025) by eliminating a file of reference cards as they duplicated information available from another source, but no award has been paid for that part of the same suggestion that results in additional annual savings of four thousand five hundred fifty-three dollars ($4,553) by recommending that applications for temporary commercial permits be handled and processed as normal items by field offices, rather than being sent to Sacramento headquarters, as miscellaneous items; and

WHEREAS, An award of one hundred fifty dollars ($150) has been made to Jane L. Ramirez, Department of Employment, for a suggestion that results in annual savings of four thousand two hundred ninety-four dollars ($4,294) by developing and recommending an improved key sheet and instructions for its use for the purpose of scoring, correcting and recording of typing tests; and

WHEREAS An award of one hundred fifty dollars ($150), divided evenly, has already been made to Liberty H. Ahmajan and LaRoy E. McCoy, Department of Mental Hygiene, for a suggestion that results in annual savings of three thousand two hundred six dollars ($3,206) by developing and recommending a simplified method of recording sheriff transportation expenses incurred in the delivery of patients to state hospitals; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gordon R. Shell, Department of Public Health, for a suggestion that results in annual savings of two thousand dollars ($2,000) by recommending the purchase of dry powdered antibiotics in bulk form instead of premeasured small vials and bottles; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lloyd V. Broderson, deceased, formerly with the Department of Agriculture, for a suggestion that results in annual savings of twenty-one thousand four hundred dollars ($21,400) by recommending that the Bureau of Market News teletype system take advantage of a bulk rate tariff; and

WHEREAS, Awards of one hundred dollars ($100) and fifty dollars ($50) have been made respectively to Clifford G. Cunningham and Elmer B. Redick, Department of Corrections, for a suggestion that results in one-time savings of twelve thousand dollars ($12,000) and continuing annual savings of one thousand fifty-two dollars ($1,052) by designing and recommending a low-wattage lighting system for the security fence at California Men's Colony, which obviated a planned $15,000 capital outlay expenditure and resulted in electric power savings of $1,052 per year; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Thelma H. Range and Elsie M. Eckhout, Department of General Services, for a suggestion that results in annual savings of five thousand two hundred ninety-nine dollars ($5,299) by recommending that the Documents Section return customers' checks and money orders, instead of issuing refund checks, when orders cannot be filled; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to William E. Fleck, Department of Industrial Relations, for a suggestion that results in annual savings of thirty-eight thousand six hundred eighty-four dollars ($38,684) by devising and recommending an improved statewide system for complaint registration, complaint indexing, and statistical complaint data processing for use by the Division of Labor Law Enforcement; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Conrad L. Demsky, Department of Mental Hygiene, for a suggestion that results in annual savings of six thousand six hundred dollars ($6,600) by recommending an increase in milk orders on alternate days to take advantage of more favorable discount rates; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings amounting to one hundred sixty-four thousand nine hundred fifty dollars ($164,950); and

WHEREAS, As a result of these savings it is unnecessary to appropriate additional funds for the payment of these awards; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

Albert E. McFarlane, five hundred twenty-five dollars ($525);

Shelton L. Sawyer, one hundred five dollars ($105);

Frances K. Richeson, one hundred seventy dollars ($170);

Martin H. Theilen, nine hundred fifty dollars ($950);

Patricia C. Justice, one hundred thirty-three dollars ($133);

James B. McCormick, seven hundred thirty dollars ($730);

Harriette S. Eubank, one hundred forty dollars ($140);

Herbert M. Berg, seventy-three dollars ($73);

Benjamin Bradshaw, two hundred seventy dollars ($270);

Patricia J. Krier, seven hundred fifty dollars ($750);

Gerald P. Storms, four hundred fifty-five dollars ($455);

Josephine J. Lobue, one hundred thirty-five dollars ($135);

Jane L. Ramirez, two hundred eighty dollars ($280);

Liberty H. Ahmajan, eighty-five dollars ($85);

LaRoy E. McCoy, eighty-five dollars ($85);

Gordon R. Shell, fifty dollars ($50);

Lloyd V. Broderson, one thousand six hundred seventy dollars ($1,670);

Clifford G. Cunningham, three hundred seventy dollars ($370);

Elmer B. Redick, one hundred eighty-five dollars ($185);

Thelma H. Range, one hundred ninety dollars ($190);

Elsie M. Eckhout, one hundred ninety dollars ($190);

William E. Fleck, three thousand seven hundred eighteen dollars ($3,718);

Conrad L. Demsky, five hundred ten dollars ($510); and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

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## CHAPTER 144

*Senate Concurrent Resolution No. 41—Relating to Joint Committee on Bay Area Regional Organization.*

[Filed with Secretary of State August 2, 1967]

WHEREAS, The State of California has a positive interest in the orderly growth and development of its urban areas. This interest involves an obligation to insure that adequate governmental mechanisms are available to these areas to provide for their general planning and development as well as the conservation of their physical and environmental resources; and

WHEREAS, The San Francisco Bay area, with its large number and variety of governmental jurisdictions; its varying

levels and degrees of planning and activity, encompassing, but not restricted to, water supply, sewage and solid waste disposal, water and air pollution control, transportation, including rapid transit, bridges, highways, ports and airports, parks and open space, health, hospitals, and libraries; its unique geography and varied climatic, topographic and soil conditions, presents numerous problems of regional significance and impact which are different from those found in the remainder of the state; and

WHEREAS, It is hereby found and declared that there is as yet no governmental body or bodies capable of permanently and effectively dealing on a regional basis with the regional problems facing the San Francisco Bay area, and that there is a need to coordinate the steps being taken by cities, counties, and districts of the San Francisco Bay area to avoid duplication of effort and make possible the public understanding of regional problems, and to make better use of the region's resources and potential; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring as follows:*

1. The Joint Committee on Bay Area Regional Organization is hereby created and authorized to study the possibilities of regional organization in the San Francisco Bay area in order to assure the effective and orderly planning, growth and development of this metropolitan area together with the conservation of its physical and environmental resources. For the purposes of this resolution, the San Francisco Bay area includes the areas lying within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

1.5. In carrying out its duties, the joint committee shall hold at least one public hearing within each of the San Francisco Bay area counties in order to solicit the views and recommendations of all interested parties, including those of cities, counties and special districts and other public agencies, and those of private organizations and individuals.

2. The joint committee shall consist of four Senators to be appointed by the Senate Rules Committee and four Assemblymen to be appointed by the Speaker of the Assembly.

3. The chairman of the joint committee shall be appointed by the Speaker of the Assembly and the vice chairman shall be appointed by the Senate Rules Committee.

4. There shall be an advisory committee to the Joint Committee on Bay Area Regional Organization. The advisory committee shall be appointed as follows:

(a) One member of the Bay Area Transportation Study Commission (BATS), appointed by the Bay Area Transportation Study Commission.

(b) One member of the San Francisco Bay Conservation and Development Commission (BCDC), appointed by the San Francisco Bay Conservation and Development Commission.

(c) One member of the San Francisco Bay Area Rapid Transit District Board, appointed by such board.

(d) One member of the San Francisco Bay Regional Water Quality Control Board, appointed by such board.

(e) One member of the Bay Area Air Pollution Control Board, appointed by such board.

(f) One official representative of the Association of Bay Area Government (ABAG), appointed by such organization.

(g) One member of the State Water Resources Control Board, appointed by the State Water Resources Control Board.

(h) One county supervisor from each of the nine counties of the San Francisco Bay area, appointed by the board of supervisors of each county.

(i) One city representative, who shall be an incumbent mayor or city councilman, from each of the nine counties of the San Francisco Bay area appointed by the city selection committee in each county. The composition of the city selection committee in each county shall be the same as that provided in Section 54784 of the Government Code.

(j) Twelve (12) public members, residing in the San Francisco Bay area, appointed by majority vote of the joint committee.

5. The advisory committee may, at the request of the chairman, sit with the joint committee at all public hearings held by the latter. In addition it shall offer to the joint committee all advice and assistance as may be necessary or required to aid the joint committee in its study.

6. The chairman of the joint committee shall serve ex officio as chairman of the advisory committee.

7. The joint committee shall hold public hearings and conduct investigations and studies covering at least the following topics:

(a) The need, desirability, and feasibility of creating some form of regional government to perform functions of a regional nature in the San Francisco Bay area.

(b) The proper scope of a regional government for the San Francisco Bay area. Which of the following functions should be handled wholly or partially on a regional basis:

(1) Regional planning.

(2) Air and water pollution.

(3) Solid waste disposal.

(4) Regional parks and open space.

(5) Transportation (including rapid transit, ports, airports, and bridges).

(c) Powers which would be required for a regional government to carry out the functions to be assigned to it.

(d) Finances which would be necessary to support the activities of a regional government and the sources of financing which are available.

(e) The size and method of selecting members of the legislative body or bodies of the regional government.

(f) Methods available for including existing regional and subregional multicounty districts, where appropriate, within a new regional government.

(g) The appropriate definition of the "San Francisico Bay area" for the purpose of regional government.

(h) The socioeconomic effects of regional government.

The joint committee shall not be limited to these topics, but shall hear, investigate and study all questions which they consider appropriate to their basic subject. In so doing the joint committee shall utilize the efforts of such other individuals, groups or organizations as may be appropriate to the purposes of the committee.

8. The joint committee shall have the following powers:

(a) To meet at such times and places as it may deem proper.

(b) To employ such professional, secretarial and clerical staff, together with such special assistants and consultants as may be necessary.

(c) To contract with such other agencies, public or private, as it deems necessary, for the rendition of such services, facilities, studies and reports to the joint committee as will best assist it to carry out its duties and responsibilities.

(d) To cooperate with and to secure the cooperation of county, city, city and county, regional, multicounty and other local agencies in investigating any matter within the scope of its duties and responsibilities.

(e) To cooperate with any federal, state or local agency, public and private, which is engaged in making studies of government in the San Francisco Bay area.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the powers expressly granted it.

9. The joint committee shall in conducting its study and investigations, coordinate to the fullest extent possible and make maximum use of information available from the regional governmental studies of the BCDC, BATS, ABAG, and San Francisco Bay-Delta Water Quality Control Study.

10. The headquarters of the joint committee shall be in the City and County of San Francisco.

11. It is the intention of the Legislature that the Joint Committee on Bay Area Regional Organization should perform all major research and factual investigations on all aspects of regional government, and should have the primary role in recommending to the Legislature means of combining or coordinating the various regional activities, and should coordinate insofar as possible on the respective recommendations of BCDC, BATS, and the Bay-Delta Study. To this end, the BCDC, the BATS, and the Bay-Delta Study shall each furnish to the joint committee at such time as the joint committee may request statements of the issues, problems, areas of necessary research and investigation, and any information or conclusions reached to date; these three agencies shall continue to furnish to the joint committee all information and

conclusions reached on questions of regional governmental organization and shall cooperate fully with the work of the joint committee.

12. The joint committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

13. The Joint Committee on Bay Area Regional Organization shall file a report with the Legislature not later than the 60th legislative day of the 1969 Regular Session of the Legislature.

The report shall contain all of the following:

(a) The comprehensive report of the joint committee's findings regarding the topics enumerated in paragraph 7.

(b) Such other information and recommendations as the joint committee deems desirable.

14. The total sum of two hundred thousand dollars ($200,000) or so much thereof as may be necessary is hereby made available in equal parts from the contingent funds of the Senate and of the Assembly for the expenses of the joint committee and its members, for necessary expenses of the public members of the advisory committee and for any charges, expenses, or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the joint committee or of the vice chairman in his absence, upon warrants drawn by the State Controller upon the State Treasurer.

15. The joint committee is authorized to accept funds from federal, state, and local agencies.

16. The joint committee is authorized to receive contributions from private sources.

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## CHAPTER 145

*Assembly Concurrent Resolution No. 73—Relative to naming State Highway Route 299.*

[Filed with Secretary of State August 2, 1967]

WHEREAS, State Highway Route 299 was known generations ago as the Trinity Highway; and

WHEREAS, Too much of the color of the old is being lost and descriptive names are fast fading into oblivion; and

WHEREAS, The name, Trinity Highway, has an attractive ring to it and would certainly be remembered by prospective tourists more easily and longer than the numerical designation; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That State Highway Route 299 is hereby officially designated and named the Trinity Highway; and be it further

*Resolved*, That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on this highway between U.S. Highway 101 and Interstate Highway 5 showing this official designation; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Public Works.

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## CHAPTER 146

*Assembly Concurrent Resolution No. 96—Relative to directional signs for Mt. San Antonio College.*

[Filed with Secretary of State August 2, 1967 ]

*Resolved, by the Assembly of the State of California, the Senate thereof concurring*, That the Department of Public Works is requested to install directional signs for Mt. San Antonio College on the nearby portion of the San Bernardino Freeway; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Public Works.

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## CHAPTER 147

*Senate Joint Resolution No. 20—Relative to the administration of federal grants affecting education in California through the Department of Education.*

[Filed with Secretary of State August 3, 1967 ]

WHEREAS, Several California school districts and other local agencies have applied directly to the federal government for grants in aid of education without the knowledge of the California Department of Education; and

WHEREAS, Despite its lack of knowledge with respect to such grant applications, the Department of Education is required to certify to the federal government that the State of California is not duplicating the services for which the federal grant was made; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States and the officers and agencies of the executive branch of the

federal government to take all appropriate measures to require that all federal grants affecting education in California be transmitted through the California Department of Education so that the expenditure of state funds for education will not duplicate federal moneys granted for the same purpose; and be it further

*Resolved*, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 148

*Senate Joint Resolution No. 21—Relative to federal funds for local school districts.*

[Filed with Secretary of State August 3, 1967 ]

WHEREAS, It has come to the attention of the Legislature of the State of California that local school districts may decide to not participate in federal programs based upon a fear that federal funds will be withdrawn after the first year; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation, and the officers and agencies of the executive branch of the federal government to take all appropriate measures, to provide for the financing of federal programs for more than one year; and be it further

*Resolved*, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 149

*Senate Joint Resolution No. 29—Relative to clinical laboratories.*

[Filed with Secretary of State August 3, 1967 ]

WHEREAS, As a direct result of the brightened prospects for total health care afforded by recent legislation passed by the 89th Congress of the United States, the public of this country and the citizens of the State of California are developing a growing, critical awareness of the quality of available health care; and

WHEREAS, The State of California has, for 30 years, led in the field of regulation and licensing of the clinical laboratory; and

WHEREAS, This leadership was attained only through the active participation and cooperation of all professionals working and licensed within the field; and

WHEREAS, Congress has recognized the important contribution of the clinical laboratory to total health-care in the passage of Public Law 89-97, the "medicare act"; and

WHEREAS, The rules and regulations established by the Office of Health, Education and Welfare impede the implementation of congressional desire by stringent regulations upon the clinical laboratories in the State of California in particular and the United States generally; and

WHEREAS, The regulations require that subsequent to June 30, 1971, clinical laboratories must be under the direction of either a physician with enumerated qualifications or a person with an earned doctoral degree in certain fields in order to qualify under medicare; and

WHEREAS, Such requirements will prevent the participation of many California licensed clinical laboratories and limit the ability of physicians to fully utilize all resources available in California; and

WHEREAS, The most important consideration in certifying clinical laboratories should be the ability of a given laboratory to perform those tests submitted to it, and Section 405.1314 of the regulations appears to set forth means of determining whether a laboratory does perform adequately, although it, too, places excessive emphasis upon the degree held by the director; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Department of Health, Education and Welfare to reexamine its present standards for clinical laboratories and the impact they will have upon the provision of services in California and other states; and be it further

*Resolved,* That the Department of Health, Education and Welfare be directed to amend its clinical laboratory regulations to recognize the excellence of strict licensing of clinical laboratories in states such as California and to place major emphasis upon a determination of the adequacy of a laboratory's performance as opposed to the degrees earned by its director; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education and Welfare.

## CHAPTER 150

*Senate Concurrent Resolution No. 38—Relative to the Joint Committee on Legislative Building Space Needs.*

[Filed with Secretary of State August 4, 1967 ]

WHEREAS, The Legislature, and the agencies assisting it, are in critical need of additional building space in Sacramento for offices, committee rooms, storage, parking and related functions; and

WHEREAS, The need for such legislative building space becomes more critical each year; and

WHEREAS, Unless additional building space is provided for the Legislature and the agencies assisting it, the legislative process will be seriously curtailed; and

WHEREAS, It is essential that an immediate study be made of the critical needs for such additional legislative building space; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, As follows:

1. The Joint Committee on Legislative Building Space Needs is hereby created and authorized and directed to make a study of the needs of the Legislature and of the agencies assisting the Legislature for building space in Sacramento for offices, committee rooms, storage, parking and related functions, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three Members of the Assembly appointed by Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1968 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The Members of the Senate appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Senate. The Members of the Assembly appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Assembly. Each such subcommittee and its chairman shall have all of the powers of the committee and its chairman.

7. The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 151

*Senate Concurrent Resolution No. 73—Relative to hauling earth materials on county roads.*

[Filed with Secretary of State August 4, 1967]

WHEREAS, The construction of certain state facilities, especially those projects which are a part of the state water program and the state highway program, often involves the hauling of large quantities of earth materials over local roads; and

WHEREAS, Such excessive use of local roads can result in the accelerated deterioration of such local roads; and

WHEREAS, Under existing law, the sole responsibility for repairing such roads rests with the local agency; and

WHEREAS, It is recognized by all parties concerned that every effort should be made to reduce such local road damage to the greatest extent possible; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That all state agencies are urged to confer with local agencies during the planning processes and prior to the award of contracts on all public works construction projects that may involve the hauling of large quantities of earth materials with the objective of planning such projects in a manner that will provide minimum adverse effect on local roads; and be it further

*Resolved*, That the Secretary of the Senate shall transmit a copy of this resolution to the Director of Water Resources, the Director of Public Works, and the Director of General Services.

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## CHAPTER 152

*Senate Concurrent Resolution No. 81—Relative to the Contingent Funds of the Assembly and Senate.*

[Filed with Secretary of State August 4, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That whenever the Legislature by statute or concurrent resolution provides for the payment of expenses of a joint committee composed of members of both houses, heretofore or hereafter created, from the Contingent Fund of the Senate, Contingent Fund of the Assembly, or both, or the Contingent Funds of the Assembly and Senate created pursuant to Item 10.1 of the Budget Act of 1967, the expenses shall be paid from the Contingent Funds of the Assembly and Senate created pursuant to Item 10.1 of the Budget Act of 1967, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

*Resolved*, That this resolution shall not be deemed to affect unexpended funds heretofore allocated prior to the effective date of the Budget Act of 1967, by the Legislature by statute or resolution to a joint committee for expenses, payable from the Contingent Fund of the Senate or the Contingent Fund of the Assembly, or both, which funds shall continue to be available to the joint committee for expenditure pursuant to the statute or resolution providing for the allocation of such funds.

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## CHAPTER 153

*Senate Concurrent Resolution No. 74—Relative to a study of sea otter, abalone and kelp.*

[Filed with Secretary of State August 4, 1967.]

WHEREAS, The sea otter is a prized member of California's rich and varied marine fauna which has made a historic and significant contribution to the citizens of this state; and

WHEREAS, The sea otter is presently classified as a rare and endangered species; and

WHEREAS, Sea otters are known to utilize abalones in their diet, and the activities of sea otters in recent years have created great concern for the abalone resource among members of the abalone industry; and

WHEREAS, The abalone resource has also made a historic and significant contribution to the economy of California; and

WHEREAS, The abalone resource by providing jobs, food, recreation and other economic benefits is important to the citizens of California; and

WHEREAS, Sea otter and abalone are found in close association with, and dependence upon, marine kelp plants; and

WHEREAS, The commercial utilization and harvest of kelp is being initiated in the central California area in proximity to the abalone and sea otter resources; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Director of the Department of Fish and Game is requested to determine the feasibility and possible means of confining sea otters within the protection of the existing refuge or other means that will maintain the abalone and sea otter populations and will lessen the possibilities of resource conflict; and be it further

*Resolved,* That the Director is requested to determine the impact of kelp harvest on the abalone and sea otter resource; and be it further

*Resolved,* That the Director is requested to report his findings and recommendations to the Senate as soon as possible, but not later than the 30th legislative day of the 1968 Regular Session of the Legislature; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the Director of the Department of Fish and Game.

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## CHAPTER 154

*Senate Joint Resolution No. 34—Relative to requesting the Federal Food and Drug Administration to schedule hearing on regulation of dietary foods.*

[Filed with Secretary of State August 4, 1967.]

WHEREAS, The business of manufacturing, distributing and selling vitamin- and mineral-fortified foods and food for special dietary uses constitutes a $250,000,000 industry in California, employing thousands of technicians, distributors, retired senior citizens and salesmen; and

WHEREAS, The Federal Food and Drug Administration first proposed new regulations governing such foods in 1962, again in 1966 and again in 1967 without holding public hearings to determine the justification of such regulations; and

WHEREAS, The continued delays caused by the proposed regulations have depressed and retarded the growth and technical progress of this industry in California; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests the Federal Food and Drug Administration to conduct hearings before adopting new regulations applicable to the manufacturing, distributing and selling of vitamin- and mineral-fortified foods and food for special dietary uses; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Health, Education, and Welfare and to the Commissioner of Food and Drugs.

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## CHAPTER 155

*Senate Joint Resolution No. 38—Relative to providing adequate benefits for disabled veterans.*

[Filed with Secretary of State August 4, 1967 ]

WHEREAS, The United States of America and also the State of California have from their inception recognized that citizens who sacrifice part of their person, blood and tissue for the honor of our nation in the military service demonstrate in the highest the spirit of patriotism; and

WHEREAS, The national welfare and pension formulae for disabled veterans, established many years ago by well-meaning, whole-bodied men, do not reflect the geometrically advanced economy of the United States of America in 1967; and

WHEREAS, At this moment disabled and injured veterans are returning home from the conflict in the Far East to remain in federal institutions because the welfare and pension formulae payments are insufficient for marriage and family life; and

WHEREAS, Enlisted personnel in the lower pay grades with severe disabilities do not receive adequate retirement pay to maintain themselves or dependents under the present economic conditions, because retirement from military service for disabilities incurred in line of duty from physical or mental causes are computed by multiplying the basic pay by the percentage of disability or by 2½ percent of active service, whichever is greater, but not less than 50 percent of basic pay; and

WHEREAS, Those injuries suffered while in military service which have not only made the serviceman unable to perform duties commensurate with his grade or rank now also consign him to the lower and hopeless level of our economy for which relief should be made available by providing an income at least

up to the poverty level of the federal statutory minimum wage; and

WHEREAS, A grateful nation, through the Congress of the United States, should not delay in providing adequate benefits to those who have been injured or incapacitated in the military service of our country; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact the legislation that is necessary to provide adequate benefits for injured or disabled veterans in order to bring succor and provide an income at least up to the poverty level of the federal statutory minimum wage; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 156

*Senate Concurrent Resolution No. 82—Relative to the constitutional recess of the Legislature and to reassembling of the Legislature after such recess, fixing the date for said recess and said reassembling.*

[Filed with Secretary of State August 4, 1967]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the 1967 Regular Session of the Legislature of the State of California shall recess for the 30-day period required by Section 3 of Article IV of the Constitution at 5 o'clock p.m. on August 4, 1967, and shall reassemble at 3 o'clock p.m. on September 4, 1967.

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## CHAPTER 157

*Assembly Concurrent Resolution No. 60—Relative to the Malibu.*

[Filed with Secretary of State August 5, 1967]

WHEREAS, The exciting history of that area in southern California known as the Malibu has been relatively neglected; and

WHEREAS, The Malibu is replete with magnificient history, knowledge of which should be passed on to the people of California and their descendants; and

WHEREAS, There was once a narrow-gage railroad traveling through the Malibu between Santa Monica and Oxnard, the construction of said railroad having changed the course of development of southern California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Park Commission is requested to establish an appropriate historical monument in the Malibu to preserve the record of its historic past; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the State Park Commission.

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## CHAPTER 158

*Assembly Concurrent Resolution No. 62—Relating to a Route 101 southbound off-ramp to Pismo Beach.*

[Filed with Secretary of State August 5, 1967.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Public Works is requested to conduct a study of the feasibility of constructing a southbound off-ramp from Route 101 leading into the area of Pismo Beach formerly known as the Shell Beach business district, including the effect of not constructing such an off-ramp upon community values and access to the community, and to report its findings to the California Highway Commission on or before January 1, 1968; and be it further

*Resolved,* That the California Highway Commission is requested to reconsider its decision to not construct such an off-ramp and to rehear the matter in the light of the feasibility study and report of the Department of Public Works; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the California Highway Commission and the Director of Public Works.

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## CHAPTER 159

*Assembly Concurrent Resolution No. 63—Relative to state printing of textbooks.*

[Filed with Secretary of State August 5, 1967.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Board of Education is requested to study means that would allow greater flexibility in the scheduling of printing state textbooks at the State Printing Plant, and to report its findings and recommendations

thereon to the Legislature on or before the fifth day of the 1968 Regular Session.

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## CHAPTER 160

*Senate Concurrent Resolution No. 21—Relating to the naming of State Highway Route 21 as the Luther E. Gibson Freeway.*

[Filed with Secretary of State August 6, 1967.]

WHEREAS, After a long and distinguished legislative career, the Honorable Luther E Gibson has recently retired as a Member of the Senate of the State of California; and

WHEREAS, Senator Gibson brought to state government a broad background of civic and business experience, including newspaper publishing and radio station ownership over a lengthy period of time, service overseas in the Army in World War I, service on a local housing authority, a fair rent committee and a recreation commission, and service as a member of the Board of Governors of the Maritime Academy; and

WHEREAS, During his 18 years of dedicated and illustrious service in the State Senate as the representative of the people of Solano County, he demonstrated an interest in a broad range of subjects and gained the confidence of his colleagues, as is demonstrated by his being appointed chairman of such committees as the Local Government and Governmental Efficiency Standing Committees, the Interim Committees on State Printing, Business and Professions, Veterans' Tax Exemption, and the Fact Finding Committees on Business and Commerce and Government Efficiency, as well as serving as the Senate representative on a number of vital joint committees, boards and commissions; and

WHEREAS, His particular interest in transportation matters is attested to by the diligent work that he performed as member of the Transportation and Commerce Committee and his sponsorship of significant transportation laws, including legislation that resulted in the construction of such monuments as the new Carquinez Bridge and the Benicia-Martinez span, as well as extensive bridge approach systems; and

WHEREAS, His competency and statesmanship in successfully seeking a solution to seemingly insurmountable transportation problems is illustrated by the recent completion of the Route 21 freeway between Benicia, near the Benicia-Martinez Bridge, and Cordelia; and

WHEREAS, This freeway constitutes the northerly approach to the Benicia-Martinez Bridge; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That State Highway Route 21 between Benicia, near the Benicia-Martinez Bridge, and Cordelia, which is the northerly approach to the Benicia-Martinez Bridge, be designated and named the Luther E. Gibson Free-

way in recognition of the outstanding service of Senator Gibson to the people of Solano County and the State of California; and be it further

*Resolved,* That the Department of Public Works be requested to erect appropriate signs on this highway showing this official designation; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Senator Luther E. Gibson and transmit a copy of this resolution to the Director of Public Works.

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## CHAPTER 161

### *Assembly Concurrent Resolution No. 70—Relative to Licensing of Certificated Personnel Law of 1961.*

[Filed with Secretary of State August 6, 1967 ]

WHEREAS, The wording of present credential rules and regulations relating to the Licensing of Certificated Personnel Law of 1961 is extremely complicated; and

WHEREAS, Such complicated provisions serve to confuse and frustrate prospective teachers in their efforts to get reliable information relating to the desired credentials and the requirements therefor; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Education is requested to prepare and cause to have published a document, approved by the State Board of Education, written in layman's terms, setting forth the requirements for the five types of credentials issued by the department; and be it further

*Resolved,* That such document, not to be over 15 pages in length, shall be published in sufficient quantities so as to be available to prospective teachers, teacher-preparation institutions, county superintendents of schools, and school districts; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the State Department of Education, Superintendent of Public Instruction, and the State Board of Education.

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## CHAPTER 162

### *Assembly Concurrent Resolution No. 21—Relative to requirements for teaching credential.*

[Filed with Secretary of State August 7, 1967 ]

WHEREAS, There are numerous institutions of higher learning outside the United States which offer excellent educations to their students; and

WHEREAS, Such foreign institutions of higher learning have different qualifications, policies, and practices regarding fulfillment or completion of requirements for degrees or graduation than those practices followed in the United States; and

WHEREAS, Variation in the practices and policies of these foreign institutions of higher learning makes it difficult to demand conformity to the formal requirements for California teaching credentials; and

WHEREAS, The word "degree" is a highly technical term which does not have the same meaning as the term is used in the United States; and

WHEREAS, The documents granted by foreign institutions of higher learning which attest to the level of student attainment in said institutions have many different labels, such as certificate, diploma, or other names; and

WHEREAS, Students who study at said institutions of higher learning may be equally or better prepared to serve as teachers in the public schools of California as are the students from colleges and universities in the United States; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Board of Education establish a list of foreign institutions of higher learning that have the equivalent academic qualifications and standards, regardless of their degree or graduation policies, of universities and colleges in the United States that fulfill the academic requirements that are necessary for a California teaching credential, and that the State Board of Education establish appropriate regulations to implement the intent of this resolution.

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## CHAPTER 163

*Assembly Concurrent Resolution No. 107—Relative to the Joint Committee on Legislative Organization and the Constitution Revision Commission.*

[Filed with Secretary of State August 7, 1967 ]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That in addition to any money heretofore made available the sum of four hundred eighty-seven thousand two hundred fifteen dollars ($487,215), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate, in equal shares for the expenses of the Joint Committee on Legislative Organization (created by Section 9107 of the Government Code and Joint Rule 40) and its members and for any charges, expenses, or claims it may incur under said statute and resolution and for the expenses of the Constitution Revision Commission and its members, to assist the committee in its revision of the California Constitution, to be paid from the said

contingent funds equally and disbursed after certification by the Chairman of the Joint Committee on Legislative Organization upon warrants drawn by the State Controller upon the State Treasurer; and be it further

*Resolved*, That the Joint Committee on Legislative Organization is authorized to continue the existence of the Constitution Revision Commission as continued in existence pursuant to Resolution Chapter 74 of the Statutes of the 1966 First Extraordinary Session.

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## CHAPTER 164

*Assembly Concurrent Resolution No. 133—Relative to City and County Government Week.*

[Filed with Secretary of State August 7, 1967.]

WHEREAS, The cities and counties of California daily fulfill the needs of the people by providing public protection, education, streets and highways, parks and recreation, health and welfare, and other vital services; and

WHEREAS, The cities and counties, in carrying out these services, perform over 1,000 identifiable functions, spend four billion dollars annually, and employ 270,000 persons; and

WHEREAS, It is in the interest of every Californian that these basic and traditional local government units remain responsive, modern, and efficient, employing dedicated and capable public servants; and

WHEREAS, It is essential that the public is aware of the structure, functions, and performance of city and county government; and

WHEREAS, Special commemorative periods stimulate citizen interest in local institutions, and this interest encourages full citizen participation in government and facilitates better government services to the people; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the week of October 8–14, 1967, be designated as City and County Government Week; and be it further

*Resolved*, That the Governor of the State of California be urged to establish October 8–14, 1967, as City and County Government Week; and be it further

*Resolved*, That the citizens and the cities and counties of California be urged to participate in the appropriate ceremonies, programs, and educational activities in observance of City and County Government Week; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Honorable Ronald Reagan, Governor of the State of California.

# CHAPTER 165

*Assembly Concurrent Resolution No. 51—Relative to teacher aide program.*

[Filed with Secretary of State August 9, 1967.]

WHEREAS, Personnel shortages, particularly at the elementary level, persist in the field of education, and large numbers of well-qualified teachers are needed; and

WHEREAS, One method for the California educational system to bring effective aid to its young people and the classroom is through the use of the teacher aide or teacher assistant; and

WHEREAS, It has become more evident that the California educational system should take a closer look at demonstrated programs throughout the state showing that professionalism and certification are not absolute prerequisites for working with elementary and secondary students, and that nonprofessional student assistants can supplement the certified teachers' responsibilities; and

WHEREAS, These demonstrated programs have shown that new employment possibilities exist in the creation of teacher aide or teacher assistant positions that could be filled by high school students, dropouts and parents; and

WHEREAS, The demonstration programs throughout the state have demonstrated the use of the teacher aide or teacher assistant in the performance of certain tasks that permitted the professional teacher more professional functions involved in teaching; and

WHEREAS, There is a need for an interim demonstration for a project of teacher aides or teacher assistants while principal and large-scale implementation are being studied; and

WHEREAS, In the past, the teacher aide or teacher assistant programs have been conducted on an individual school or school district basis, with no coordination; and

WHEREAS, It is now time to study the effectiveness of these programs, to determine how to expand and implement them on a broader scale, and how to finance them; and

WHEREAS, These programs have proven successful in local situations, and it is now time to evaluate these programs and to determine how the program might be broadened; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Department of Education is requested to make a study of the teacher aide-teacher assistant programs, to evaluate such programs, and to report to the Assembly and Senate in the second week of the 1968 Regular Session of the Legislature; and be it further

*Resolved,* That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Superintendent of Public Instruction.

## CHAPTER 166

*Assembly Concurrent Resolution No. 23—Relative to a moratorium on changes in teaching and administrative credentials.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, The Assembly Subcommittee on School Personnel and Teacher Qualifications has studied intensively during the 1965–1967 interim period the implementation of the Licensing of Certified Personnel Law of 1961; and

WHEREAS, The committee received uncontradicted testimony that frequent changes in the rules and regulations relating to credentials by the University of California and individual state colleges has unduly complicated the efforts of teacher training institutions to create adequate programs; and

WHEREAS, The committee has strongly recommended that the present rules be stabilized so that public and professional understanding may be increased; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Board of Education is urged to declare a one-year moratorium on all changes related to teaching and administrative credentials except for clear and present emergencies, and be it further

*Resolved,* That the State Department of Education is hereby requested to provide a current copy of the aforesaid rules and regulations to all teacher training institutions and school districts, and to all out-of-state institutions which have traditionally provided a significant number of teachers to California; and be it further

*Resolved,* That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the President of the State Board of Education and to the Superintendent of Public Instruction.

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## CHAPTER 167

*Assembly Concurrent Resolution No. 24—Relative to policies of teacher training programs.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, It is necessary for California school districts to employ several thousand new college graduates each year; and

WHEREAS, The flow of applicants into the teaching profession has been unduly impeded by a wide variety of campus rules and regulations at the several campuses of the University of California and the California State Colleges; and

WHEREAS, Among these unnecessary impediments have been the unavailability of a course in practice teaching during the normal undergraduate span, and the necessity for prospective

teachers to enroll in educational methodology courses not required by state law; and

WHEREAS, It is essential that the requirements of state law for teachers' credentials be liberally construed in order to facilitate the operation of the public schools and provide an adequate supply of teachers; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Regents of the University of California and the Trustees of the California State Colleges are requested to review their policies to determine whether teacher training programs on their respective campuses offer a curriculum designed to meet state requirements as simply as possible; and be it further

*Resolved*, That the regents and the trustees are requested to initiate any necessary reforms as quickly as possible in order that prospective teachers may be definitively informed as to the basic state credential requirements; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Chairman of the Board of Regents, the Chairman of the Board of Trustees, and the administrative officers of the University of California and the California State Colleges.

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## CHAPTER 168

*Assembly Concurrent Resolution No. 104—Relative to naming portions of State Highway Routes 280 and 680 the Sinclair Freeway.*

[Filed with Secretary of State August 11, 1967.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the portion of State Highway Route 280 from its intersection with Route 17 to Route 680 near Story Road and the portion of Route 680 from there to the Alameda county line are hereby officially designated and named the Sinclair Freeway; and be it further

*Resolved*, That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on such portions of these highways showing this official designation; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Public Works.

## CHAPTER 169

*Assembly Concurrent Resolution No. 108—Relative to expansion of Crippled Children Services to include hyaline membrane disease.*

[Filed with Secretary of State August 11, 1967]

WHEREAS, Hyaline membrane disease affects the lungs of prematurely born infants, coating their lungs and making it difficult for them to breathe, killing some 25,000 babies yearly in the United States; and

WHEREAS, Chances of survival and cure have increased greatly, since the recent development of various breathing devices; and

WHEREAS, The usual $200-a-day expense of providing medical attention is more than most parents can bear; and

WHEREAS, These astronomical medical bills add to the distress of families already under grievous strain; and

WHEREAS, No private nonprofit agency, foundation or service will accept responsibility for treating sufferers of hyaline membrane disease; and

WHEREAS, In accordance with Section 1902A of the Federal Social Security Act, families of these infants are not eligible for Medi-Cal benefits when, as is usually the case, the infant's illness causes only extra bills, and not a loss of income; and

WHEREAS, The only remaining authorized place where parents of an infant with this affliction can find help is the Crippled Children Services of the State Department of Public Health; and

WHEREAS, The approved list of Crippled Children Services has not kept pace with recent medical advances; and

WHEREAS, Hyaline membrane disease is not now on the list of diseases approved for treatment under this state agency, leaving families of California children so afflicted in the bondage of staggering debts; and

WHEREAS, The inclusion of hyaline membrane disease in the Crippled Children Services program has not been realized through administrative action or action by the State Board of Health because it would result in an increase in expenditures; and

WHEREAS, The only hope of families facing the financial crisis of hyaline membrane disease is an expansion of Crippled Children Services; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Department of Public Health be hereby requested to study the problem of hyaline membrane disease in California, including the yearly number of cases, the cost of treatment, the difficulties involved in meeting these costs, the feasibility of expanding the Crippled Children Services program to include hyaline membrane disease, the costs related to such an expansion, and other per-

tinent factors and report to the Legislature not later than the 30th day of the 1968 Regular Session of the Legislature; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Public Health.

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## CHAPTER 170

*Assembly Concurrent Resolution No. 121—Relative to emergencies at or on the grounds of the State Capitol, the Governor's Mansion, or other residence of the Governor, or the residence of any other constitutional officer.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, Because of the many tensions prevailing in our society, the State Capitol, and its grounds, the Governor's Mansion, and any other residence of the Governor or constitutional officers, have become or may well become the scene of public disturbances; and

WHEREAS, The state should be adequately prepared to deal with such disturbances in order to keep the peace, protect the citizenry, and assure the continued functioning of government; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Chief of the California State Police, from time to time, and as often as circumstances may require, shall call into conference the Sheriff of Sacramento County, the Chief of Police of the City of Sacramento, the Sergeants at Arms of the Senate and Assembly, the Commissioner of the California Highway Patrol, and the Adjutant General of the National Guard to formulate plans to meet any emergencies at, or on the grounds of, the State Capitol, the Governor's Mansion or any other residence of the Governor, or the residence of any other constitutional officer, and to require assistance in any such emergencies of each officer mentioned above as the law may allow; and be it further

*Resolved,* That the Director of General Services be directed to prepare a plan for the reorganization of the California State Police and submit such plan to the Legislature on or before January 1, 1968; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Chief of the California State Police and to the Director of General Services.

## CHAPTER 171

*Assembly Joint Resolution No. 29—Relative to governmental tax sharing.*

[Filed with Secretary of State August 11, 1967 ]

WHEREAS, In the division of governmental functions among local, state and federal bodies in the United States the exercise of powers at various levels is inseparably related to the distribution of taxing authority; and

WHEREAS, The larger the percentage of total tax revenue collected at any one level the greater will be the power of that government; and

WHEREAS, Today the federal government's share of total taxes far exceeds the total combined share for state and local governments; and

WHEREAS, If present tax trends continue, local governments will not be able to meet public demands for more and better schools, highways, health facilities, police protection and other similar services without severe strains upon their respective economies; and

WHEREAS, The latest federal budget lists approximately 85 local grant-in-aid activities and, as a consequence, these programs are beginning to exceed the level of manageability; and

WHEREAS, The dollar value of grant-in-aid programs has increased from $3.1 billion a decade ago to more than $15 billion this year and the continued growth of such programs makes state and local governments even more dependent upon the federal government; and

WHEREAS, Such programs often force the states to spend tax money excessively in certain areas in order to match the allocation of federal funds; and

WHEREAS, It is vital and essential to strengthen state and local self-government; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California endorses the basic principle of tax sharing in order to make additional revenues available to the state; and be it further

*Resolved,* That the Congress of the United States is urged to enact a workable and realistic tax-sharing program, with consideration given to the following alternatives: tax rebates, unrestricted block grants, federal tax credits against state and local taxes or a transfer of tax sources from the federal to the state and local level; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States.

# CHAPTER 172

*Assembly Joint Resolution No. 34—Relative to a plant for the production of a fish protein concentrate.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, Two-thirds of the present population of the world is underfed, being particularly deficient in necessary protein, and the world will be hungrier in the future unless some inexpensive source of protein can be found for human consumption; and

WHEREAS, Projects designed to develop the best and most economical processes and methods to reduce fish which are in abundant supply, but not now widely sought after for human consumption, to a nutritious, wholesome, and stable fish protein concentrate must be undertaken if the world food crisis is to be met; and

WHEREAS, Congress has authorized the Secretary of the Interior, under Public Law 89-701, to construct an experimental and demonstration plant for the production of a fish protein concentrate and to acquire by lease one additional plant for such purpose, and has authorized the appropriation of various sums for such purposes; and

WHEREAS, Such plants are required to be located in such geographical areas as the Secretary of the Interior determines will demonstrate optimum feasibility from the standpoint of operation, maintenance, and economic potential; and

WHEREAS, The California fishing industry is a vital economic activity for both the nation and the state as well as an important factor in the utilization of America's fish resources to meet the increasing food needs of the peoples of the world; and

WHEREAS, Crescent City in Del Norte County, and other locations on the north coast of California, offer an ideal location possessing optimum potential for the operation, maintenance and economic development of such a fish processing plant and such a plant could provide a means for utilization of the fish resources now unused off the north coast of California; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President, the Secretary of the Interior, and the Congress of the United States to select Crescent City, or some other location on the north coast of California, as the location for an experimental and demonstration plant for the production of a fish protein concentrate as authorized under federal law to be established by the Secretary of the Interior; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives,

and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 173

*Assembly Concurrent Resolution No. 65—Relative to the education of handicapped children and youth.*

[Filed with Secretary of State August 11, 1967 ]

WHEREAS, Appropriate education of handicapped children and youth is of continuing value to individual children and youth, to their parents, and to the State of California as a whole; and

WHEREAS, Such education continues to be of concern and interest to the California Legislature; and

WHEREAS, The California Legislature and the people of California have given substantial legislative and financial support to programs for handicapped children and youth; and

WHEREAS, There is need for continuous attention to be given to the improvement in the quality of such programs and the evaluation of results, particularly in the fields of curriculum development and teacher training and effectiveness; and

WHEREAS, Federal moneys will soon be or are now available for evaluation of state special education programs; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the State Department of Education be requested to establish appropriate special education program evaluation studies, with particular emphasis on teacher training and curriculum development, and submit any findings and recommendations for the improvement of educational programs for handicapped children and youth to the Legislature at the first regular session following completion of such studies; and be it further

*Resolved*, That it is the intent of the California Legislature that such activities shall be conducted within a framework that is sufficiently flexible and well-directed that eligibility may be established for federal funds which may be available to finance the conduct thereof, and that the activities be financed, to the extent possible, by use of such federal funds; and be it further

*Resolved*, That such funds as may be attracted shall not supplant existing state support nor detract from existing programs and responsibilities; and be it further

*Resolved*, That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the State Department of Education.

## CHAPTER 174

*Assembly Concurrent Resolution No. 66—Relative to the disposition of overhead funds from federal contracts and grants by the University of California.*

[Filed with Secretary of State August 11, 1967 ]

WHEREAS, More than 25 million dollars not included in the University of California's budget will have been expended at the discretion of the Board of Regents since 1963–64; and

WHEREAS, These funds represent the reimbursement of university overhead costs related to administration of non-state-financed projects; and

WHEREAS, The present disposition of overhead funds is based on an agreement between the Department of Finance and the University of California which provides for allocating an equal share of such funds derived from contracts and grants other than major Atomic Energy Commission contracts to the State General Fund and to the university regents; and

WHEREAS, The present agreement for the disposition of overhead cost limits legislative review by delegating to the Department of Finance the review of that portion allocated to the regents; and

WHEREAS, The state pays for the administrative costs of federal contracts and grants through its appropriation to the university, but it receives only half of the federal overhead funds intended for this purpose; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That commencing with the 1968–1969 fiscal year, all funds received from the federal government in reimbursement of University of California overhead costs be included in the Governor's Budget, operating budget, or capital outlay budget, as appropriate, as a restricted fund source of income for the university, and that the uses of such funds, to the extent there are planned programs or projects for the fiscal year, be reported to the Legislature for review.

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## CHAPTER 175

*Assembly Concurrent Resolution No. 91—Relating to the establishment of a school of veterinary medicine in southern California.*

[Filed with Secretary of State August 11, 1967 ]

WHEREAS, The 1965 Legislature adopted Assembly Concurrent Resolution No. 85 (Stats. 1965, Res. Ch. 151), calling upon the Board of Regents of the University of California to conduct an in-depth study of the feasibility and advisability of establishing a second school of veterinary medicine to be located in southern California in the near future; and

WHEREAS, The regents thereafter instructed its staff to conduct such a study, and a report was rendered by a special academic committee appointed by the president of the university in May of 1966, but has not yet been made public; and

WHEREAS, That report asserted that the establishment of such a school in the southern part of the state was feasible and would fulfill the pressing need for training an increased number of doctors of veterinary medicine in southern California; and

WHEREAS, This report has been held in confidence by university officials because of their concerns that initiation of a school of veterinary medicine in southern California at this time would interfere with the orderly development of other university medical schools, but there is no evidence to support this fear nor is there any justifiable connection or overlap between the two types of institutions; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Board of Regents of the University of California is urged to make public the special report prepared in response to ACR 85 of the 1965 Regular Session of the Legislature; and be it further

*Resolved,* That the Legislature strongly urges the board of regents to accelerate planning and budgeting for a southern California school of veterinary medicine, and to include initial funds therefor in its 1968–69 budget proposals which will be submitted to the Governor late this year; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to each member of the Board of Regents of the University of California.

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## CHAPTER 176

*Assembly Concurrent Resolution No. 94—Relative to the creation of the Joint Committee on Teacher Credentialing Practices.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, A sufficient number of qualified teachers is essential in order to maintain the excellence in education on which the future of California depends; and

WHEREAS, The effect of present credentialing practices, and in particular the academic requirements for credentials and the mechanics of credentialing, on the supply and quality of teachers is of the highest importance; and

WHEREAS, Numerous measures were introduced at the 1967 session of the Legislature pertaining to credential standards for public school service, including Assembly Bills 605, 1334, 1250, 1712, 1713, 1799, 2274, and 2404; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

1. The Joint Committee on Teacher Credentialing Practices is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the present requirement for an academic major or nonacademic major (except education) for an elementary credential; the use of undergraduates as "aides" in elementary schools to partially fulfill practice teaching requirement; course-hour requirements for minor subjects for elementary and secondary (particularly vocational) teachers; and the mechanics of teacher credentialing, and in particular the possibility of reducing the number of different types of credentials and of using teachers not fully credentialed in experimental programs; including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Assembly appointed by the Speaker thereof, and three Members of the Senate appointed by the Rules Committee thereof. The chairman shall be appointed by the Speaker. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1968 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its finding and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 177

*Assembly Concurrent Resolution No. 113—Relative to a continuing study on abortion.*

[Filed with Secretary of State August 11, 1967.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Department of Public Health is requested to collect and prepare statistical information relating to abortion, including, but not limited to, the number of abortions performed in California each year; the reason for each abortion; the number of cases where the district attorney reported probable cause that pregnancy resulted from rape or incest; the number of cases where the district attorney reported no probable cause that pregnancy resulted from rape or incest; the number of cases where the court was petitioned and made a finding of probable cause that pregnancy resulted from commission of rape or incest, and thereafter reported to the hospital committee that it may approve the abortion; and the number of cases where the court found no probable cause that pregnancy resulted from commission of rape or incest and denied a petition for approval of such abortion; and be it further

*Resolved,* That the State Department of Public Health is requested to annually submit a report to the Legislature not later than the 30th legislative day of each regular session, containing and explaining such information collected by the department during the prior year; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Public Health.

## CHAPTER 178

*Assembly Concurrent Resolution No. 130—Relative to the creation of the Joint Committee on Elementary and Secondary Education.*

[Filed with Secretary of State August 11, 1967.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* As follows:

1. The Joint Committee on Elementary and Secondary Education is hereby created and authorized and directed to ascertain, study and analyze all facts relating to elementary and secondary education, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

2. The committee shall consist of three Members of the Assembly, appointed by the Speaker thereof, and three Members of the Senate, appointed by the Committee on Rules thereof.

3 The committee is authorized to act during this session of the Legislature, including any recess and after final adjournment until the commencement of the 1968 Regular Session of the Legislature, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and its members shall have and exercise all the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and the Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it was created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and the Senate for the expenses of the committee and its members and for any charges, expenses or claims they may incur under this resolution, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 179

*Assembly Concurrent Resolution No. 136—Relative to urging the Kansas City Athletics to move to Oakland.*

[Filed with Secretary of State August 11, 1967 ]

WHEREAS, Oakland, California is a city with immeasurable potential for major league baseball and has expressed considerable interest in attracting the Kansas City Athletics baseball team of the American League to relocate in this all-American city of the Golden State; and

WHEREAS, Oakland is the central city in the East Bay area which has a population of over 1,000,000, and a major league baseball team in Oakland would, in addition, be a drawing card and easily accessible to over 4,000,000 avid sports fans in the entire bay area through a vast system of streamlined freeways and the Bay Area Rapid Transit District now under construction; and

WHEREAS, The climate of California, and the East Bay area in particular, is one of the best in the world for consistently excellent baseball weather, and the sports climate of Oakland can be readily ascertained from the enthusiastic, ardent, and wholehearted support presently being given to the Oakland Raiders of the American Football League, the Oakland Clippers of the National Professional Soccer League, the California Seals of the National Hockey League, and the newly arrived Oakland Oaks of the American Basketball Association; and

WHEREAS, The sports interest in the area was the chief motivating cause of the building and completion, in 1966, of a coliseum in Oakland which features a seating capacity of 56,000, large and convenient parking facilities, and a central location to freeways, rapid transit, and business, all of which makes the Oakland Coliseum ideal as a site for major league baseball; and

WHEREAS, A natural rivalry would inevitably develop between a major league baseball team located in Oakland and the California Angels of Anaheim, California, which would benefit and aid baseball in California and enhance interest in American League competition; and

WHEREAS, Season scheduling and easier travel between games would be facilitated by the presence of the second American League baseball team in California; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the members encourage all persons to urge the Kansas City Athletics to relocate in Oakland and express their pleasure at the future prospect of welcoming this fine baseball team to California; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Charles O. Finley, President of the Kansas City Athletics, Commissioner William D. Eckert, Joseph E. Cronin, President of the American League, and all of the presidents of the baseball teams of the American League: Jerold C. Hoffburger, Baltimore Orioles: Thomas A. Yawkey, Boston Red Sox; Robert O. Reynolds, California Angels; Arthur C. Allyn, Chicago White Sox; Gabe Paul, Cleveland Indians; John Fetzer, Detroit Tigers; Calvin R. Griffith, Minnesota Twins; Michael Burke, New York Yankees; and James M. Johnston, Washington Senators.

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## CHAPTER 180

*Assembly Concurrent Resolution No. 139—Relative to legislative procedure.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, The change in legislative procedure brought about by the adoption by the people of Proposition 1-a at the November 1966 general election has not eliminated the great press of legislative measures awaiting action on the final days of a regular session; and

WHEREAS, A study should be made so that means and ways may be found to eliminate such so-called logjam of bills awaiting action on the final days of a regular session; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Joint Committee on Legislative Organization is requested to study the subject matter of this resolution and to report its findings and recommendations thereon to the Legislature not later than the fifth legislative day of the 1968 Regular Session of the Legislature.

## CHAPTER 181

*Senate Concurrent Resolution No. 42—*
*Relative to federal funds.*

[Filed with Secretary of State August 11, 1967 ]

WHEREAS, It has been the policy of the Legislature to obtain information regarding the receipt of federal funds by this state, as witnessed by Section 13326 of the Government Code, which requires every department of the state to submit virtually every request to the federal government for funds to the Department of Finance for prior approval; Section 28 of the 1966 Budget Act, requiring reports to the Joint Legislative Budget Committee before authorizing expenditure of new funds received from the federal government and not identified in the Budget; and ACR 93 of 1965, which made the Legislative Analyst an information center for the Legislature in the field of federal and state relations; and

WHEREAS, The Hoover Commission has noted that among the liabilities attending the indiscriminate use of federal funds by the states are the following: (a) the removal of discretionary power from state officials, (b) the alteration and distortion of state budgetary policies, (c) imbalances between programs nationally supported and those not so supported, and (d) the retarding of state initiative in meeting public service responsibilities; and

WHEREAS, It is vital to the future development of the State of California that the Legislature be fully informed of the amount and impact of federal funds and state-supported programs; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That it is the will of the State Legislature that every state agency and every independent or local agency receiving state funds report to the Department of Finance for the purpose of a report to the Legislature and others it may designate, the application for, receipt of, and final disposition of such funds as herein set forth; and be it further

*Resolved*, That it is the intention of the Legislature to have available at the earliest time practicable through standard automatic data processing procedures, or other means, the ability to determine at any given time the amount of federal money coming to a specific state agency or other agency herein set forth, and the request by such agencies for said moneys and the use by such agencies of said moneys; and be it further

*Resolved*, That whenever a state agency, or local agency receiving state money, makes application, enters into a contract or agreement or submits state plans for participation in and for grants of federal funds under any federal law, or when such application, contract, agreement, or state plan is substantially amended as to the financial aspects of the agreement or contract involved, the agency making such applica-

tion or amendment shall at the time of such action notify the Director of Finance, who shall report such information quarterly to the Joint Legislative Budget Committee on forms and in a manner prescribed by the Joint Legislative Budget Committee. Such agency required to give notice shall furnish to each person named above a progress report in relation to each application, contract, agreement, or state plan at least once in each six-month period following the date of filing of the application, contract, agreement, or state plan and shall also file with each officer a final report as to the final disposition of such application, contract, agreement, or state plan. It is the purpose of this resolution to require the submission of financial reports with a very limited description of the nature of the activity for which the federal moneys are sought or used; and be it further

*Resolved*, That the Joint Legislative Budget Committee is authorized to determine the procedure for compliance with this resolution by any agency subject to its provisions.

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## CHAPTER 182

*Senate Concurrent Resolution No. 50—Relative to making additional funds available to the Legislative Budget Committee.*

[Filed with Secretary of State August 11, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That in addition to any money heretofore made available to it, the sum of nine hundred thousand dollars ($900,000) or so much thereof as may be necessary is hereby allocated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee established by Chapter 1667 of the Statutes of 1951, or its members, pursuant to and under the authority of the provisions of Joint Rule No. 37, to be expended equally from the Contingent Funds of the Senate and of the Assembly.

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## CHAPTER 183

*Senate Concurrent Resolution No. 52—Relative to flood control projects in the Sacramento-San Joaquin Delta.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, The Sacramento-San Joaquin Delta area, comprising approximately 738,000 acres and including over 700 miles of navigable waterways, contains many channels and adja-

cent river banks which are widely known for their beauty and attract thousands of visitors; and

WHEREAS, Boating, hunting, fishing, and other recreational activities consume the leisure time of the many persons attracted to the highways and waterways of the delta region, and such activities provide a major contribution to the economy of the area; and

WHEREAS, The construction of adequate recreational facilities and the protection of wildlife and esthetic values will ensure an enjoyable environment which will help meet increasing demands for recreation, and will provide an esthetic resource which cannot be evaluated in economic terms alone; and

WHEREAS, The State of California has for many years participated in the construction of flood control project levees and berms in the Sacramento-San Joaquin Delta in order to provide vital flood protection for adjacent farm lands; and

WHEREAS, Such flood control projects may have a profound impact on recreational uses of the delta and on scenic and wildlife values, particularly affecting the vegetation which is vital to the beauty of the area and to the preservation of the remaining wildlife; and

WHEREAS, Projects for the construction of levees and berms in the delta, in which the state participates, should be multipurpose in nature, so as to include, to the greatest extent consistent with the purpose of providing adequate flood protection, benefits that will ensure protection of wildlife and esthetic values and will promote the area's potential for recreation; and

WHEREAS, The Resources Agency should work as closely as possible with the United States Army Corps of Engineers to formulate plans, in relation to completed and future flood control projects, designed to provide for wildlife needs and esthetic values, as well as recreational demands; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That it is the policy of the State of California that where the state participates in the construction of flood control project levees and berms in the Sacramento-San Joaquin Delta consideration shall be given to making such projects multipurpose in nature, so as to include benefits for wildlife, recreation and esthetics, as well as for flood control, and the Administrator of the Resources Agency is requested to work in close cooperation with the United States Army Corps of Engineers to formulate specific plans for the fulfillment of wildlife needs and for protection of esthetic values, as well as for the location and magnitude of recreation facilities, in relation to both completed flood control projects and future flood control projects in the delta area, and such plans shall include recommendations for cost sharing and funding; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit a copy of this resolution to the Administrator of the Resources Agency.

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## CHAPTER 184

*Senate Concurrent Resolution No. 53—Relative to expenses of the Joint Interim Committee on Law Revision.*

[Filed with Secretary of State August 11, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the sum of three thousand five hundred dollars ($3,500) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Law Revision (created by Section 10301 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 185

*Senate Concurrent Resolution No. 56—Relative to expenses of the Joint Interim Committee on Uniform Laws.*

[Filed with Secretary of State August 11, 1967.]

*Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the sum of three thousand five hundred dollars ($3,500) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Uniform Laws (created by Section 10401 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

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## CHAPTER 186

*Senate Concurrent Resolution No. 62—Relative to the Sacramento-San Joaquin Delta.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, Permits to install floating homes and boat docks on the waters of Georgiana Slough in the Sacramento-San

Joaquin Delta were approved by the Reclamation Board at the board meeting of April 27, 1967; and

WHEREAS, The Sacramento-San Joaquin Delta is an irreplaceable natural resource of great importance to the state and nation; and

WHEREAS, The channels and adjacent banks of these waterways are known for their beauty and attract thousands of visitors who spend their leisure time in boating, hunting, fishing and other recreational activities; and

WHEREAS, The Legislature has expressed concern over the lack of preservation and enhancement of the natural beauty of the delta waterways, and awareness of the need for state leadership in developing a Master Recreation Plan to serve as a guide to the many state, federal, and local government agencies; and

WHEREAS, The Legislature in 1963 authorized the Administrator of the Resources Agency to develop for the delta a comprehensive Master Recreation Plan, which was presented to the Legislature during 1966; and

WHEREAS, The Master Recreation Plan reveals a critical need for the delta area counties to adopt a waterways use plan to control waterway encroachment and waterway use; and

WHEREAS, Considering the magnitude of present and projected recreational use of the Sacramento-San Joaquin Delta and the invaluable importance of its fishing, wildlife, scenic and open-space resources and the demands of commercialization and urbanization of the expanding California economy, the importance of all components of government and private interests adopting the concepts of the Master Recreation Plan cannot be overstressed; and

WHEREAS, It is vital to the future of recreational navigation in the delta to establish a system of open waterways, unrestricted by waterway encroachments, which will enable pleasure craft to navigate to various points in the delta at reasonable operating speeds; and

WHEREAS, Georgiana Slough is a vital cross-delta waterway that connects the Sacramento River with the San Joaquin Delta and is heavily used by pleasure craft; and

WHEREAS, The Administrator of the Resources Agency (which agency includes the Department of Conservation, Department of Harbors and Watercraft, Department of Fish and Game, Department of Parks and Recreation, and Department of Water Resources), the United States Army Corps of Engineers, the San Joaquin County Park and Recreation Department, and the Sacramento County Park and Recreation Department have recommended that applications to establish floating homes, boathouses, and docks on Georgiana Slough be denied; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature of the State of California finds and declares that the granting of such permits by the Reclamation Board to install floating homes and

boat docks on the waters of Georgiana Slough may not be in the best interests of the State of California, and urges the Reclamation Board to reconsider such action and to withhold such approval until such time as an adequate overall waterways use plan is adopted by the various state, federal, and county agencies concerned; and be it further

*Resolved*, That the Administrator of the Resources Agency is requested to maintain close liaison with all appropriate federal, state, and county governmental agencies in order to initiate and coordinate implementation of the Delta Master Recreation Plan objectives to the maximum extent possible; and be it further

*Resolved*, That the Administrator of the Resources Agency is requested to include in his next report to the Legislature policy recommendations regarding the use of the waters of Georgiana Slough; and be it further

*Resolved*, That the Secretary of the Senate is directed to transmit copies of this resolution to the Resources Agency, the Reclamation Board, the Department of Conservation, the Department of Harbors and Watercraft, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Water Resources, the State Lands Commission, the Boards of Supervisors of Contra Costa, San Joaquin, Sacramento, Solano, and Yolo Counties, and the United States Army Corps of Engineers.

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## CHAPTER 187

*Senate Concurrent Resolution No. 63—Relative to automatic data processing systems.*

[Filed with Secretary of State August 11, 1967]

WHEREAS, California state government lacks a definitive state policy to guide the development of automatic data processing (ADP) systems, procedures and techniques; and the design of complex information systems is being undertaken without benefit of a long-range ADP master plan or without any significant degree of coordination between departments or between the state and local governments; and

WHEREAS, Standardization in systems design, coding, common identification of data items, file structures or programming languages is desirable and has not been attained in any significant degree; and

WHEREAS, There is a continuing trend toward ADP installations that are small and inefficient by prevailing standards and oriented solely to individual departmental applications; and

WHEREAS, Preliminary studies are being undertaken which could result in a Statewide Federated Information System being established in an environment devoid of ADP standardization and compatibility; and

WHEREAS, The fiscal committees of the Legislature have need for detailed information regarding statewide systems analysis activities and ADP plans and procedures of departmental and state-funded local government systems; and

WHEREAS, The recommendations of a legislative study by the Assembly Interim Committee on Ways and Means, Report on Automated Data Processing, dated March 15, 1965, pursuant to House Resolution No. 472, 1963 General Session, have not been implemented to any significant degree; and

WHEREAS, Senate Concurrent Resolution No. 34, 1966 First Extraordinary Session, requested the Joint Legislative Budget Committee to study the development of ADP in California state and local government; and

WHEREAS, The required report, Automatic Data Processing in California Government, dated January 31, 1967, has been submitted to all Members of the Legislature and includes guidelines for establishing state ADP policy and specific recommendations; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the recommendations contained in the report Automatic Data Processing in California Government be reviewed by the Departments of Finance and General Services and a joint report be submitted to the Legislature not later than the fifth day after the convening of the 1968 Regular Session describing in detail the areas in which the guidelines and recommendations in this report have been incorporated into formal policies, plans, operations or standards and the areas in which they have not been found to be acceptable; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to send copies of this resolution to the Director of Finance and to the Director of General Services.

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## CHAPTER 188

*Senate Concurrent Resolution No. 78—Relative to naming a portion of State Highway Route 92 the J. Arthur Younger Freeway.*

[Filed with Secretary of State August 11, 1967 ]

WHEREAS, The late Congressman J. Arthur Younger rendered over 14 years of outstanding and dedicated service to San Mateo County; and

WHEREAS, It is fitting that a lasting tribute to Congressman Younger and his service be made; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the portion of State Highway Route 92 in San Mateo County from Route 1 near Half Moon Bay to the western approach to the San Mateo-Hayward Bridge

is hereby officially designated the J. Arthur Younger Freeway; and be it further

*Resolved*, That the Department of Public Works is hereby requested to erect and maintain appropriate signs on such portion of highway showing this official designation; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Director of Public Works.

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## CHAPTER 189

*Senate Concurrent Resolution No. 88—Relative to commending Lowell R. Smith, M.D.*

[Filed with Secretary of State August 11, 1967]

WHEREAS, It has come to the attention of the Members that Lowell R. Smith, M.D., has been chosen the Citizen of the Year from El Cajon; and

WHEREAS, Dr. Smith, a graduate of the University of Iowa, former Air Force flight surgeon, and distinguished physician and surgeon, has been devoted to the profession of medicine in its broadest aspects, including those relating to community service; and

WHEREAS, Dr. Smith is an active member of the San Diego County Medical Association, California Medical Association, American Medical Association, University of Iowa Alumni Association, and Mayo Clinic Association, Diplomate American Board of Surgery, and member of 12 other various medical and surgical organizations throughout the county; and

WHEREAS, He is cofounder, original president and permanent director of El Cajon Valley Hospital and El Cajon Valley Clinic, unique and modern facilities which are of great service to the El Cajon area; and

WHEREAS, Dr. Smith is cofounder and present director of El Cajon Valley Medical Research Foundation and has lectured and given papers on studies done through the foundation at meetings throughout the United States as well as in Mexico, Austria and Italy, is director of Reg. Robbins Research Foundation, is the cochairman of the Junior Candidate Section of the International College of Surgeons and on the College's Examining Panel, and is on the teaching staff of the American Society of Abdominal Surgeons; and

WHEREAS, Dr. Smith is a member of the American Cancer Society and a volunteer lecturer for the Cancer Society in El Cajon, member of the Public Health League, member of the San Diego Bio-Medical Research Institute and member and past director of the San Diego General Surgeons Society; and

WHEREAS, Dr. Smith is also very active in youth work, being one of the founders and present director of the El Cajon Boys' Club and having assisted in coaching their basketball team and

in the basketball program at Fuerte School, being manager of a Little League Team for five years in the Cajon De Oro Little League, having worked actively with El Cajon Pop Warner League and been a volunteer in charge of physical examinations for their football players and the El Cajon National Little League players, being a member and past director of the Mother Goose Association and a cofounder and co-chairman of the Annual Mother Goose Bowl, a century club member of the Girls Club, volunteer camp physician for the San Diego Boy Scouts for the past eight summers, institutional representative of the Fuerte Area Cub Scouts, past medical director of the Grossmont district Boy Scouts, volunteering in precamp physical examinations for the Boy Scouts and various church camp members for the past eight years, being volunteer physician for track meets, football games and other athletic events in the area for the past 10 years, and being on the El Cajon Valley Stadium Committee which built the El Cajon Valley Stadium; and

WHEREAS, In 1967, Dr. Smith received the El Cajon Jaycees Outstanding Citizen award for his work with the youth of his community; and

WHEREAS, A public-spirited and civic-minded leader, Dr. Smith has been an active and valued participant in many other community organizations and activities, as an active member of the Parent Teachers Association and officer-in-charge of audit, serving on the site selection committee for the Grossmont Junior College, on the original bond committee for the college, and on the committee for helping to obtain and electing competent school board members in El Cajon School District, as a member for the past 10 years of volunteer committees of the Grossmont, El Cajon Valley, San Diego County and other area hospitals and chairman of some of these committees, as a member, past committee chairman and past director of the El Cajon Chamber of Commerce, as volunteer Gold Star Deputy Sheriff of San Diego, and as volunteer physician at the 1966 Medical Careers Fair in San Diego serving in the General Surgeons booth; and

WHEREAS, Dr. Smith is an active member of the El Cajon Kiwanis Club, El Cajon Hi-12 Club, El Cajon Elks, Masons, and Shrine and has been the volunteer physician for Al Bahr Shrine physicals for the past eight years and volunteer physician at the Shrine Circus for the past five years; and

WHEREAS, Dr. Lowell R. Smith is eminently qualified as El Cajon's Citizen of the Year; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Members of the Legislature of the State of California do hereby commend Dr. Lowell R. Smith for his dedicated service to his community and state and extend to him their heartiest congratulations upon his selection as Citizen of the Year from El Cajon; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Dr. Lowell R. Smith.

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## CHAPTER 190

*Senate Joint Resolution No. 33—Relative to flood control projects in the Sacramento-San Joaquin Delta.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, The Sacramento-San Joaquin Delta area comprises approximately 738,000 acres and includes over 700 miles of navigable waterways, with many channels and adjacent river banks which are widely known for their beauty and which attract thousands of visitors; and

WHEREAS, Boating, hunting, fishing and other recreational activities are extremely popular in the delta area, which is in close proximity to the San Francisco metropolitan area; and

WHEREAS, The demand for recreational facilities is rapidly increasing as more leisure time becomes available, and recreation is becoming an increasingly important economic activity; and

WHEREAS, The federal government has participated for many years in the construction of flood control project levees and berms in the Sacramento-San Joaquin Delta in order to provide vital flood protection for adjacent farm lands; and

WHEREAS, Such projects may have a profound impact on scenic and wildlife values in the delta area, particularly affecting the vegetation which is vital to the beauty of the area and to the preservation of the remaining wildlife; and

WHEREAS, The inclusion of benefits for wildlife and esthetic values in the development of such projects, in addition to benefits for flood control, is of the utmost importance to the future of the Sacramento-San Joaquin Delta and its outstanding scenic and recreational attractions; and

WHEREAS, It is highly desirable that careful consideration also be given to the inclusion of benefits for outdoor recreation, and that plans be developed in relation to such projects for the provision of such benefits, including the location and magnitude of adequate recreational facilities; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to declare that it is the policy of the federal government that all flood control project levees and berms of the Sacramento-San Joaquin Delta, in which the federal government participates, consideration shall be given to making such projects multipurpose in nature so as to include benefits for wildlife, recreation and esthetics as well as for flood control, and to direct the United States Army Corps of Engineers to develop plans for the revegetation of flood control project

levees and berms in the Sacramento-San Joaquin Delta and for the inclusion of outdoor recreation benefits in relation to both completed and future flood control projects, and to work closely with the Resources Agency of the State of California in formulating such plans; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 191

*Senate Joint Resolution No. 41—Relative to Memorial Day commemorative stamp.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, On May 8, 1868, Commander-in-Chief John A. Logan of the Grand Army of the Republic issued General Order No. 11 to set May 30th as a day for decorating the graves of comrades who died in defense of their country; and

WHEREAS, May 30, 1968, will be the 100th anniversary of the observance of Memorial Day which has grown to include the honoring of all of those who have died in the defense of the United States; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Members urge the United States Postmaster General and the Citizens Stamp Advisory Committee to issue a United States postage stamp to commemorate the 100th anniversary of the establishment of Memorial Day; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the United States Postmaster General, the Citizens Stamp Advisory Committee and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 192

*Senate Joint Resolution No. 44—Relative to electrically powered vehicles.*

[Filed with Secretary of State August 11, 1967.]

WHEREAS, The smog problems of our state and nation are becoming a matter of increasing concern; and

WHEREAS, An effort is being made to develop vehicles propelled by electric energy which portend a means of cutting use

of fossil fuel combustibles, said to be one of the major contributing factors in smog; and

WHEREAS, A number of manufacturers are now engaged in research and development of new types of electrically propelled vehicles and have prototypes of such vehicles ready for use by the general public; and

WHEREAS, Most of the prototype vehicles do not have the power or speed to present hazards comparable to that of existing types automobiles, and therefore do not present the same highway safety hazards; and

WHEREAS, The urgency of the program to eliminate smog demands special assistance and incentives to this program; now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and all federal agencies to cooperate with manufacturers of electric automobiles, other than contemporary high speed vehicles, to modify safety standards to meet the special conditions applicable to electric vehicles and not require them to meet the same safety requirements applicable to other vehicles, and to otherwise do everything within their power to encourage and promote the development of electrically powered vehicles; and be it further

*Resolved,* That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 193

### *Senate Joint Resolution No. 2—Relative to federal aid to education.*

[Filed with Secretary of State August 15, 1967.]

WHEREAS, The costs of state educational systems are increasing at a tremendous rate each year; and

WHEREAS, The states cannot meet these rising costs of public higher education without higher taxes or charging tuition; and

WHEREAS, The states must shift a part of these tremendous costs of public higher education to the federal government; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California memorializes the President and the Congress of the United States to revise the Internal Revenue Code to provide for a return to the states, for the purposes of all public education, kindergarten through the university level, of 5 percent of the

gross receipts from the federal personal income tax; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 194

*Senate Joint Resolution No. 46—Relative to Girls State stamp.*

[Filed with Secretary of State August 15, 1967.]

WHEREAS, California Girls State is part of a great national youth-in-government program which is sponsored annually by the American Legion Auxiliary and which provides citizenship training for a selected group of high school girls to instill in their minds a practical working knowledge of the structure of American government; and

WHEREAS, California Girls State began in 1940 with 120 girls and has grown in 27 years to include 557 girls; and

WHEREAS, California Girls State meets for one week each year on the campus of the University of California, Davis, for lectures and practical experience and knowledge in the field of government and civics; and

WHEREAS, The participants are grouped into cities and counties and actively participate in the various political processes of city, county, and state government; and

WHEREAS, The program stresses the obligations and opportunities of citizenship and introduces the high school participants into the orderly procedures of government in this country; and

WHEREAS, The purposes of Girls State are:

"To foster and perpetuate a 100% Americanism;

"To uphold and defend the Constitution of the United States of America;

"To safeguard and transmit to posterity the principles of Justice, Freedom and Democracy;

"To inculcate a sense of individual obligation to community, state and nation;"

now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California finds that the Girls State program is an outstanding and worthwhile program and deserves to be honored for its contribution to and education in the responsibilities of the citizen in his community, county, and state; and be it further

*Resolved,* That the Members urge the Postmaster General of the United States and the Citizens Stamp Advisory Committee

to adopt and issue a United States postage stamp honoring the work of the Girls State; and be it further

*Resolved*, That the Secretary of the Senate is directed to transmit copies of this resolution to the Postmaster General of the United States, the Citizens Stamp Advisory Committee, to each Senator and Representative from California in the Congress of the United States, and to California Girls State.

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## CHAPTER 195

*Assembly Concurrent Resolution No. 105—Relative to implementation of recommended programs by the Joint Legislative Retirement Committee.*

[Filed with Secretary of State August 16, 1967 ]

WHEREAS, The provisions of Assembly Concurrent Resolution 54, 1966 First Extraordinary Session, directed the Joint Legislative Retirement Committee to survey the management of the State Teachers' Retirement System and made available the sum of seventy-five thousand dollars ($75,000) for that purpose; and

WHEREAS, The Joint Legislative Retirement Committee contracted with a private consulting firm to conduct the management survey, which survey is now completed with the final report delivered to the committee on May 15, 1967; and

WHEREAS, The consultant's report shows that the State Teachers' Retirement Law is unnecessarily complex, contains obsolete provisions, and is poorly organized; and

WHEREAS, The report shows that there are serious deficiencies in the organizational plan and structure of the system; in the procedures for the accumulation, verification, and maintenance of member information; in the processing of transactions; and in the data processing planning of the system; and

WHEREAS, The system has not made any significant progress in making improvements in its operations even though a number of these deficiencies have been reported over the past years; and

WHEREAS, The Legislature, the State Teachers' Retirement Board, and the management of the system are in need of accurate and reliable financial data supplied on a current basis in order to make informed decisions; and

WHEREAS, The financial need of the system is of such magnitude that the Legislature must have reliable information regarding the accrued liability of the state on a regular basis in order to plan for meeting this need; and

WHEREAS, The continued growth of the system and its increasing demands upon the state for funding of benefits makes it imperative that the operations of the system be conducted at a high level of efficiency; and

WHEREAS, The findings of the management survey indicate that there is a substantial potential for reducing the demands on the state for benefits; and

WHEREAS, The consultant has set forth in the report a scheduled, orderly plan for installation of the recommended program; and

WHEREAS, The consultant has gained valuable and immeasurable knowledge of the system's operations which knowledge can be drawn on by the state and put to additional use in carrying out a successful plan of implementation; and

WHEREAS, The next actuarial valuation of the State Teachers' Retirement Fund is not scheduled until 1970, the last valuation having been conducted in 1964; and

WHEREAS, It is necessary to have complete and up-to-date data in order to fully evaluate the state's liability and to provide the system and the Legislature with the information necessary to make informed judgments relating to any future changes in the funding of the system; and

WHEREAS, The normal actuarial valuation should be expanded to provide additional information relating to determining the feasibility of using a flat member contribution rate and establishing a recommended rate, if feasible, and producing numerical measures of the financial impact of the following:

a. Use of the modified cash refund annuity as the normal form of annuity.

b. The crediting of interest on all contributions.

c. The income resulting from forfeiture of interest in the event of early termination.

d. The proposed procedure for part-time and substitute teachers.

e. The proposed basis for determining subventions and the cost of buying into State Teachers' Retirement System.

WHEREAS, The implementation of the survey recommendations must necessarily be accomplished by system personnel; there remains, however, a pressing need for continuing participation by the consultant to render assistance in directing the educational processes required for implementation, to coordinate the efforts of system personnel in accomplishing a successful implementation, and to provide the important factor of discipline in maintaining the time schedule established for each element of the implementation and to have complete actuarial data; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Joint Legislative Retirement Committee shall seek the concurrence of the State Teachers' Retirement Board in the adoption of the management survey report and its active support in accomplishing the major programs recommended by the consultant; and be it further

*Resolved,* That the Joint Legislative Retirement Committee is directed to maintain a liaison with the State Teachers' Re-

tirement Board and the State Teachers' Retirement System to provide direction, coordination, and supervision of a plan of implementation in order to insure an effective, orderly, and timely installation of the recommended programs, and to report the progress thereon to the Legislature not later than the fifth legislative day of the 1968 Regular Session of the Legislature; and be it further

*Resolved*, That the Joint Legislative Retirement Committee shall contract with, subject to the approval of the Joint Committee on Legislative Organization as provided by this resolution, and supervise the performance of, the consultant which conducted the management survey to undertake and provide the direction, coordination, and supervision required for the installation of the programs, and may contract with such research and management firms to assist the committee in its work as it deems necessary; and be it further

*Resolved*, That prior to the submission of any contract or employment agreement between the Joint Legislative Retirement Committee and the consultant or any research and management firm, the joint committee shall secure from the Auditor General approval of the program which it proposes to carry out under this resolution, which program shall provide for a series of independent phases of the program, each of which shall be contracted for separately; and be it further

*Resolved*, That upon approval of the program by the Auditor General the Joint Committee on Legislative Organization may approve that contract for the first phase of the program, and may thereafter separately approve a contract for each succeeding phase of the program, provided that the Joint Legislative Retirement Committee shall submit with the request for approval of each such contract a report of the Auditor General, which he is hereby requested to submit to the Joint Legislative Retirement Committee, evaluating the effectiveness of the program and the need for the contract for which approval is requested; and be it further

*Resolved*, That the Legislature hereby declares and intends that the Auditor General, in submitting required reports of program evaluation in connection with a contract pursuant to this resolution, consider (a) the need for the services contemplated by the contract or employment agreement in view of the progress being made by the state agencies involved and (b) whether or not the Joint Legislative Retirement Committee by so contracting is expending funds for nonlegislative administrative functions; and be it further

*Resolved*, That in addition to any powers the Joint Legislative Retirement Committee has by virtue of law, the joint committee has the following additional powers and duties:

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved,* That the sum of one hundred fifty thousand dollars ($150.000) or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate, created pursuant to Item 10.1 of the Budget Act of 1967, for the expenses of the committee and its members and for any charges, expenses and claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; provided that the amount herein made available from the Contingent Funds of the Assembly and Senate shall constitute the total amount that the Joint Legislative Retirement Committee may expend or obligate for any and all of its authorized purposes.

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## CHAPTER 196

### *Assembly Concurrent Resolution No. 129—Relative to unemployment insurance.*

[Filed with Secretary of State August 16, 1967.]

WHEREAS, In 1935 the Legislature in first enacting the unemployment insurance law declared "that in its considered judgment the public good and general welfare of the citizens of the state require the enactment of this measure under the police power of the state for a compulsory setting aside of funds to be used for a system of unemployment insurance providing benefits for persons unemployed through no fault of their own"; and

WHEREAS, In 1953 the Legislature declared its intent that "unemployed persons claiming unemployment insurance benefits shall be required to make all reasonable effort to secure employment on their own behalf"; and

WHEREAS, By House Resolution No. 386 on April 27, 1965, the Assembly of the State of California initiated a study by the Interim Committee on Finance and Insurance of the Department of Employment's administration of the unemployment insurance law and the employment service with specific attention to the standards and procedures basic to persons'

eligibility for unemployment insurance and the placement of persons claiming benefits; and

WHEREAS, The above-noted study identified standards and procedures relative to persons' availability for benefits and their making a meaningful search for work that would merit a more intensive review and consideration of amending the unemployment insurance law; and

WHEREAS, In 1959 the Legislature first enacted a provision to allow unemployment insurance claimants drawing extended duration benefits to enroll in retraining courses; and

WHEREAS, In 1961 the Legislature expanded the provision to enable claimants for regular unemployment insurance benefits as well as for extended duration benefits to draw unemployment insurance while enrolled in retraining courses; and

WHEREAS, In the 1961 amendments the Legislature stated as legislative policy, in Section 1266 of the Unemployment Insurance Code, the purpose of the provision to be to assist unemployed individuals otherwise eligible for unemployment insurance by providing them with regular or extended duration benefits during a period of retraining if work opportunities in their occupations no longer exist or are diminishing because of technological improvements and the widespread effects of automation and relocation of industry; and

WHEREAS, The program for payment of unemployment insurance benefits to claimants enrolled in retraining courses has not been subject to legislative review since its enactment; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That:

1. The Joint Interim Legislative Unemployment Insurance Committee is hereby created and authorized and directed to study:

A. The standards and procedures appropriate for determining availability for work and reasonable efforts to secure employment, with the study including, but not limited to:

(a) Information concerning the occupation, age, sex and annual earnings of those found unavailable for work by reason of:

(1) Wages, hours, conditions of work, and distance to work;

(2) Lack of child care;

(3) Sickness of claimant or sickness or death in the family;

(4) Personal business;

(5) Other;

(b) The frequency with which the same individuals are found to be unavailable for work or to have refused offers of suitable work more than once in the course of their benefit years, together with the number of weeks such individuals remain out of claims status;

(c) The extent of the implications of unavailability present in instances where claimants have refused offers of suitable work or who have voluntarily quit their jobs or who have been discharged for misconduct;

(d) The extent to which employers furnish evidence relative to the unavailability of claimants;

(e) The method by which persons entering claims status obtained their most recent job;

(f) The nature and effectiveness of seek-work plans—differentiated by occupation and locality—as provided for in Section 1253(e) of the Unemployment Insurance Code, as they relate to the duration of unemployment of claimants and the placement of claimants in permanent employment; and

(g) An analysis of the length of time that claimants who are disqualified under Section 1253(c) or Section 1253(e) of the Unemployment Insurance Code remain out of claims status subsequent to disqualification; and

B. The standards and procedures established and used by the Department of Employment for carrying out the policy of the Legislature that unemployed individuals for whom work opportunities in their occupations no longer exist or are diminishing because of technological improvements and the widespread effects of automation and relocation of industry can draw their unemployment insurance benefits while they are enrolled in retraining courses, with the study including but not limited to:

(a) The criteria used by the Department of Employment to determine:

(1) Whether or not the job opportunities of unemployment insurance claimants who apply for benefits during periods of retraining are impaired by technological change and by the effects of automation and relocation of industry, and

(2) Whether or not there are reasonable employment opportunities in jobs for which claimants are being retrained.

(b) The application of the criteria specified in (a) above to claimants who apply to the Department of Employment for a determination of potential eligibility for unemployment insurance during a period of retraining.

(c) The length of time individuals are in unemployment insurance claims status prior to their being determined eligible to receive benefits during retraining.

(d) The number of weeks of unemployment insurance benefits remaining that claimants are potentially entitled to draw at the time they are determined to be eligible to receive benefits while they are enrolled in retraining, compared with the estimated number of weeks of the course of retraining.

(e) The means the Department of Employment uses to identify the claimants who are in need of retraining because their employment opportunities are impaired by technological changes and the effects of automation and relocation of industry.

(f) The extent to which the Department of Employment checks with former employers of claimants to ascertain the

prevalence of job opportunities in the claimants' usual line of work.

(g) The extent to which persons are given aptitude, achievement or other tests and counseling interviews prior to their being determined eligible for unemployment insurance benefits during a period of retraining.

(h) The extent to which persons are enrolled in retraining courses prior to the Department of Employment's determination of their eligibility for unemployment insurance during a period of retraining.

(i) The time gap between persons' application for a determination of eligibility for unemployment insurance during a period of retraining and the start of their retraining.

(j) The proportion of persons completing retraining courses who found training-related jobs, together with an anlysis of the method by which those who found such jobs obtained them and the lapse of time between course completion and training-related employment.

(k) The extent of claimant and employer appeals from Department of Employment determinations of eligibility for unemployment insurance during periods of retraining, together with an appraisal of the results of such appeals.

2. The committee shall consist of two Members of the Assembly appointed by the Speaker thereof, and two Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and during the 1968 session, with authority to file its final report not later than March 29, 1968.

4. The committee shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and vice chairman from its membership.

(b) To contract with such other qualified persons or public or private agencies, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, per-

form its duties, and accomplish the objects and purposes of this resolution.

6. The sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from these contingent funds equally and disbursed, after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Director of Employment and to the Bureau of Employment Security of the United States Department of Labor.

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## CHAPTER 197

*Senate Concurrent Resolution No. 93—Approving amendments to the Charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of the city at a special election held therein on the eighth day of November, 1966.*

[Filed with Secretary of State August 16, 1967.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A MUNICIPAL ELECTION HELD ON THE 8TH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND SIXTY-SIX, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF ALBANY, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

We, Richard O. Clark, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a City containing more than Thirty-five Hundred inhabitants and less than Fifty Thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned organized and existing under a Charter adopted under the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special municipal election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City did on its own motion and pursuant to the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Albany certain amendments to the Charter of said City; and ordered that said amendments be submitted to said electors of said City at a special municipal election to be held in said City on the 8th day of November, 1966, and

That said proposed amendments were, on September 14 and 21, 1966 duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof;

The said City Council did by Resolution designated as Resolution No. 66-74, which was duly adopted on the 29th day of August, 1966 call for to give notice of a special municipal election in the City of Albany on the 8th day of November, 1966, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said special municipal election was held in the said City on the 8th day of November, 1966, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Albany Times", as aforesaid; and

That at said special municipal election held as aforesaid, on said 8th day of November, 1966, a majority of the voters voted in favor of two of said proposed amendments, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the City Council of the City of Albany, after duly canvassing the returns of said regular municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendments to the Charter of the City of Al-

bany, which amendments are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1

That Section 50, paragraph (L) of the Charter of the City of Albany be amended to the following particulars:

That following the words "in addition thereto the City shall contribute an equal amount to said fund monthly", the following language shall be added:

"The City may make such other contributions to the said fund when actuarial studies reveal the necessity thereof."

PROPOSED CHARTER AMENDMENT No. 2

That the Charter of the City of Albany shall be amended to provide that the office of City Clerk shall be appointive and that the Council shall establish, by ordinance, qualifications for such position; said amendment shall be accomplished in the following manner:

That Section 8 of the Charter of the City of Albany shall be amended by deleting the words "City Clerk" from the following language: "The members of the Council, City Clerk, City Treasurer, City Attorney, City Judge and Chief of Police shall be elected from the City at large, and shall hold office for four years and until their successors are elected and qualified"; and further, that Section 12 of the Charter of the City of Albany shall be amended by adding the following words thereto:

"That the City Clerk shall be appointed by the Council. It shall not be necessary that he be a resident of the City at the time of his appointment. The Council shall establish, by Ordinance, the qualifications for the position of City Clerk."

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Albany, ratified by the electors of said City, as aforesaid, on file of the office of the City Clerk of said City of Albany.

In witness whereof, Richard O. Clark, Mayor, as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Albany to be thereunto duly affixed, on this 31st day of July, 1967.

RICHARD O. CLARK
(SEAL) Mayor of the City of Albany
MYRTLE J. MCLEAN
City Clerk of the City of Albany

Prepared and approved by:
LAWRENCE D. SALER,
City Attorney of the
City of Albany
and

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendments to the Charter of the City of Albany as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Albany.

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## CHAPTER 198

*Senate Concurrent Resolution No. 91—Relating to commending Captain Vernon F. Marconi.*

[Filed with Secretary of State August 22, 1967 ]

WHEREAS, Captain Vernon F. Marconi is retiring from the California Highway Patrol after serving since February 5, 1935; and

WHEREAS, Born on April 3, 1908, in Big Oak Flat, California, he attended Big Oak Flat Grammar School, and, thereafter, Sonora High School in Sonora, California; and

WHEREAS, Ever since his first appointment to the California Highway Patrol on February 5, 1935, and assignment to San Joaquin County, in which county he has served for 28 of his 32 years with the California Highway Patrol, this extraordinary man has served the people of California with a dedication and élan found in few men; and

WHEREAS, He was promoted to state traffic sergeant on August 1, 1948, to state traffic lieutenant on July 1, 1952, and to state traffic captain on September 15, 1954; and

WHEREAS, Captain Marconi has participated in many civic affairs, being Director of the San Joaquin Safety Council, a member of the San Joaquin Delta College Police Science Advisory Committee, a member of the North Stockton Optimist Club, and a member of the Masons, and has participated in youth programs such as the development of Little League baseball and Babe Ruth League baseball, and has served as a director of the Connie Mack baseball program in Stockton; and

WHEREAS, He teaches police science on a part-time basis at San Joaquin Delta College and was directly involved in formulating the police science classes which are presently being taught at the college; and

WHEREAS, He has been active in efforts to achieve coordination and cooperation among all the police agencies and helped to form the San Joaquin Peace Officers Association; and

WHEREAS, He has been a leader in traffic safety, constantly striving to improve accident prevention programs by enlisting the cooperation of various law enforcement agencies; and

WHEREAS, His conscientious discharge of his official duties, his personal conduct and demeanor, and his outstanding abilities have consistently been a fine example for peace officers to strive to emulate; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the members take this occasion to congratulate Captain Vernon F. Marconi upon his retirement and to wish him continued success in all his future endeavors; and be it further

*Resolved*, That the Secretary of the Senate be hereby directed to transmit a suitably prepared copy of this resolution to Captain Vernon F. Marconi.

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## CHAPTER 199

*Senate Concurrent Resolution No. 84—Relative to Joint Committee on Force Account and Day Labor Practices.*

[Filed with Secretary of State August 22, 1967.]

WHEREAS, "Force account" and "day labor" methods of constructing, maintaining, repairing, remodeling, or modernizing roads, buildings, and other public works, as opposed to the open bidding methods of letting such contracts, are at worst inefficient and expensive, and at best, inconsistent throughout the state; and

WHEREAS, Competitive contract bidding has long been established as the most effective means of obtaining such efficiency and economy; and

WHEREAS, It is the intent of the Legislature to encourage the utilization of California's construction industry by governmental agencies; and

WHEREAS, Legislation is annually before the Legislature affecting the expenditure of public funds used for construction; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, As follows:

1. The Joint Force Account and Day Labor Practices Committee is hereby created and authorized and directed to study the various codes, and the policies of public agencies expending public funds for construction, with the objective of assuring the fullest and most efficient use of the facilities of the state's construction industry, to study in depth the extent of the so-called "force account" or "day labor" expenditures by public agencies, and make recommendations for

the most efficient, consistent, economical use of taxpayers' funds through the mandatory use of the open competitive contract bidding method for maintenance, repair, remodeling, modernization, and construction of all facilities for which state funds are provided by recommending statewide maximum amounts for contracts which may be performed by "force account" or "day labor" methods.

2. The committee shall consist of two Members of the Senate appointed by the Senate Rules Committee and two Members of the Assembly appointed by the Speaker.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1968 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The total sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby made available in equal parts from the Contingent Funds of the Assembly and the Senate for the expenses of the joint committee and its members, and for any charges, expenses, or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the joint committee, or in his absence, by the vice chairman, upon warrants drawn by the State Controller upon the State Treasury.

# CHAPTER 200

*Senate Joint Resolution No. 42—Relative to family planning.*

[Filed with Secretary of State August 22, 1967.]

WHEREAS, The California Medical Association by resolution has voiced the opinion that family planning services should be properly included in every adequate medical care program; and

WHEREAS, The California Legislature through Senate Concurrent Resolution No. 19 in 1965 memorialized the President and the Congress to consider instructing the National Institutes of Health to mount a crash program to perfect a variety of simple means of fertility control widely useful in all cultures and fully acceptable to all religious faiths; and

WHEREAS, The California Legislature through Senate Joint Resolution No. 47 in 1965 clearly expressed the intent that all Californians who so desire should have access to family planning information and services; and

WHEREAS, The 1966 California State Population Study Commission and in 1967 the California Interagency Council on Family Planning have proposed the prompt extension of family planning information and services; and

WHEREAS, The California State Board of Health in 1966 adopted regulations requiring all local health departments to take action to meet the needs for family planning services; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give due consideration to instructing the Department of Health, Education, and Welfare to provide all possible technical and financial support to private and public agencies in the state which have responsibility in implementing a California Family Planning Program with the objective of within four years developing services so that all California adults or persons deemed adults under Civil Code Section 25 shall have continuing access to information and services that will make it possible for them to exercise freedom of choice in the number and spacing of their children within the dictates of their own conscience; so that every child in California may be a wanted child, thus improving the health of, and strengthening the integrity of, California families; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative of California in the Congress of the United States.

## CHAPTER 201

*Assembly Concurrent Resolution No. 112—Relative to passenger air service.*

[Filed with Secretary of State August 22, 1967 ]

WHEREAS, All flights between Fresno and Sacramento currently require either a stop or change of planes in San Francisco; and

WHEREAS, There is no single-plane service between Fresno and San Diego, and there is increasing traffic between Fresno and San Diego, due in part to the presence of the Lemoore Naval Air Base near Fresno; and

WHEREAS, With annual general sessions of the Legislature, among other things, there will be increased travel between the San Joaquin Valley and Sacramento; and there is sufficient travel between Fresno and Sacramento and between Fresno and San Diego to justify opening direct service; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That, in view of the disinclination of the presently authorized carriers to initiate this service, the Assembly requests that an intrastate carrier such as Pacific Southwest Airlines make application to the Public Utilities Commission to provide this service; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President of Pacific Southwest Airlines.

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## CHAPTER 202

*Assembly Concurrent Resolution No. 124—Relative to the Department of Motor Vehicles' field office system.*

[Filed with Secretary of State August 22, 1967.]

WHEREAS, It is the intent of the Legislature that the motoring public be adequately served by the Department of Motor Vehicles through its field office system; and

WHEREAS, Provision was not made in the 1967–68 budget of the department for continuation of services at Brawley and Hollister; and

WHEREAS, 3,042 drivers' license and 19,105 registration transactions were handled at Brawley during the 1966 calendar year which otherwise would have required applicants to travel to El Centro, a distance of 14 miles; and

WHEREAS, The present Hollister office, the only Department of Motor Vehicles service point in San Benito County, handled 2,257 drivers' license and 14,648 registration transactions during the 1966 calendar year which otherwise would have entailed travel to Gilroy, a distance of 12 miles; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Department of Motor Vehicles be directed to make every effort to effect continuing economies in its field office system to enable it to continue operation of the Brawley and Hollister field offices without supplementary appropriation; and be it further

*Resolved*, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Department of Motor Vehicles.

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## CHAPTER 203

*Assembly Concurrent Resolution No. 126—Relative to instruction in health.*

[Filed with Secretary of State August 22, 1967 ]

WHEREAS, Instruction in health is required in all grades in the elementary school and instruction on the effects of alcohol, narcotics, drugs and tobacco on the human body is required at appropriate grade levels in the elementary school; and

WHEREAS, Persons obtaining a standard teaching credential with a specialization in elementary teaching are not now required to have preparation to teach health, including the effects of alcohol, narcotics, drugs, and tobacco on the human body; and

WHEREAS, The State Superintendent of Public Instruction, the State Director of Public Health, the State Attorney General, and the representatives of numerous professional and voluntary health and education groups have recommended to legislative committees that all persons working for a standard teaching credential with a specialization in elementary teaching be required to have preparation to teach health, including the effects of alcohol, narcotics, drugs, and tobacco on the human body in order to increase the effectiveness of health instruction; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the State Board of Education is requested to take appropriate action to assure that all persons qualifying for a standard teaching credential with a specialization in elementary teaching are prepared to teach health, including the effects of alcohol, narcotics, drugs, and tobacco on the human system; and be it further

*Resolved*, That the State Board of Education is requested to report its action on this matter to the Legislature not later than March 15, 1968; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President of the State Board of Education.

## CHAPTER 204

*Assembly Concurrent Resolution No. 127—Relative to commending Mrs. Stella R. George.*

[Filed with Secretary of State August 22, 1967.]

WHEREAS, It has come to the attention of the Members of the Legislature that Mrs. Stella R. George, the elevator starter in the State Capitol Building, is planning to retire on September 30, 1967, following nearly 20 years of meritorious service to the State of California; and

WHEREAS, Born in Hannibal, Missouri, she moved to Sacramento, California, where she has lived since 1936; and

WHEREAS, Mrs. Stella R. George was the assistant manager of the cafeteria at the Southern Pacific Railroad Depot in Sacramento during World War II; and

WHEREAS, She has been the elevator starter in the Capitol Building during the terms of Governor Warren, Governor Knight, Governor Brown, and Governor Reagan and has directed traffic in front of the Governor's office since the Capitol Annex was built; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the Members of the Legislature commend Mrs. Stella R. George upon the occasion of her retirement following nearly 20 years of meritorious service to the State of California and express their best wishes for success in her future endeavors; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit a suitably prepared copy of this resolution to Mrs. Stella R. George.

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## CHAPTER 205

*Assembly Concurrent Resolution No. 128—Relative to State Highway Route 213.*

[Filed with Secretary of State August 22, 1967.]

WHEREAS, Vehicular traffic in the area between the San Diego Freeway near Western Avenue and 25th Street in San Pedro has become heavily congested and has created serious problems endangering the lives and safety of motorists and pedestrians alike; and

WHEREAS, The construction of an expressway between the points described is vitally necessary in the solution of such problems and to meet the needs of a rapidly increasing population; and

WHEREAS, Although in 1961 State Highway Route 291 (now State Highway Route 213), from the San Diego Freeway near Western Avenue to 25th Street in San Pedro, was added to

the State Highway System (Ch. 1838, Stats. 1961), nothing has since been done to fix the actual location of the route; and

WHEREAS, The needs of the area in question demand the location of the route and the construction thereover of a highway meeting expressway standards without unnecessary delay; and

WHEREAS, The Los Angeles County Road Department published a report on December 28, 1962, in order that the state, together with local jurisdictions involved, might properly ascertain the desirability of a cooperative improvement of Western Avenue within the limits outlined for State Route 213; and

WHEREAS, The projects contained in the above report were estimated to require an overall expenditure of one million five hundred twenty-seven thousand dollars ($1,527,000), with completion of these projects providing a modern facility connecting numerous residential and recreational areas and defense installations in the Palos Verdes-San Pedro area with the highly developed freeway system to the north; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the California Highway Commission and the Department of Public Works are hereby requested to select, adopt, and determine the specific location of State Highway 213 for the purpose of constructing a modern first class four-lane highway along the route from the San Diego Freeway to 25th Street in San Pedro; and be it further

*Resolved*, That the Department of Public Works review the December 28, 1962, report of the Los Angeles County Road Department with the view to updating this report and furnishing the Legislature with an estimate of the overall cost to the state and other local jurisdictions involved for a modern first class four-lane highway between the points outlined above; and be it further

*Resolved*, That the Department of Public Works is requested to report the findings, recommendations and actions of the department and the commission with respect to Route 213 to the Legislature by the fifth legislative day of the 1968 Regular Session; and be it further

*Resolved*, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the California Highway Commission and the Department of Public Works.

## CHAPTER 206

*Assembly Concurrent Resolution No. 138—Relative to remuneration of California highway patrolmen.*

[Filed with Secretary of State August 22, 1967 ]

WHEREAS, As one of the largest employers in the state, the State of California should give thorough consideration to the employment policies of similar employers; and

WHEREAS, The members of the California Highway Patrol perform a unique and outstanding function in the state service; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Personnel Board, Department of Finance, and the California Highway Patrol are requested to make a comprehensive review of the salary, employment policies, retirement benefits and working conditions of the members of the California Highway Patrol as compared to those of the metropolitan police departments in the State of California for the purpose of evaluating the need for administrative or legislative action to assure that the compensation, working conditions and employee benefits of the California Highway Patrol are maintained at a fully competitive level; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the State Personnel Board, the Department of Finance, and to the California Highway Patrol with a request that they prepare and transmit findings and recommendations to the Senate and to the Assembly not later than the fifth legislative day of the 1968 Regular Session of the Legislature.

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## CHAPTER 207

*Assembly Concurrent Resolution No. 141—Relative to the retirement of Maurice I. Gershenson.*

[Filed with Secretary of State September 7, 1967]

WHEREAS, Maurice I. Gershenson has announced his retirement from the position of Chief of the Division of Labor Statistics and Research, a position which he has occupied for 22 years; and

WHEREAS, During the almost 40 years in which he has served the State of California in various capacities, he has become a nationally recognized leader in the field of data collection and statistical analysis; and

WHEREAS, Among his other professional accomplishments, he has been a fellow of the American Statistical Association and the American Association for the Advancement of Science, one of the original members of the State Interdepartmental

Research Coordinating Committee, having been appointed by Governor Earl Warren, and a member of the Advisory Committee to the United States Bureau of the Census; and

WHEREAS, During his years of service, he has been responsible for the development of information systems of inestimable value to the business community, labor, and the policymakers of the State of California; and

WHEREAS, He has performed his responsibilities with the greatest of patience and care, in a nonpartisan manner, and with the utmost devotion to excellence in the highest tradition of the civil service; and

WHEREAS, Beyond his many professional accomplishments, he has remained throughout his career a warm, kind, and gentle human being, a delight to all who have had the opportunity to work with him; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring.* That the members of these bodies do hereby commend Maurice I. Gershenson for his long and fruitful career in the service of the State of California and do further express their heartfelt appreciation for the personal qualities which have made him so valuable an associate and friend; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit two suitably prepared copies of this resolution to Maurice I. Gershenson.

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## CHAPTER 208

*Assembly Concurrent Resolution No. 140—Relative to naming a portion of State Highway Route 280 the Junípero Serra Freeway.*

[Filed with Secretary of State September 8, 1967]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the portion of State Highway Route 280 from its intersection with Route 1 near the south boundary of the City and County of San Francisco to its intersection with Route 17 in Santa Clara County is hereby officially designated and named the Junípero Serra Freeway; and be it further

*Resolved,* That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on such portion of the highway showing the official designation; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Public Works.

## CHAPTER 209

*Assembly Joint Resolution No. 35—Relative to federal highway safety money.*

[Filed with Secretary of State September 8, 1967]

WHEREAS, Fifty-seven persons were killed over the three-day Labor Day weekend on California highways; and

WHEREAS, This represents a direct cost of $9,000 per accident; and

WHEREAS, California is a leader in the field of highway safety, including one of the finest highway systems in the world, and an active research and safety program; and

WHEREAS, Through safety legislation enacted by the last session of the Legislature, California is desirous of doing everything possible to implement total safety programs; and

WHEREAS, California can effectively use any and all federal highway safety money made available; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to restore all of the highway safety funds which were cut by the House of Representatives; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 210

*Senate Concurrent Resolution No. 95—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization and the State Personnel Board, and Members of the Senate and Assembly.*

[Filed with Secretary of State September 12, 1967]

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That leaves of absence from the state for a period longer than 60 days during their terms of office are hereby granted to His Excellency, Ronald Reagan, Governor of the State of California; to the Honorable Robert H. Finch, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Thomas C. Lynch, Attorney General; to Houston I. Flournoy, Controller; to Ivy Baker Priest, Treasurer; to Max Rafferty, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, Paul

Leake, and Richard Nevins, Members of the Board of Equalization; to Robert S. Ash, May Layne Bonnell, Samuel J. Leask, Nita Wentner, and Joseph L. Wyatt, Jr., Members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Alfred E. Alquist, Anthony C. Beilenson, Clark L. Bradley, Clair W. Burgener, Hugh M. Burns, Tom Carrell, Randolph Collier, Gordon Cologne, William E. Coombs, Lou Cusanovich, George E. Danielson, George Deukmejian, Ralph C. Dills, Richard J. Dolwig, Mervyn M. Dymally, Donald L. Grunsky, John L. Harmer, Joseph M. Kennick, Robert J. Lagomarsino, Milton Marks, Fred W. Marler, Jr., John F. McCarthy, George Miller, Jr., James R. Mills, George R. Moscone, Nicholas C. Petris, H. L. Richardson, Albert S. Rodda, John G. Schmitz, Jack Schrade, Lewis F. Sherman, Alan Short, Alfred H. Song, Robert S. Stevens, Walter W. Stiern, Stephen P. Teale, Lawrence E. Walsh, Howard Way, James Q. Wedworth, James E. Whetmore; Assemblymen Robert E. Badham, William T. Bagley, E. Richard Barnes, Frederick James Bear, Carlos Bee, Frank P. Belotti, Robert G. Beverly, W. Craig Biddle, Yvonne Brathwaite, John V. Briggs, Carl A. Britschgi, Willie L. Brown, Jr., Robert H. Burke, John L Burton, William Campbell, Eugene A. Chappie, John L. E. Collier, Charles J. Conrad, Kenneth Cory, Earle P. Crandall, Robert W. Crown, Mike Cullen, Pauline L. Davis, Wadie P. Deddeh, James W. Dent, Gordon W. Duffy, John F. Dunlap, Edward E. Elliott, Jack R. Fenton, March K. Fong, John Francis Foran, Joe A. Gonsalves, Bill Greene, Leroy F. Greene, James A. Hayes, Stewart Hinckley, Harvey Johnson, Ray E. Johnson, Walter J. Karabian, William M. Ketchum, John T. Knox, Frank Lanterman, Ken MacDonald, Patrick D. McGee, Lester McMillan, Charles W. Meyers, George W. Milias, John J. Miller, Ernest N. Mobley, Robert Monagan, Carlos J. Moorhead, Robert Moretti, Don Mulford, Frank Murphy, Jr., David Negri, Alan G. Pattee, Carley V. Porter, Walter W. Powers, Paul Priolo, John P. Quimby, Leon Ralph, David A. Roberti, Newton R. Russell, Leo J. Ryan, Peter F. Schabarum, Winfield Shoemaker, Alan Sieroty, Kent H. Stacey, John Stull, Vincent Thomas, L. E. Townsend, Jesse M. Unruh, John Vasconcellos, John G. Veneman, Victor V. Veysey, Floyd L. Wakefield, Charles Warren, Pete Wilson, Edwin L. Z'berg, George Zenovich.

The leaves of absence granted by this resolution are granted also to the successors of any of the Senators and Assemblymen named in this resolution during their terms of office as such successors and to any person who is elected to fill any vacancy in the office of Senator or Assemblyman existing at the time this resolution is adopted.